NHTSA ccmMercury Routing Slip

Petition

CL-10732103-4229

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Delivery: CRT	Address To:	**Due Date: 8/31/2015**
S10 #:	DOT/I #:	RMP #:

Subject: PETITION FOR A DEFECT INVESTIGATION INTO LOW-SPEED SURGING IN DIFFERENT MODELS OF TOYOTA AUTOMOBILES IN WHICH THE CAR STARTS ACCELERATING AND THE ENGINE RPM INCREASES WHEN ACCELERATOR IS NOT DEPRESSED

Ack Date:	Ack By:	
Sign Office: ENFORCEMENT	Signature: FRANK S. BORRIS	Signed For:
Cleared Date:	Cleared By:	Cleared For:
File Loc:	XREF File:	**Closed Date:**
Added By: SHARRIS x62534	Modified By: SANDRA.HARRIS	

Most Recent Comment:

Author:

[redacted]

[redacted]

THOUSAND OAKS, CA [redacted]

Tel: [redacted] Fax: *E-mail:* [redacted]

JUN 30 2015

Assigned To	Task	Asgn Date	Deadline	Returned Date
NVS-200	REPLY	6/29/2015	8/31/2015	

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EXECUTIVE SECRETARIAT

NM
63015
SMD

[redacted]
Thousand Oaks, CA [redacted]

June 19, 2015

Dr. Mark R. Rosekind,
Administrator
National Highway Traffic Safety Administration
1200 New Jersey Avenue, SE West Building
Washington, DC 20590

Dear Dr. Rosekind:

RE: Petition for a Defect Investigation under 49 U.S.C. § 30162 Petitions by interested persons for standards and enforcement

This is a petition for an investigation into low-speed surging in different models of Toyota automobiles in which the car starts accelerating and the engine RPM increases even when the accelerator pedal is not depressed. Recently the NHTSA rejected a petition from [redacted] asking for a similar investigation. I am petitioning NHTSA a second time based on my wife and my case and additional data analysis which shows a troubling similarity amongst EDRs of Toyota cars showing sudden acceleration.

This request is based on our own low-speed surge experience as well as similarities observed in the EDR reports of 3 cars (ours + 2 others). I have other similar records and reports but these three EDRs clearly exemplify the problem.

1. <u>Our Case:</u>
   We bought our 2009 Lexus ES350 on March 7, 2009. The car was brand new and had ~5 miles on the odometer when we purchased it. Till the date of the accident, we have put about 20,000 miles on the car and the car was in excellent condition. Car maintenance has been performed regularly by our local Lexus dealer. We also checked the Toyota recall website and there are no outstanding recalls for our VIN.

   On February 13, 2015 my wife was driving our daughter to the dentist around 4:30 PM. She pulled into the parking lot and DID NOT have her foot on the brake pedal as she was coasting in to the parking spot. The car suddenly accelerated. Big bushes in front of the car limited the speed and my wife had the presence of mind to turn off the ignition and the car fell back. A witness who saw the entire event attested to the fact the engine suddenly started roaring. The front of the car was smashed but my wife and daughter were unharmed.

   We got the car towed to a body shop and contacted Lexus. On February 24, Ron Reynolds representing Lexus went to the body shop and downloaded EDR data and transmitted it to Lexus. On April 1, we received a letter from Mr. Ron Inton representing Toyota (Attachment 1). The letter stated that "based on our inspection of your vehicle and the EDR readout, we found no evidence that this incident was the result of any type of manufacturing or design defect".

   I called Mr. Inton to discuss their findings. He suggested that I contact Lexus to seek relief under

the Lemon Law to see if they would buy the car back. After going through that process, I finally got a letter dated May 18. This letter again stated "...we do not believe your vehicle suffers from a defect in materials or workmanship..."

2. Incomplete Testing by Toyota/Lexus:
   I have a Ph.D. in Electrical Engineering from Stanford and have worked in the [redacted] for over 30 years. I and have been personally involved in shipping millions of electronic components and debugging low defect rate failures. Based on my expertise, Toyota's approach to root cause the problem appears to be incomplete at best and reckless at worst.
   a. As shown in the next section, some research of the web and NHTSA data shows a lot of commonality amongst the EDR records of cars exhibiting low speed surges (and I expect Toyota has access to much more). Toyota did not mention doing any data analysis or correlation of EDR data.
   b. A test done by Toyota was to check to see if the accelerator pedal moves smoothly without any restriction and the accelerator returns to the idle position when released. This is a meaningless test since:
      i. My wife had not pressed the accelerator and was coasting and the car was moving at a low speed initially.
      ii. The car was not on the recall list for sudden acceleration or the floor mat recall. Why would Toyota check for a problem that they claim the car does not have since it is not on the recall list?
   c. The last test was to ensure that the engine response was proportional to the accelerator pedal application.

3. Our EDR record:
   I have attached the EDR record for our event (Attachment 2) and shown the pre-crash data table below.

Pre-Crash Data, -5 to 0 seconds (Most Recent Event, TRG 1)

Time (sec)	-4.6	-3.6	-2.6	-1.6	-0.6	0 (TRG)
Vehicle Speed (MPH [km/h])	3.7 [6]	3.7 [6]	3.7 [6]	3.7 [6]	5 [8]	8.7 [14]
Brake Switch	OFF	OFF	OFF	OFF	OFF	ON
Accelerator Rate (V)	0.78	0.78	0.78	0.78	2.38	0.78
Engine RPM (RPM)	400	400	400	800	1,600	1,600

Please note that from -4.6 seconds to -1.6 seconds the accelerator has not been depressed (0.78V being the off position) and the brake switch is off. This is consistent with my wife's report that she was coasting and did not press the accelerator OR the brake. However by -1.6 seconds, the engine RPM has DOUBLED to 800 with no depression of the accelerator.

4. EDR record - II:
   As an engineer, this data looked very suspicious so I went on the Internet to see if I could get more data. There is plenty of data that seems to suggest that low-speed surge in Toyota cars is not uncommon. I have picked 2 other cases that show a remarkably similar EDR signature.
   The second EDR comes from [redacted] who had filed a similar petition with NHTSA. EDR data for [redacted] (2010 Toyota Corolla) is shown in the table below.

Pre-Crash Data, -5 to 0 seconds (Most Recent Frontal/Rear Event, TRG 1)

Time (sec)	-4.8	-3.8	-2.8	-1.8	-0.8	0 (TRG)
Vehicle Speed (MPH [km/h])	3.7 [6]	3.7 [6]	3.7 [6]	3.7 [6]	5 [8]	7.5 [12]
Brake Switch	OFF	OFF	OFF	OFF	OFF	ON
Accelerator Rate (V)	0.78	0.78	0.86	0.78	0.78	0.78
Engine RPM (RPM)	800	800	800	800	800	1,600
Pre-Crash Data Status *	Valid	Valid	Valid	Valid	Valid	Valid

* "Invalid" may be set for M/T vehicle

There is a marked similarity to our EDR record above:

i. Car appears to be coasting.
ii. Accelerator pedal not depressed (except for a small glitch at -2.8 seconds) but vehicle speed and RPM increasing at -0.8 seconds.
iii. VEHICLE SPEED OF 3.7 MPH WHEN SUDDEN-ACCELERATION EVENT STARTS.

5. EDR record – III

On the NHTSA website showing multiple EDR records for suspected Toyota sudden acceleration events, I came across Case 33 (Toyota EDR Data from NHTSA Pre-Crash Field Inspections, January 2011).

Time	-5	-4	-3	-2	-1	0	
Vehicle Speed (MPH)	3.7	3.7	3.7	9.9	13.7	19.9	
Brake Switch	OFF	OFF	OFF	OFF	OFF	OFF	
Accelerator	OFF	OFF	OFF	OFF	FULL	OFF	
Engine RPM	400	400	800	1600	3200	4400	
Accelerator Rate(V)	0.78	0.78	0.78	0.78	2.5	0.78	My Estimate

By this time, the similarities are striking:

i. Car appears to be coasting.
ii. Engine RPM starts increasing at -3 seconds even though the accelerator pedal is not depressed.
iii. VEHICLE SPEED OF 3.7 MPH WHEN SUDDEN-ACCELERATION EVENT STARTS.
iv. Glitch in accelerator seen at -1 second similar to our car (first table). Even the accelerator being at FULL is very similar to our EDR value of 2.38V.

6. A COMMON ISSUE?

The fact that all three cars were coasting at 3.7 mph when the sudden-acceleration happened appears to be a strong signature of a common issue. Additionally, the spike in accelerator rate shown by 2 of the cars seems to suggest a potential source of the problem – it appears that the accelerator is either calculating an incorrect accelerator value or receiving a noise spike on the accelerator sensor. In any case, much more detailed analysis of software and hardware from the suspect cars is required to track the root cause of the problem. Additionally, it would be critical to see if the same signature is observed amongst other sudden acceleration reports that Toyota might have.

7. Improper analysis or lack of analysis by Toyota

The fear of unearthing a major problem and associated economic loss appears to be a motivating factor for Toyota to so quickly dismiss this issue. Toyota performs irrelevant tests and claims that the car is functioning properly.

i. This problem does not happen on every Toyota car nor does it happen all the time on the cars identified above. Sending someone to check whether the accelerator pedal moves properly seems totally irrelevant to the problems that we car owners have identified.
ii. EDR data on these few cars appears to show a strong signature. If we can identify similarities based on the limited data set we have, it is clear that Toyota should have a much larger database to better identify these correlations or the associated causation. Considering that these cars are different models and different years, it should be possible for Toyota to identify commonality amongst hardware and software to root cause this problem.
iii. Finally, to rule out a hardware problem, it is important for Toyota to collect these cars and test them over a prolonged period of time and under various conditions. Any professional engineer can attest to the fact the intermittent problems and low defect rates are the toughest problems to debug. Toyota is not interested in acquiring these cars and performing a scientific analysis. Based on a personal conversation with [redacted], it appears that he recently disposed his car after waiting for over a year – that is one sample less we have to test.

In summary, based on my analysis of limited records available from the Internet, it appears that there is a strong signature in the EDR of multiple low speed surge events in different models and years of Toyota automobiles. It also appears that Toyota is not interested in finding the root cause of these surge events since they have not taken any constructive steps to test the automobiles exhibiting this problem. Unlike Toyota, I am convinced this is a real problem. I will not sell my car to another buyer but take the financial loss. I am keeping the car unaltered so that interested parties can examine the car to see if they can root cause the problem.

[redacted] in his NHTSA petition that was denied has given many examples of Toyota cars exhibiting low-speed surges. In this petition, I have shown a correlation amongst EDR of 3 Toyota cars undergoing low-speed surges. I request the NHTSA to acquire ALL the data on low speed sudden acceleration that Toyota currently has and constitute a panel to study this problem (similar to the high speed NASA panel). I have also contacted Senator Diane Feinstein regarding this issue and you might have received a query from her office also.

Based on this new information, I hope that you would order a strong and active investigation into this matter and potentially save someone's life. I am happy to assist the NHTSA as required.

Sincerely

[redacted]

Cc: Sen. Diane Feinstein
[redacted]
Sean Kane

IMPORTANT NOTICE: Robert Bosch LLC and the manufacturers whose vehicles are accessible using the CDR System urge end users to use the latest production release of the Crash Data Retrieval system software when viewing, printing or exporting any retrieved data from within the CDR program. Using the latest version of the CDR software is the best way to ensure that retrieved data has been translated using the most current information provided by the manufacturers of the vehicles supported by this product.

CDR File Information

User Entered VIN/Frame Number	JTHBJ46GX92[redacted]
User	RON REYNOLDS
Case Number	[redacted]-92[redacted]
EDR Data Imaging Date	02/24/2015
Crash Date	02/13/2015
Filename	JTHBJ46GX92[redacted]02232015_EDR_ACM.CDRX
Saved on	Tuesday, February 24 2015 at 09:34:26
Collected with CDR version	Crash Data Retrieval Tool 15.0
Reported with CDR version	Crash Data Retrieval Tool 15.0
EDR Device Type	Airbag Control Module
Event(s) recovered	Front/Rear (1)

Comments

No comments entered.

Data Limitations

CDR Record Information:

- Due to limitations of the data recorded by the airbag ECU, such as the resolution, data range, sampling interval, time period of the recording, and the items recorded, the information provided by this data may not be sufficient to capture the entire crash.
- Pre-Crash data is recorded in discrete intervals. Due to different refresh rates within the vehicle's electronics, the data recorded may not be synchronous to each other.
- Airbag ECU data should be used in conjunction with other physical evidence obtained from the vehicle and the surrounding circumstances.
- If the airbags did not deploy or the pretensioners did not operate during an event that meets a specified recording threshold, it is called a Non-Deployment Event. Data from a Non-Deployment Event can be overwritten by a succeeding event that meets the specified recording threshold. If the airbag(s) deploy or the pretensioners are operated, it is called a Deployment Event. Deployment Event data cannot be overwritten or deleted by the airbag ECU following that event.
- If power supply to the airbag ECU is lost during an event, all or part of the data may not be recorded.
- "Diagnostic Trouble Codes" are information about faults when a recording trigger is established. Various diagnostic trouble codes could be set and recorded due to component or system damage during an accident.
- The airbag ECU records only diagnostic information related to the airbag system. It does not record diagnostic information related to other vehicle systems.
- The TaSCAN, Global TechStream, or Intelligent Tester II devices (or any other Toyota genuine diagnostic tool) can be used to obtain detailed information on the diagnostic trouble codes from the airbag system, as well as diagnostic information from other systems. However, in some cases, the diagnostic trouble codes of the airbag system recorded by the airbag ECU when the event occurred may not match the diagnostic trouble codes read out when the diagnostic tool is used.

General Information:

- The data recording specifications of Toyota's airbag ECUs are divided into the following seven categories. The specifications for 12EDR or later are designed to be compatible with NHTSA's 49CFR Part 563 rule.
  - 00EDR / 02EDR / 04EDR / 06EDR / 10EDR / 12EDR / 13EDR
- The airbag ECU records data for all or some of the following accident types: frontal crash, rear crash , side crash, and rollover events. Depending on the installed airbag ECU, data for side crash and/or rollover events may not be recorded.
- This airbag ECU records post-crash data, and depending on the airbag ECU, may record pre-crash data.
  - If a single event occurs independently, the data for that event is recorded on a one-to-one basis.
  - If multiple events occur successively (within a period of approximately 500ms), the establishment of the recording trigger for the first event is defined as the "pre-crash recording trigger". Pre-crash data for the first event and post-crash data for each successive event is then recorded.
- The airbag ECU has two recording pages (memory maps) to store pre-crash data. Additionally, to store post-crash data, the airbag ECU has two recording pages for each accident type: two pages for frontal and rear crash, two pages for a side crash, and two pages for rollover event.
- The data recorded by the airbag ECU includes correlating information between each previously occurring event (i.e., information that clarifies the collision event sequence. This correlation information consists of the following items.
  - Time from Previous Pre-Crash TRG
  - Linked Pre-Crash Page
  - Time from Pre-Crash TRG

- TRG Count
- Previous Crash Type

- The point in time at which the recording trigger is established is regarded as time zero for the recorded data.
- The recording trigger judgment threshold value differs depending on the collision type (i.e., frontal crash, rear crash, side crash, or rollover event).
- Time series data for side crash may have 24 or 25 sampling points.
- Some of the data recorded by the airbag ECU is transmitted to the airbag ECU from various vehicle control modules by the vehicle's Controller Area Network (CAN).
- In some cases, the airbag ECU part number printed on the ECU label may not match the airbag ECU part number that the CDR tool reports. The part number retrieved by the CDR tool should be considered as the official ECU part number.

Data Element Sign Convention:
The following table provides an explanation of the sign notation for data elements that may be included in this CDR report.

Data Element Name	Positive Sign Notation Indicates
Max. Longitudinal Delta-V	Forward
Longitudinal Delta-V	Forward
Max. Lateral Delta-V , B-Pillar Sensor	Outside to Inside
Max. Lateral Delta-V , C-Pillar Sensor	Outside to Inside
Max. Lateral Delta-V , Slide Door Sensor	Outside to Inside
Lateral Delta-V , B-Pillar Sensor	Outside to Inside
Lateral Delta-V , C-Pillar Sensor	Outside to Inside
Lateral Delta-V , Slide Door Sensor	Outside to Inside
Lateral Delta-V , Airbag ECU Sensor	Left to Right
Roll Angle Peak	Clockwise Rotation
Roll Angle	Clockwise Rotation
Lateral Acceleration , Airbag ECU Sensor *	Right to Left

* For sensing a rollover

Data Definitions:
1)

- The "ON" setting for the "Freeze Signal" indicates a state in which the non-volatile memory can not be overwritten or deleted by the airbag ECU. After "Freeze Signal" has been turned ON, subsequent events will not be recorded.
- "Recording Status" indicates a state in which all recorded event data has been written into the non-volatile memory, or a state in which this process was interrupted and not fully written into the non-volatile memory. If "Recording Status" is "Incomplete", recorded event data may not be valid.
- "Time to Deployment Command" indicates the time between recording trigger establishment and the determination of airbag deployment. This value may differ from the actual time it takes for the airbag to fully deploy.
- Even if an airbag/pretensioner did not deploy due to the "front passenger airbag disable switch and/or "RSCA Disable Switch" in the ON position or other disabling criteria are met, the "Time to deployment command" data element for that airbag/pretensioner may still be recorded.
- "Engine RPM" indicates the number of engine revolutions, not the number of motor revolutions. The recorded value has an upper limit of 5,200 rpm. Resolution is 400 rpm and the value is rounded down and recorded. For example, if the actual engine speed is 799 rpm, the recorded value will be 400 rpm.
- The upper limit for the recorded "Vehicle Speed" value is 122 km/h (75.8mph). Resolution is 2km/h (1.2mph) and the value is rounded down and recorded. The accuracy of the "Vehicle Speed" value can be affected by various factors. These include, but not limited, to the following.
  - Significant changes in the tire's rolling radius
  - Wheel lock and wheel slip
- "Accelerator Rate" value is recorded as a voltage. The voltage increases as the driver depresses the accelerator.
- The "Drive" setting for the "Shift Position" value indicates the shift position state is other than "R,"(Reverse), "N" (Neutral), or "P" (Park). If sequential shift had been used, "Invalid" may be displayed.
- Depending on the type of occupant sensor installed in the vehicle, one of the following three recording formats for "Occupancy Status, Passenger" will be utilized.
  - Occupied / Not Occupied
  - Adult / Child / Not Occupied
  - AM50 / AF05 / Child / Not Occupied
- Resolution of the "Air Bag Warning Lamp ON Time Since DTC was Set" is 15 minutes, and the value is rounded down and recorded.
- "Longitudinal Delta-V" indicates the change in forward speed after establishment of the recording trigger. This does not refer to vehicle speed, and it does not include the change in speed during the period from the start of the actual collision to establishment of the recording trigger.
- Depending on the specifications, "Roll Angle peak" can be recorded as absolute value.
- "Roll Angle peak" may not always match the peak value within the "Roll Angle" sampling points due to differences in data calculation method.
- For "Lateral Delta-V", the sensor location (B-pillar, front door, C-pillar, and slide door) shows the outline of a typical sensor position. Sensory location can be confirmed using the repair manual.
- "Time from Previous Pre-Crash TRG" indicates the time between the establishment of an event's pre-crash recording trigger to the establishment of a more recent event's pre-crash recording trigger. The upper limit for the recorded value is 16,381 milliseconds. In the event of establishment of the first pre-crash recording trigger after the ignition is switched ON, the upper limit value(max value) is

recorded.

- "TRG Count" indicates a calculated value of the number of times recording triggers have been established for all crash types. The sequence in which each event occurred can be verified from the "TRG Count". The smaller the "TRG Count" value, the older the data. The upper limit for the recorded value is 65,533 times. When more than one event reaches the upper limit, the actual "TRG Count" may be greater than what is displayed for that event.
- "Linked Pre-Crash Page" is used to link 'paged" pre-crash data with 'paged" post-crash data. When old pre-crash data is overwritten by new pre-crash data, the "Linked Pre-Crash Page" value may record a page number that is not actually linked.
- Resolution of the "Time from Pre-Crash to TRG" is 100 [ms], and the value is rounded down and recorded.

05004_ToyotaDENSO_r023

System Status at Time of Retrieval

ECU Part Number	89170-33550
ECU Generation	04EDR
Recording Status, All Pages	Complete
Freeze Signal	OFF
Freeze Signal Factor	None
Diagnostic Trouble Codes Exist	No
Time from Previous Pre Crash TRG (msec)	16381 or greater
Latest Pre-Crash Page	0
Contains Unlinked Pre-Crash Data	No

Event Record Summary at Retrieval

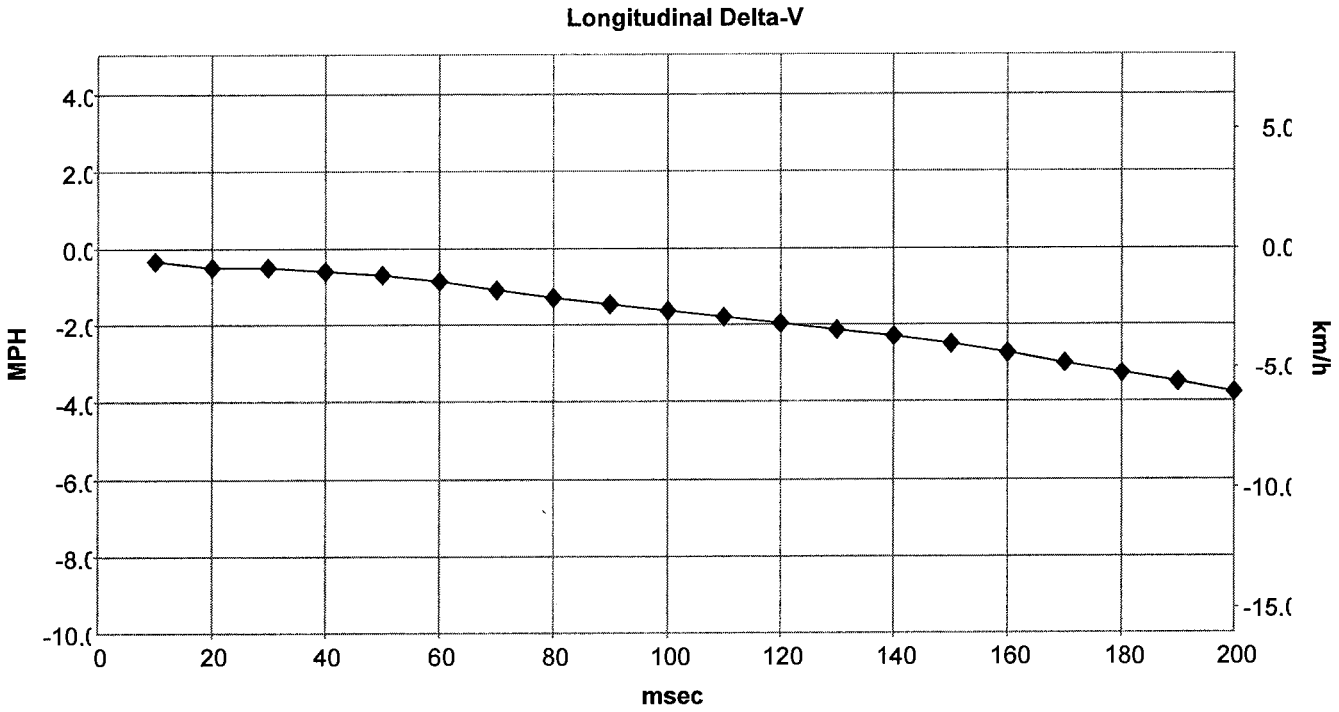
Events Recorded	TRG Count	Crash Type	Time (msec)	Pre-Crash & DTC Data Recording Status	Event & Crash Pulse Data Recording Status
Most Recent Event	1	Front/Rear Crash	0	Complete (Page 0)	Complete (Front/Rear Page 0)

System Status at Event (Most Recent Event, TRG 1)

Recording Status, Front/Rear Crash Info.	Complete
Crash Type	Front/Rear Crash
TRG Count (times)	1
Previous Crash Type	No Event
Time from Pre-Crash TRG (msec)	0
Linked Pre-Crash Page	0
Time to Deployment Command, Front Airbag, Driver (msec)	Not Commanded
Time to Deployment Command, Front Airbag, Passenger (msec)	Not Commanded
Event Severity Status, Driver	N/A
Event Severity Status, Passenger	N/A
Time to Deployment Command, Pretensioner (msec)	Not Commanded

Longitudinal Crash Pulse (Most Recent Event, TRG 1 - table 1 of 2)

Recording Status, Time Series Data	Complete
Max Longitudinal Delta-V (MPH [km/h])	-3.8 [-6.1]



Longitudinal Crash Pulse (Most Recent Event, TRG 1 - table 2 of 2)

Time (msec)	Longitudinal Delta-V (MPH [km/h])
10	-0.3 [-0.6]
20	-0.5 [-0.8]
30	-0.5 [-0.8]
40	-0.6 [-1.0]
50	-0.7 [-1.1]
60	-0.9 [-1.4]
70	-1.1 [-1.8]
80	-1.3 [-2.1]
90	-1.5 [-2.3]
100	-1.6 [-2.6]
110	-1.8 [-2.9]
120	-2.0 [-3.2]
130	-2.1 [-3.4]
140	-2.3 [-3.7]
150	-2.5 [-4.0]
160	-2.7 [-4.4]
170	-3.0 [-4.8]
180	-3.3 [-5.2]
190	-3.5 [-5.7]
200	-3.8 [-6.1]

DTCs Present at Time of Event (Most Recent Event, TRG 1)

Recording Status, Diagnostic	Complete
Ignition Cycle Since DTC was Set (times)	0
Airbag Warning Lamp ON Time Since DTC was Set (min)	0
Diagnostic Trouble Codes	None

Pre-Crash Data, 1 Sample (Most Recent Event, TRG 1)

Recording Status, Pre-Crash/Occupant	Complete
Time from Pre-Crash to TRG (msec)	600
Buckle Switch, Driver	Buckled
Buckle Switch, Passenger	Unbuckled
Occupancy Status, Passenger	Not Occupied
Seat Position, Driver	Forward
Shift Position	Drive

Pre-Crash Data, -5 to 0 seconds (Most Recent Event, TRG 1)

Time (sec)	-4.6	-3.6	-2.6	-1.6	-0.6	0 (TRG)
Vehicle Speed (MPH [km/h])	3.7 [6]	3.7 [6]	3.7 [6]	3.7 [6]	5 [8]	8.7 [14]
Brake Switch	OFF	OFF	OFF	OFF	OFF	ON
Accelerator Rate (V)	0.78	0.78	0.78	0.78	2.38	0.78
Engine RPM (RPM)	400	400	400	800	1,600	1,600

Hexadecimal Data

Data that the vehicle manufacturer has specified for data retrieval is shown in the hexadecimal data section of the CDR report. The hexadecimal data section of the CDR report may contain data that is not translated by the CDR program. The control module contains additional data that is not retrievable by the CDR system.

PIDs

PID	Data
00	BE E0 00 01
01	00
03	33 33 35 35 30 30 30 30 43 44 30 30 30 43 44 30 30 30 43 42 30 30 30 43 42 30 30 30 44 32 30 30 30 44 32
04	02 02 01 01
05	02
06	00
07	30 30 30 30 30 30 30 30 30 30 30 30 30 30 30 30 30 30 30 30 30
09	
0A	01
0B	00
20	80 00 00 01
21	00 31
40	00 00 00 01
60	00 00 00 01
80	00 00 00 01
A0	00 00 00 01
C0	00 00 00 01
E0	C0 10 00 00
E1	00 00
E2	00 5B 1F 11 00
EC	00

EEPROM

Data (-- = data not imaged from ECU)
(** = no response from ECU)

Address	Data
0	-- -- -- -- -- -- -- -- -- -- -- -- -- -- -- --
10	-- -- -- -- -- -- -- -- -- -- -- -- -- -- -- --
20	-- -- -- -- -- -- -- -- -- -- -- -- -- -- 00 00
30	00 00 01 01 3F FD 00 00 00 00 00 00 FF FF FF FF
40	FF FF FF FF FF FF FF FF FF FF FF FF FF FF -- --
50	-- -- 10 00 01 1D 14 44 10 3D 21 0C 14 11 0C 14
60	0C 14 0C 14 06 00 00 00 00 00 00 00 00 00 00 00
70	00 00 00 00 00 00 00 00 00 00 00 00 00 00 00 00
80	00 00 00 00 00 00 00 00 00 00 00 00 00 00 00 00
90	00 00 00 00 00 00 00 00 00 00 00 00 00 00 00 00
A0	00 00 -- -- 04 02 00 01 01 02 03 02 02 02 02 02
B0	02 02 02 03 03 03 03 03 00 92 00 00 00 01 E0 00
C0	FE FE 00 00 00 00 00 00 00 00 00 00 00 00 00 00
D0	00 00 00 00 00 00 00 00 00 00 00 00 00 00 00 00
E0	00 00 00 00 -- -- 00 00 00 00 00 00 00 00 00 00
F0	00 00 00 00 00 00 00 00 00 00 00 00 00 00 00 00
100	00 00 00 00 00 00 00 00 00 00 00 00 00 00 00 00
110	00 00 00 00 00 00 00 00 00 00 00 00 00 00 00 00
120	00 00 00 00 00 00 00 00 00 00 00 00 00 00 00 00
130	00 00 00 00 00 00 00 00 00 00 00 00 00 00 00 00
140	00 00 00 00 00 00 00 00 00 00 00 00 00 00 00 00
150	00 00 00 00 00 00 00 00 00 00 00 00 00 00 00 00
160	00 00 00 00 00 00 00 00 00 00 00 00 00 00 00 00
170	00 00 00 00 00 00 00 00 00 00 00 00 00 00 00 00
180	00 00 00 00 00 00 00 00 00 00 00 00 00 00 00 00
190	00 00

Disclaimer of Liability

The users of the CDR product and reviewers of the CDR reports and exported data shall ensure that data and information supplied is applicable to the vehicle, vehicle's system(s) and the vehicle ECU. Robert Bosch LLC and all its directors, officers, employees and members shall not be liable for damages arising out of or related to incorrect, incomplete or misinterpreted software and/or data. Robert Bosch LLC expressly excludes all liability for incidental, consequential, special or punitive damages arising from or related to the CDR data, CDR software or use thereof.

TOYOTA

Ronald I. Inton
Direct Phone (310) 468-1456
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Toyota Motor Sales, U.S.A., Inc.
19001 South Western Avenue
Torrance, CA 90501
310 468-4000

April 1, 2015

[redacted]
Thousand Oaks, CA [redacted]

RE:	Date of Loss:	February 13, 2015
	Vehicle:	2009 Lexus ES 350
	VIN:	JTHBJ46GX9[redacted]

Dear [redacted]:

Thank you for contacting Lexus Customer Satisfaction Center in regards to the above-referenced incident.

While pulling into a parking space with the 2009 Lexus ES 350, your wife stated that the vehicle suddenly surged forward through the parking space, through some bushes and stopped at a fence.

We arranged to have the vehicle inspected on February 24, 2015 at Auto Collision Center and obtained the Event Data Recorder (EDR) readout with regard to your concerns. Based on our inspection of your vehicle and the EDR readout, we found no evidence that this incident was the result of any type of manufacturing or design defect.

The accelerator pedal was thoroughly inspected and was found to move smoothly without restrictions or binding. There was no interference or obstruction found with the operation of the accelerator pedal. The accelerator pedal, when released, always returned to the idle position. The engine response was proportional to the accelerator pedal application.

We are very sorry to hear about this unfortunate incident, and we do appreciate the opportunity to address your concerns.

Sincerely,

Ronald Inton
Toyota Motor Sales, U.S.A., Inc.

May 18, 2015

[redacted]
Thousand Oaks, CA [redacted]

Re: VIN: JTHBJ46GX92[redacted]
Vehicle's Year and Model: 2009 ES 350

Dear [redacted]

Thank you for providing us with the opportunity to evaluate your Lemon Law claim. We also understand that you have also made other claims relating to an accident that your vehicle was involved in. Those claims were investigated/evaluated by a different department and you received a separate response from them.

In order to investigate your Lemon Law claim and related concerns, we did the following:

1. Reviewed the Lexus warranty history for the subject vehicle;
2. Reviewed all known repair orders from all Lexus authorized repair facilities;
3. Reviewed the documentation you sent us.

After accomplishing the above, we do not believe your vehicle suffers from a defect in materials or workmanship covered under the terms and conditions of the New Vehicle Limited Warranty. Therefore, we cannot offer you any assistance at this time.

Although we do not wish to suggest any particular course of action, we would like to re-introduce the National Center for Dispute Settlement (NCDS) program. Again, this program is part of Lexus' commitment to provide, free of charge, an impartial and non-affiliated organization to promptly and equitably address your concerns. If you would like more information, please contact NCDS, their toll free number is 1-866-272-4872 or at www.ncdsusa.org.

Respectfully,

Mario Solorio
Customer Satisfaction Manager
Lexus Western Area

209 Technology Drive, Irvine, CA 92618-2413 949 727-1977 949 727-2599 Fax

[redacted]

Thousand Oaks, CA [redacted]

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1200 NEW JERSEY AVE, SE
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WASHINGTON DC 20590

W40-

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