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**Subject: PETITION FURTHER INVESTIGATION INTO THE DEFECTIVE COLLAPSIBLE STEERING SHAFT SYSTEMS OF THE 1992-93 JEEP GRAND CHEROKEE & GRAND WAGONEERS, 1994-95 DODGE RAM TRUCKS & 1994-95 JEEP GRAND CHEROKEE MCCABE VS DAIMLER CHRYSLER ES HAVE NO REC OF 12/20/02 PETITION**

Ack Date:  
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Added By: SHARRIS x62534

Ack By:  
Signature: WEINSTEIN  
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Modified By: SHOPSON

Signed For:  
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Author:



CLAREMONT, CA

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Assigned To	Task	Aggn Date	Deadline	Returned Date
NVS-200	REPLY	4/22/2003	8/18/2003	
NCC-010	INFORMATION	4/22/2003		4/22/2003

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*Law Offices of*

**HERBERT HAFIF**

A PROFESSIONAL CORPORATION

CLAREMONT PROFESSIONAL BUILDING  
218 WEST BONITA AVENUE  
CLAREMONT, CALIFORNIA 91711-4784  
TELEPHONE: 909/624-1671  
FACSIMILE: 909/626-7772

NEWPORT BEACH, CALIFORNIA 92660-5916  
NEWPORT CENTER  
3 CIVIC PLAZA, SUITE 155  
TELEPHONE: 949/768-6463  
FACSIMILE: 949/768-1004

HERBERT HAFIF  
LARRY A. SACKEY  
GREG HAFIF  
CYNTHIA D. HAFIF  
MICHAEL D. DIXSON  
JEANNE A. STERRA  
PATRICIA M. LYTLE  
ROBERT S. ACKLEY  
JOEL M. FEINSTEIN

HERBERT HAFIF  
WAYNE J. AUSTRUP  
PATRICIA M. LYTLE  
GREG HAFIF  
ROBERT S. ACKLEY

April 18, 2003

**Via Federal Express**

National Highway Traffic Safety Administration  
400 Seventh Street, S.W.  
Washington, D.C. 20590

Re: **Petition Pursuant to 49 CFR § 552, filed December 20, 2002**  
**[REDACTED] v. DaimlerChrysler Corporation**  
Los Angeles Superior Court Case No. BC 262939  
(Assigned to Judge Charles W. McCoy, Dept 309)  
(Complaint Filed December 4, 2001)

Gentlemen:

On December 20, 2002, pursuant to Order of the Los Angeles Superior Court, we forwarded to your offices a **Petition Pursuant to 49 CFR § 552**, a duplicate copy of which is enclosed herewith. Since our filing of the **Petition**, we have not heard from NHTSA at all, and upon calling we cannot find anyone within ODI or NHTSA itself that has any knowledge of it. Please take whatever steps necessary to locate the original **Petition**, as the four month time period has almost passed.

We believe the **Petition** is self-explanatory and states the history and reasons for the filing of the **Petition**. Please contact us as soon as possible regarding the status of our **Petition**.

Thanking you in advance for your anticipate cooperation.

Very truly yours,

LAW OFFICES OF HERBERT HAFIF

DICTATED BY  
LARRY SACKEY

Larry A. Sackey

LAS:mls  
Enclosure

EXECUTIVE SECRETARIAT  
200 APR 21 P 3:29  
NATIONAL HIGHWAY  
TRAFFIC SAFETY ADMIN.

*Law Offices of*

**HERBERT HAFIF**

A PROFESSIONAL CORPORATION

CLAREMONT PROFESSIONAL BUILDING  
260 WEST BONITA AVENUE  
CLAREMONT, CALIFORNIA 91711-4784  
TELEPHONE: 909/224-1871  
FACSIMILE: 909/225-7772

NEWPORT BEACH, CALIFORNIA 92660-5215  
NEWPORT CENTER  
3 CIVIC PLAZA, SUITE 155  
TELEPHONE: 949/780-5453  
FACSIMILE: 949/739-1004

HERBERT HAFIF  
LARRY A. BACHEY  
GREG HAFIF  
CYNTHIA D. HAFIF  
MICHAEL G. DAWSON  
JEANNE A. STERGA  
PATRICIA M. LITTLE  
ROBERT S. ACKLEY  
TYRENEA WRIGHT  
JOEL M. FENSTER

HERBERT HAFIF  
WAYNE J. AUSTERO  
PATRICIA M. LITTLE  
GREG HAFIF  
ROBERT S. ACKLEY

December 20, 2002

National Highway Traffic Safety Administration  
Washington, D.C.

Re: [REDACTED] v. DaimlerChrysler Corporation  
Los Angeles Superior Court Case No. BC 262939  
(Assigned to Judge Charles W. McCoy, Dept 308)  
(Complaint Filed December 4, 2001)

**PETITION PURSUANT TO 49 CFR § 552**

Gentlemen:

**1. Introduction**

The purpose of this letter is to formally petition NHTSA pursuant to 49 CFR § 552 with regard to further investigation into matters previously investigated, which resulted in the finding of two safety related defects and two recalls. Specifically, plaintiffs in the above-referenced action seek an answer from NHTSA regarding its intention to initiate any further investigations (other than criminal) into the "defective collapsible steering shaft systems" that were the subject of the prior NHTSA investigations identified below. Plaintiffs' counsel asks that you bear with us and read the following information before answering.

**2. Factual Background**

The undersigned and co-counsel identified in First Amended Complaint (Exhibit "1") have filed a class action lawsuit against DaimlerChrysler Corporation ("DCC") arising out of the sale of various vehicles manufactured by DCC which contained "defective collapsible steering shaft systems," two of which were previously investigated by NHTSA, after which DCC recalled the vehicles which were the subject of the investigation.

Specifically, vehicles include the 1992-93 Jeep Grand Cherokee and Grand Wagoneers, the 1994 and 1995 Dodge Ram Trucks (all Series) and the 1994 and 1995 Jeep Grand Cherokee and Cherokee were each subject to a NHTSA Preliminary Evaluation investigation respectively

identified as Nos. 93V-210 (Recall No. 603, 1993); PE96-047 (Recall No. 709, 1996-97) and Preliminary Evaluation No. RQ97-004 (No recall issued, 1997). The defective steering shaft system in those vehicles utilized either (1) collapsible steering shaft system utilizing an injection molded pin design, which was designed to break allowing the steering shaft system to collapse upon frontal impact, and (2) the same system which utilized a "pin/clip" design, which was designed to break allowing the steering shaft system to collapse upon frontal impact.

In 1993, once NHTSA initiated its Preliminary Evaluation 93V-210 and/or PE93-091, DCC voluntarily admitted that the "injected molded pin design" contained a safety related defect (the "injection molded pin/clip design" was found to break both during assembly and transit and in vehicles which were in operation as alleged by the vehicle owners/drivers who filed complaints with NHTSA) and voluntarily recalled approximately 113,000 Jeep Grand Cherokees and Grand Wagoneers. The recall and published notice mailed to all known purchasers/owners/lessors admitted that the "safety related defect" existed and conducted the recall (Exhibit "2"), resulting in NHTSA's closure of its investigation.

In 1996, once NHTSA initiated its Preliminary Evaluation PE 96-047, DCC voluntarily admitted that the "injection molded pin design" contained safety related defects (the "injection molded pin/clip design" was found to break both during assembly and transit and in vehicles which were in operation, due to plastic and metal fatigue, as alleged by the vehicle owners/drivers who filed complaints with NHTSA) and again DCC voluntarily recalled approximately 495,000 Dodge Ram full sized pick up trucks (Series 1500, 2500 and 3500) built in 1994 and 1996 Model Years. The recall and published notice mailed to all known purchasers/owners/lessors admitted that the "safety related defect" existed and conducted a recall (Exhibit "3"), resulting in NHTSA's closure of its investigation.

In 1997, once NHTSA initiated its ODI review of Preliminary Evaluation 93V-210, the purpose of which was to determine whether the original 1993 investigation should be broadened to include all 1993, 1994 and 1995 Model Year Jeep Cherokees and 1994 and 1995 Grand Cherokee vehicles. After extensive correspondence between NHTSA and DCC was exchanged DCC argued that the collapsible steering shaft system contained in the additional vehicles did not contain a "root cause" which could be identified. The investigation ended with no further action being taken by NHTSA. (Exhibit "4").

### **3. The Plaintiffs' Claims in the Above-referenced Civil Litigation and its Procedural Status**

Plaintiffs brought the above referenced action seeking relief for violation of various consumer protection statutes which include a cause of action for fraud, compensatory and punitive damages, and disgorgement of profits from DCC. The case is premised upon the facts that Plaintiffs' counsel learned from DCC in an unrelated case entitled [REDACTED] v. *DaimlerChrysler Corp.*, Case No. CV 98-00718 FMC (AIX), United States District Court, Central District of

California, that DCC manufactured not only the vehicles referenced in NHTSA's three investigations containing "defective collapsible steering shaft systems" but produced as many as nine vehicle families containing the "safety related defect" identified in NHTSA's investigations. Further, DCC intentionally deceived NHTSA by concealing such facts, as well as evidence that the vehicles subject to recall were also manufactured in other years or other model types which contained the "defective collapsible steering shaft systems" which were the subject of the aforementioned recalls. (See, Exhibit "5"). NHTSA was misled by DCC so that only one type of vehicle was recalled in the 1993 recall ((DCC-No. 604) recalling only the 1993 Jeep Grand Cherokees) and in the 1997 recall (DCC Recall No. 709), recalling only the 1994-95 Dodge Ram trucks ) when DCC was aware the same defect existed in at least nine other vehicle families and numerous models which are now the subject of this civil litigation.

#### 4. Issues Which Required NHTSA's Input

Los Angeles Superior Court Judge Charles W. McCoy stayed the present civil lawsuit for damages allowing NHTSA to first investigate the plaintiffs' allegations, before allowing Plaintiffs' civil claims for fraud and violation of consumer statutes to proceed. The Plaintiffs opposed this motion but it was granted. (See Exhibit "6"). As NHTSA has already found two of the "defective collapsible steering shaft systems" to be defective by virtue of DCC's admissions and recalls, the plaintiffs do not believe that any public service would be served by doing so. Rather, plaintiffs believe that this matter should proceed on two tracks, one in civil court in California and one in NHTSA's administrative proceedings should NHTSA deem it appropriate. Plaintiff hold this belief based upon the following information, beliefs and understandings.

NHTSA's safety defect investigations are conducted by ODI. The decision of whether or not to open a defect investigation is one within ODI's discretion. However, ODI does not have the resources to investigate every possible safety-related defect, and thus must necessarily prioritize its limited resources that it devotes to defect investigations. In exercising that discretion, ODI takes into account, *inter alia*, the age of vehicles (discussed in the next paragraph) and the likelihood that such an investigation would result in a NHTSA order to recall the vehicles for a safety-related defect (or a manufacturer's decision to recall the vehicles in light of the potential for NHTSA to issue such an order if the manufacturer fails to initiate a recall).

With respect to the age of vehicles, plaintiffs believe and understand that ODI considers whether the vehicles or equipment under consideration will still be in service at the projected completion of a possible investigation, and whether they will still be within NHTSA's statutory reach to compel a recall. The Safety Act at 49 CFR § 30120(g) limits a manufacturer's obligation to conduct a recall, *i.e.*, to provide a remedy "without charge," to ten years from the first purchase of the vehicle or equipment, except five years for tires only. (Prior to the enactment of the TREAD Act amendments to the Safety Act of November 1, 2000, those limitation periods were eight years for vehicles and all equipment except tires, and three years for tires only.) Consequently, we believe ODI is less likely to devote resources to investigate an

alleged defect in vehicles which will be outside NHTSA's ten-year authority to order their recall (or to pressure the manufacturer to recall in order to avoid a NHTSA-ordered recall.) Moreover, it is our understanding that the remaining service life of such old vehicles is limited, and ODI generally prefers to devote its limited resources to newer vehicles that have a longer remaining service life.

We understand that the process under which ODI investigates an alleged safety-related defect can take approximately 16 months. It is our belief that ODI proceeds with an investigation in the following manner. The first phase of a formal ODI defect investigation is usually known as the "preliminary evaluation" ("PE"). ODI's internal guidelines, *Office Procedures for Conducting Defect Investigations*. We further understand that although ODI contemplates that "PE's are generally resolved within four months from the date that they are opened," in practice, many PE's take a good deal longer than four months to complete. At the completion of a PE, it is our understanding that ODI may either close the matter, or it may upgrade the investigation to the second phase of investigation, known as the "engineering analysis" ("EA"). ODI's internal guidelines state that ODI's goal is to complete EAs within 12 months of the EAs opening. It is our further understanding that some EAs take a good deal longer than months to complete. While the time varies from investigation to investigation, it seems to use that the benchmark of 18 months for completion of an ODI investigation (four months for the PE stage, and 12 additional months for the EA phase) is what ODI strives for although this time period is in addition to the informal investigative or "screening" process which normally precedes a decision to open a formal investigation.

**5. Based upon the Preceding Information, Beliefs and Understandings, Plaintiff Have Concluded That NHTSA Would Not Investigate the "Defective Collapsible Steering Systems" Which Are the Subject of this Civil Action and That NHTSA Would Not Oppose Plaintiffs' Desire to Proceed with the Civil Action Forthwith.**

It is our understanding that it is highly unlikely that ODI would now or in the future open a safety defect investigation of the vehicles at issue in the instant case, all of which were manufactured prior to the 1996 Model Year. It is our understanding that ODI does not tend to reopen investigations of an alleged defect that it investigated years earlier. In the present matter as pointed out above, NHTSA conducted recalls into two of the "defective collapsible steering shaft systems" which resulted in recalls of the very safety related defect that is the subject of this civil case. Secondly, the Model Year 1993 and Model Year 1994 vehicles primarily at issue are already 8 - 9 years old. By the time an ODI investigation were completed, using the aforementioned 16-month benchmark, even if a formal investigation were to be commenced as early as January, 2003, it would be approximately January 2004 before the investigation would be completed. By May, 2004 many of the vehicles would be outside the agency's authority to order their recall (*i.e.*, to compel the manufacturer to provide owners with a remedy without charge), and the balance would be rapidly moving beyond the agency's ten-year authority. The agency takes the age of the vehicles into account in deciding whether or not to exercise its

discretion to open an investigation. That is true regardless of whether the question of whether to open an investigation is raised *sua sponte* by the agency or raised by a petition from an outside party. Under these circumstances, I believe it is very unlikely that the agency will open a safety defect investigation of the vehicles at issue.

Separate and independent of whether or not there is an ODI investigation, a manufacturer has an obligation under the Safety Act to recall motor vehicles and motor vehicle equipment that contain a safety-related defect. However, the Safety Act at 49 U.S.C. § 30110(d) provides that its recall remedy provisions -- regardless of whether the recall is ordered by NHTSA or initiated by the manufacturer -- are "in addition to other rights and remedies" under state law. It is our expectation that NHTSA will not offer an opinion as to the merits of the Plaintiffs' claims under the California Legal Remedies Act and Unfair Trade and Business Practice Act, much less assert that such claims are preempted or should be stayed pending a potential NHTSA investigation.

#### 5. Plaintiffs Formally Petition

Previously, plaintiffs requested NHTSA's intentions regarding the allegations claimed. Mr. Weinstein of NHTSA responded (Exhibit "7"). Also is the court order requiring that we need report back to the Judge by March 31, 2003.

Respectfully submitted,

LAW OFFICES OF HERBERT HAFIF



LARRY A. SACKBY  
Attorneys for Plaintiffs

individually and on behalf of all others similarly situated and on behalf of the general public.

1 Herbert Hafif, Bar No. 27311  
Larry A. Sackey, Bar No. 54474  
2 **LAW OFFICES OF HERBERT HAFIF, APC**  
269 W. Bonita Avenue  
3 Claremont, CA 91711-4784  
(909) 624-1671; Fax (909) 625-7772  
4 E-mail address: [LSackey@hafif.com](mailto:LSackey@hafif.com)

5 Herbert Hafif, Bar No. 27311  
Wayne J. Austero, Bar No. 49252  
6 **LAW OFFICES OF HERBERT HAFIF, APC**  
3 Civic Plaza, Suite 155  
7 Newport Beach, CA 92660-5915  
(949) 760-5453; Fax (949) 759-1004  
8 E-mail address: [austero@earthlink.net](mailto:austero@earthlink.net)

9 Robert Kilborne, Bar No. 91456  
**LAW OFFICES OF ROBERT KILBORNE**  
10 Post Office Box 7288  
Rancho Santa Fe, CA 92067  
11 (858) 759-9050; Fax (858) 759-8020  
E-mail address: [trlallawyer@kilborne.com](mailto:trlallawyer@kilborne.com)

12 Robert Feinstein, Bar No. 50487  
13 **LAW OFFICES OF ROBERT FEINSTEIN**  
5850 Canoga Avenue, Suite 600  
14 Woodland Hills, CA 91367  
(818) 999-2053; Fax (818) 999-5612

15 Attorneys for Plaintiffs

16  
17  
18 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
19 FOR THE COUNTY OF LOS ANGELES

20 [REDACTED]  
21 [REDACTED] on behalf of themselves and all  
Others Similarly Situated,  
22 Plaintiffs,  
23 v.  
24 DAIMLERCHRYSLER CORPORATION, a  
25 Delaware corporation; and DOES 1 through  
26 100, inclusive,  
27 Defendants.

CASE NO. BC262939  
**FIRST AMENDED COMPLAINT FOR  
DAMAGES AND EQUITABLE RELIEF  
CLASS ACTION**  
**JURY TRIAL DEMANDED**

1 Plaintiffs [REDACTED] for themselves and on behalf of all others  
2 similarly situated, allege as follows:

3 1. Plaintiffs and class representatives, [REDACTED] are  
4 California residents who own or lease one of millions of vehicles manufactured by defendant  
5 DaimlerChrysler Corporation ("DCC") including but not limited to vehicles manufactured from 1993  
6 to 1995, which included but are not limited to, at least three known defective "collapsible steering  
7 shaft systems." Plaintiffs are informed and believe that there are at least two million California  
8 residents who own or lease DCC manufactured vehicles which contain the defective "collapsible  
9 steering shaft systems" referred to herein.

10 2. Plaintiffs are informed and believe and thereon allege the following information.  
11 DCC is a duly licensed corporation operated by virtue of the laws of the State of Delaware, whose  
12 principal place of business is Auburn Hills, Michigan. Plaintiffs are informed and believe that DCC  
13 is the successor in interest to Chrysler Corporation which was purchased by DCC on or about May 7,  
14 1998. In 1987, AMC Corporation which maintained a line of vehicles including but not limited to  
15 the Jeep division was purchased by Chrysler. In so doing, Chrysler took over production of all the  
16 AMC vehicles, including the Jeep models which continued in production after Chrysler's purchase  
17 of AMC.

18 3. Plaintiffs are informed and believe that pursuant to California Code of Civil  
19 Procedure, § 395, that this Court has proper jurisdiction over this matter, inasmuch as defendant's  
20 principal place of business is not in California.

21 4. That the true names or capacities of defendants DOES 1 through 100, inclusive, are  
22 unknown to plaintiffs who therefore sue said defendants by such fictitious names. Plaintiffs are  
23 informed and believe and thereon allege, that each of the defendants designated herein as a DOE is  
24 legally responsible in some manner for the events and happenings herein referred to and  
25 intentionally, negligently, or in some other manner was the legal cause of the injuries and damages  
26 sustained by plaintiffs as alleged herein. Plaintiffs will seek leave to amend their Complaint when  
27 the true names and capacity of these defendants have been ascertained, along with appropriate  
28 additional allegations as may be required.

1           5.       That at all times herein mentioned, the defendants, and each of them, whether  
2 fictitiously named or otherwise, or at all times, the agents, servants and employees of each other and  
3 were acting in the full course and scope of said agency, service and employment, and each defendant  
4 ratified and/or approved the acts of the remaining defendants.

5           6.       Plaintiffs are informed and believe and thereon allege that defendants, and each of  
6 them, whether fictitiously named or otherwise, conspired with one another in the acts and conduct  
7 herein alleged and further conspired to conceal from plaintiffs, by act, omission and/or intentional  
8 misrepresentation, the acts complained of in this complaint as further alleged herein. Each defendant  
9 is sued individually as a co-conspirator and aider and abetter. Defendants knowingly and/or  
10 recklessly conspired to engage and/or aided and abetted, in the course of conduct set forth in this  
11 Complaint.

12           7.       Plaintiffs are informed and believe and thereon allege, that at all times between 1993  
13 and 1995, DCC installed one or more of the defective "collapsible steering shaft systems" all of  
14 which suffered the same or similar failures, which result in the total loss of steering control resulting  
15 in property damage, injury to persons, and death. The vehicle models which contained these  
16 defective "collapsible steering shaft systems" include, but are not limited to Jeep Cherokees, Grand  
17 Cherokees, Dodge Dakotas and other vehicles identified by DCC code abbreviations: ZJ, AF, AN,  
18 BT, XJ, X1, Z6 and Z1. In addition, plaintiffs are informed and believe and thereon allege that  
19 DCC/Chrysler/Jeep vehicles built between 1987 and 1992 incorporated at least one of the three or  
20 more defective "collapsible steering shaft systems" in use during that time period in the same or  
21 similar vehicles as identified herein, and that other vehicles may also have been manufactured with  
22 the same or similar defective "collapsible steering shaft systems" as will be determined upon further  
23 investigation and discovery. Plaintiffs reserve the right to amend this complaint to add any  
24 additional vehicles regardless of the date of manufacture which contain the same or similar defective  
25 "collapsible steering shaft systems," known or unknown or which contain the defective "collapsible  
26 steering shaft systems" as defined herein in years other than those which are presently known.

27 ///

28 ///

1 **GENERAL ALLEGATIONS**

2 8. Plaintiffs are informed and believe that, DCC, formerly known as Chrysler Motors,  
3 built millions of vehicles with collapsible steering shafts whose function was to transmit rotational  
4 force so as to steer the vehicle. The two-piece shaft was designed so as to telescope and collapse in  
5 the event of a frontal collision, but not to separate so as to cause loss of steering control during  
6 normal driving. Plaintiffs, are aware of at least three defective "collapsible steering shaft systems"  
7 used in the 1993, 1994 and 1995 model years as referenced in Paragraph 7 and believed to have been  
8 used as stated earlier, which include but are not limited to, the following defective "collapsible  
9 steering shaft systems." The systems include but may not be limited to:

10 (a) A defective "collapsible steering shaft system", which utilized injection  
11 molded plastic shear pins;

12 (b) A defective "collapsible steering shaft system" which utilized a plastic sleeve  
13 in addition to injection molded plastic shear pins in a failed attempt to make the injection molded  
14 systems safe; and

15 (c) A defective "collapsible steering shaft system," which utilized injection  
16 molded plastic shear pins and a metal clip referred to as the pin/clip system.

17 9. As early as 1993 or earlier, DCC knew that the design and manufacturing of the  
18 "collapsible steering shaft systems" were defective and posed an unreasonable safety risk for the  
19 consuming public in the following respects:

20 (a) Plastic molded shear pins designed to hold the upper and lower shafts together  
21 on the subject vehicles were shearing during the assembly process, due to the use of defective and  
22 improper materials or defective design thereby causing shaft separation during use. The pins were  
23 made of such inferior material that when the pins were properly placed in the collapsible steering  
24 shaft system, would then suffer fatigue and cracking which ultimately causes the pins to fail while  
25 the vehicles are being driven without suffering an impact.

26 (b) The plastic sleeve was designed to hold the upper and lower shafts appreciable  
27 together on the subject vehicles was known to be unsafe as admitted by DCC and was the reason the  
28 pin/clip system was developed and used in the 1993 and 1997 recalls.

1 (c) The "pin/clip" steering shaft system which contained the injected molded pins  
2 and metal clips were designed to hold the upper and lower shafts together on the subject vehicles but  
3 were shearing during the assembly process, allowing shaft separation during manufacture and use. In  
4 addition, DCC was aware that the clips were breaking at installation and again during transit. To  
5 hide the defect Chrysler placed a metal pin in the steering system that could be removed at the time  
6 of vehicle manufacture. Of course the system would fail only after they were sold and driven for any  
7 appreciable period of time without impact.

8 (d) The process of shaft separation is virtually impossible to detect, even when  
9 total steering failure is imminent. Failure always occurs while the vehicle is in operation, thereby  
10 placing occupants and others at risk of serious injury or death from loss of steering control.

11 (e) The only way in which these defective "collapsible steering shaft systems"  
12 may be properly corrected is for them to be replaced with a safe collapsible steering system which  
13 was first introduced by Chrysler during the 1996 model year. See Exhibit "2" (the cost of the safe  
14 non-defective collapsible steering shaft system installed approximately \$800).

15 10. DCC became aware of each fact set forth in Paragraph 8, at all times relevant to this  
16 Complaint. DCC also knew at the time each of the defective "collapsible steering shaft systems"  
17 were developed and/or installed in the vehicles manufactured for sale containing said systems that  
18 each were defective systems that could or would cause vehicles to experience loss of steering control  
19 during operation with an inordinate and unreasonable frequency, resulting in accidents and injuries  
20 sufficient to repair and replace all such systems.

21 11. With full knowledge of the facts set forth in this Complaint from as early as 1987  
22 through the 1995 model years, DCC knowingly manufactured and sold millions of DCC vehicles  
23 equipped with defective "collapsible steering shaft systems," while actively and fraudulently  
24 concealing and suppressing information about each of the defective systems unknown to plaintiffs at  
25 the time, as well as the cause of the defect and the potential safety consequences, from the  
26 consuming public and those government agencies that expose such safety concerns to the public,  
27 such as NHTSA. Rather, DCC at all times subsequent thereto has sought to conceal and suppress the  
28 information which establishes that the "collapsible steering shaft systems" are defective for purposes

1 of avoiding the expenditure of millions of dollars in order to recall the vehicles, which would  
2 generate bad publicity, loss of sales, and other damages.

3 12. DCC was required by law to report safety related product defects to the National  
4 Highway Traffic Safety Administration ("NHTSA") and to respond truthfully and accurately to  
5 inquiries from that agency in the course of its investigations. In 1993 and again in 1996, NHTSA  
6 conducted two separate investigations into consumer complaints of total loss of steering control in  
7 vehicles manufactured by DCC during the years 1993 through 1996. As a result of the first NHTSA  
8 investigation, on December 6, 1993, DCC admitted that the connection on the steering shaft was  
9 defective, and that the defect caused separation of the steering shaft, as evidenced by, the recall of  
10 115,000 Jeep Grand Cherokees and Grand Wagoneers. As a result of the second NHTSA  
11 investigation, on November 7, 1996, DCC admitted that the defective injection molded "collapsible  
12 steering shaft system" was defective, causing shaft separation as evidenced by the recall of 475,000  
13 Dodge Ram 1500 Pick-Up Trucks. In both recalls, the retrofit fix consisted of yet another defective  
14 "collapsible steering shaft system" utilizing the plastic sleeve system identified herein installed to  
15 prevent shaft separation as reported by customer complaints and investigated by NHTSA.

16 13. DCC was aware before the NHTSA investigations and after the NHTSA  
17 investigations that the subject vehicles as described in this Complaint suffered from the identical  
18 separation problem which DCC corrected in two recalls, but DCC failed to recall the subject vehicles  
19 and fraudulently and maliciously concealed those defects from the consuming public at large and by  
20 concealing said facts from NHTSA to prevent public knowledge of the defects in order to save the  
21 hundreds of millions of dollars in costs which would be incurred to recall millions of vehicles and in  
22 order to convey a false representation of the quality of its products, so as to avoid the loss of the  
23 public's confidence, decreasing sales, and further investigation into other models manufactured by  
24 Chrysler which should have been subject to the recalls. In fraudulently concealing said defects,  
25 which resulted in death and serious injury, DCC exposed and subjected its customers, including  
26 plaintiffs herein, to unreasonable risk of injury or death and other injuries complained of herein.

27 14. In September 1994, fully two years before NHTSA's second investigation, DCC  
28 became aware through its own laboratory testing that the "collapsible steering shaft systems" were

1 defective and were causing separation and loss of steering control in the field, resulting in damage to  
2 property and persons, including serious injuries and/or death. At all relevant times, DCC maintained  
3 sole knowledge and understanding of the defects contained in each of the "collapsible steering shaft  
4 systems" and the resulting danger to the public, which was unknown to the plaintiff class members  
5 and the purchasing public at large, who were unaware of the nature or cause of the steering defects  
6 and had no access to DCC's research, test results, complaint reports, reports of serious injury and/or  
7 death or other information known only to DCC.

8 15. As a direct result of DCC's systematic concealment of the various defects contained  
9 in the defective "collapsible steering shaft system" from the public, plaintiffs and members of the  
10 class had no opportunity to consider or weigh the risk posed by the defective "collapsible steering  
11 shaft system" when they purchased or leased their DCC manufactured vehicles, each of which poses  
12 an ever-increasing risk to their personal safety and that of their families, to anyone who may be in the  
13 vicinity of the affected vehicles when steering control is lost, and to anyone to whom such vehicles  
14 might be resold.

15 16. DCC has failed and refused and continues to fail and refuse to acknowledge or accept  
16 responsibility for the defective "collapsible steering shaft systems" and maintains to this day that no  
17 such defects exist, except to the extent DCC proceeded with recalls 604 and 709 in 1993 and 1996,  
18 after which the defective "collapsible steering shaft system" involved in each recall was replaced  
19 with yet another defective steering system, the plastic sleeve. DCC has also failed and refused to  
20 correct the defect in any of plaintiffs' vehicles or those of the plaintiff class members, absent the  
21 actual, and potentially catastrophic failure of the defective "collapsible steering shaft system," even  
22 after knowledge of the defects and serious personal injury and/or death, and then only if the defective  
23 "collapsible steering shaft systems" was investigated by NHTSA or only if the shaft defect (which is  
24 virtually impossible to detect) is identified as the source of the problem during the period of DCC's  
25 limited warrantee.

26 ///

27 ///

28 ///

1 **TOLLING OF STATUTES OF LIMITATIONS**

2 17. DCC has engaged in a campaign of disinformation and suppression of material  
3 information that quieted consumers' suspicions and discouraged inquiries for years. By failing to  
4 disclose information concerning the defective "collapsible steering shaft systems" to appropriate  
5 governmental agencies (in addition to other acts of fraudulent concealment) DCC has succeeded in  
6 concealing from the consuming public the truth about the nature and scope of the shaft defect,  
7 despite the fact that plaintiffs exercised due diligence to detect DCC's fraudulent conduct. Detection  
8 was made even more difficult due to the fact the defective parts are internal to the steering shaft, and  
9 invisible to any ordinary inspection. As to the defective plastic sleeve, DCC represented that it was  
10 a fix for the injection molded system which was found defective and the subject of the 1993(604)  
11 and 1997 (709) recall numbers. Partial separation or complete separation is virtually undetectable,  
12 even when total separation is imminent. There is no physical warning sign of failure. Upon  
13 discovering all of the facts alleged above, plaintiff filed this action.

14  
15 **CLASS ALLEGATIONS**

16 18. Plaintiffs bring this class action pursuant to the provisions of California Code of Civil  
17 Procedure, § 382 and California Civil Code, § 1781, on behalf of themselves and all other persons  
18 similarly situated.

19 19. Plaintiffs seek to represent a class composed of all persons residing in California who  
20 meet the following criteria:

21 (a) Those who currently own or lease a 1993, 1994 or 1995 model year DCC  
22 vehicle with any of the defective "collapsible steering shaft systems" which are the subject of this  
23 complaint; and

24 (b) Those who purchased or leased a 1993, 1994 or 1995 model year DCC vehicle  
25 with any of the defective "collapsible steering shaft systems" when that vehicle was new;

26 (c) Persons who meet both of the following criteria:

27 ///

28 (i) Have paid or were charged for the cost of installing a separation

1 prevention device such as a sleeve on the intermediate shaft; and

2 (ii) Are "consumers" as that term is defined by the Consumer Legal  
3 Remedies Act ("CLRA"), California Civil Code, §§ 1760(d).

4 20. Excluded from the class are the following:

5 (a) DCC, its subsidiaries and affiliates, officers, directors, and employees;

6 (b) Persons who have suffered physical injury resulting from separation of a  
7 defective "collapsible steering shaft system" which is the subject of this complaint installed in a  
8 vehicle manufactured by DCC, as well as the legal representatives, heirs, successors or assigns of a  
9 such excluded class member;

10 (c) Persons who have filed separate, non-class legal actions against DCC asserting  
11 consumer-fraud claims based on the defective "collapsible steering shaft system" which is the  
12 subject of this complaint; and

13 (d) Persons who have settled with and validly released DCC from individual  
14 claims substantially similar to those alleged in this Complaint.

15 21. A sub-class of class members pursuing claims under the CLRA is defined as follows

16 "All class members who are 'consumers' as that term is defined at  
17 California Civil Code, § 1760(d), and who have not suffered actual  
18 damages in excess of \$1,000.00."

19 22. Plaintiffs are informed and believe that over two million persons throughout  
20 California own or lease, or have owned or leased, DCC vehicles with any of the defective  
21 "collapsible steering shaft systems" which are the subject of this complaint. The class is, therefore,  
22 so numerous and geographically dispersed that joinder of all members in one action is impractical.

23 23. DCC has acted with respect to plaintiffs and the class members in a manner generally  
24 applicable to each of them. There is a well-defined community of interest in the questions of law  
25 and fact involved, which affect all class members. The questions of law and fact common to the  
26 class predominate over the questions that may affect individual class members, including the  
27 following:

28 (a) Whether the collapsible steering shaft systems are defective;

1 (b) Whether the collapsible steering shaft systems may separate due to defect(s);

2 (c) Whether DaimlerChrysler was aware that the defective collapsible steering  
3 shaft systems may separate due to defect(s);

4 (d) Whether the collapsible steering shaft systems defect(s) constitute a safety-  
5 related defect;

6 (e) Whether DaimlerChrysler was aware, and if so, when, that separation of the  
7 collapsible steering shaft systems was a safety hazard;

8 (f) Whether DaimlerChrysler produced vehicles other than those identified in the  
9 Complaint which contained the same or similar defective collapsible steering shaft systems as those  
10 identified in NHTSA recall numbers 604 and 709, regardless of the exact dimensions required by the  
11 varying platforms and models and if so, the identity of all such vehicles including the year and make  
12 of all platforms and models of vehicles within each platform type, and all other information relating  
13 to the identity of such vehicles;

14 (g) Whether DaimlerChrysler cured or attempted to cure the defective collapsible  
15 steering shaft systems by any procedure in any of the non-recall vehicles, and if so, when, by whom,  
16 by what design, manufacturing process and/or after market fixes such as used in recalls 604 and 709;

17 (h) Whether DaimlerChrysler knew, or reasonably should have known, that its  
18 vehicles equipped with the collapsible steering shaft systems contained dangerous, latent defect(s)  
19 that can or did cause such vehicles' complete loss of steering control while in operation;

20 (i) Whether DaimlerChrysler wrongfully profited from the distribution and sale  
21 of its various vehicles as identified in Plaintiffs' Complaint (nine vehicle platform/models) or  
22 identified during discovery, from 1993 through 1995 model years, containing such defective,  
23 collapsible steering shaft systems while actively concealing such defect(s) under false pretenses;

24 (j) Whether DaimlerChrysler's own tests showed prior to or after installation that  
25 the collapsible steering shaft systems were defective and resulted in a life threatening safety defect  
26 which could or did cause separation and therefore, complete loss of steering control while the vehicle  
27 was/is in operation;

28

1 (k) Whether the same or similar defective, collapsible steering shaft systems  
2 contained in vehicles other than those subject to NHTSA recall numbers 604 and 709 were concealed  
3 by DaimlerChrysler from NHTSA during NHTSA's investigations conducted as part of the above-  
4 referenced recalls when NHTSA demanded such information in order to determine the scope of the  
5 recall intended to protect the public from the same or similar defects contained in any vehicles not  
6 yet identified and made known to NHTSA during the referenced recalls;

7 (l) Whether DaimlerChrysler has been receiving reports of shaft separation  
8 resulting from the defective, collapsible steering shaft systems in any vehicle subject to the recalls or  
9 containing the same or similar defective, collapsible steering shaft systems which were not subject to  
10 recall, and if so, identifying each and every complaint received from a dealer, NHTSA, or made  
11 directly to DaimlerChrysler from late 1992 to the present including all information related to such  
12 complaints;

13 (m) Whether the recall retrofit or some other remedial fixes correcting the same or  
14 similar defective, collapsible steering shaft systems was provided to the owners or lessors of any  
15 such vehicle not identified in recalls 604 and 709 including but not limited to all vehicle platforms or  
16 models identified in plaintiffs' operative complaint in order to (1) save money, (2) to protect the  
17 sales and to preserve the marketability of DaimlerChrysler vehicles and (3) to aid DaimlerChrysler  
18 in its effort to increase sales each year;

19 (n) Whether, if shaft separation occurred, to DaimlerChrysler's knowledge,  
20 reportedly due to a defect in the collapsible steering shaft systems, which resulted in total steering  
21 loss, while the vehicle was being driven, that could have or did result in serious injury and/or death  
22 and if so, the date such information was known by DaimlerChrysler including each and every  
23 incident of which DaimlerChrysler subsequently became aware; and

24 (o) Whether the risk of steering shaft separation due to defective, collapsible  
25 steering shaft systems has, to DaimlerChrysler's knowledge, been due in part, to defective design,  
26 testing and/or manufacture of said systems resulting in safety defect(s) which rendered the systems  
27 defective.

28

1           24. By purchasing and/or leasing vehicles with defective "collapsible steering shaft  
2 systems," plaintiffs are asserting claims that are typical of the entire class.

3           25. Plaintiffs will fairly and adequately represent and protect the interests of the class, in  
4 that they have no interests antagonistic to or in conflict with those they seek to represent.

5           26. Plaintiffs have retained counsel who have considerable experience in the prosecution  
6 of class actions and other forms of complex litigation, which have included products liability.

7           27. In view of the complexity of the issues and the expense that any individual would  
8 incur if he or she attempted to obtain relief from a large, transnational corporation such as DCC, the  
9 separate claims of individual class members lack monetary sufficiency to support separate actions.  
10 Because of the size of the individual class members claims, few, if any, class members could afford  
11 to seek legal redress for the wrongs complained of in this Complaint.

12           28. The class is readily definable, and prosecution as a class action will eliminate the  
13 possibility of repetitious litigation and will provide redress for claims too small to support the  
14 expense of individual, complex litigation. Absent a class action, class members will continue to  
15 suffer losses, DCC's violations of law will be allowed to proceed without remedy, and DCC will  
16 retain tens of millions of dollars received as a result of its wrongdoing. In addition, without a class  
17 action, the subject DCC vehicles will remain on the road in their dangerously defective condition,  
18 thereby threatening the lives of class members, their families, and anyone else who is traveling in or  
19 around the subject vehicles when their defective "collapsible steering shaft systems" fail and steering  
20 loss occurs. A class action therefore provides a fair and efficient method for adjudicating this  
21 controversy.

22           29. The prosecution of separate claims by individual class members would create the risk  
23 of inconsistent or varying adjudications with respect to millions of individual class members, which  
24 would, as a practical matter, dispose of the interests of the class members not parties to those  
25 separate actions or would substantially impair or impede their ability to protect their interests and  
26 enforce their rights.

27           30. The proposed class fulfills the certification criteria of the California Code of Civil  
28 Procedure, § 382, and California Civil Code, § 1781. Accordingly, certification is appropriate

1 pursuant to both of these statutory provisions.

2  
3 **FIRST CAUSE OF ACTION**

4 (Fraudulent Concealment)

5 31. Plaintiffs reallege, repeat and incorporate by reference each and every allegation set  
6 forth Paragraphs 1 through 29, inclusive of this Complaint.

7 32. DCC has concealed and suppressed material facts pertaining to the defective  
8 "collapsible steering shaft system" on the DCC vehicles which are the subject of this Complaint from  
9 the consuming public and from government agencies whose function is to police the conduct of the  
10 automotive industry:

11 (a) That DCC's own test results showed that the "collapsible steering shaft  
12 systems" were defective and that said defects could cause separation and therefore, complete loss of  
13 steering control.

14 (b) That the defective "collapsible steering shaft system" was admitted by DCC  
15 in response to NHTSA's investigation into other model vehicles of DCC which used the same or  
16 similar steering systems.

17 (c) That DCC has been receiving reports of shaft separation as a result of  
18 defective "collapsible steering shaft system" since 1994.

19 (d) That the recall retrofit provided for other DCC vehicles with the same  
20 defective "collapsible steering shaft system" was not provided to plaintiffs herein in order to save  
21 money and to preserve the marketability of DCC vehicles.

22 (e) That if shaft separation occurred due to the defective "collapsible steering  
23 shaft system," total steering loss could occur which could result in serious injury and/or death.

24 (f) That the risk of shaft separation due to the defective "collapsible steering shaft  
25 system" is cumulatively greater with the passage of time, so that the longer a vehicle is in operation,  
26 the greater the likelihood of shaft failure and separation.

27 33. DCC had a duty to disclose to plaintiffs the facts pertaining to the defective  
28 "collapsible steering shaft system" by virtue of (a) DCC's knowledge that plaintiffs were not

1 reasonably likely to discover the facts about the defect because such facts were known by and  
2 accessible only to DCC; (b) DCC's active concealment of those facts from plaintiffs and members  
3 of the class and from NHTSA; and (c) DCC's statutory and common law obligations to disclose  
4 product defects to the consumers of those products and to NHTSA.

5 34. Despite its duty to disclose the material facts set forth in this Complaint, DCC  
6 actively concealed and suppressed those facts with the intent of defrauding plaintiffs and the class  
7 members. Plaintiffs and the class members were unaware of those facts, and would not have acted as  
8 they did if they had known of the facts DCC actively concealed and suppressed.

9 35. As a legal result of DCC's concealment and suppression of material facts, plaintiffs  
10 and the class which he seeks to represent, have sustained damage by, *inter alia*, paying more for their  
11 vehicles than the market would bear had the defective "collapsible steering shaft system" been  
12 disclosed. The willful and deliberate nature of DCC's conduct also entitles plaintiffs and each class  
13 member an award of punitive damages. The total amount of damages suffered by plaintiffs and  
14 members of the class will be proved at trial.

## 15 16 SECOND CAUSE OF ACTION

### 17 (Deceptive Practices in Violation of the CLRA)

18 36. Plaintiffs reallege, repeat and incorporate herein by reference each and every  
19 allegation contained in Paragraphs 1 through 34, inclusive, of this Complaint.

20 37. This cause of action is brought pursuant to the Consumer Legal Remedies Act, Civ.  
21 Code § 1750, et seq. The acts and practices described in this Complaint were intended to result in  
22 the sale of motor vehicles to the consuming public. DCC's acts and practices violated, and continue  
23 to violate, the CLRA in at least the following respects:

24 (a) Representing that millions of vehicles with defective "collapsible steering  
25 shaft systems" have characteristics, uses or benefits that they do not have, in violation of § 1770(5)  
26 of the CLRA;

27 (b) Representing that millions of vehicles with defective "collapsible steering  
28 shaft systems" are of a particular standard, quality or grade when they are of another, in violation of





1 public of the true nature and scope of the pin/clip shaft defect, and its potential for causing serious  
2 injuries and death, at no cost to consumers;

3 8. For injunctive relief in the form of an Order requiring DCC to recall and retrofit  
4 vehicles with pin/clip shafts in a manner that would prevent the possibility of their separation;

5 9. For an award of attorneys' fees pursuant to, *inter alia*, § 1780(d) of the CLRA and  
6 California Code of Civil Procedure, § 1021.5;

7 10. For an award of costs;

8 11. For pre-judgment and post-judgment interest on any amounts awarded; and

9 12. For such other and further relief as the Court deems just and proper.

10

11 DATED: April 8, 2002

Herbert Hafif  
Larry A. Sackey  
Wayne J. Austero  
**LAW OFFICES OF HERBERT HAFIF, APC**

12

13

Robert S. Kilborne IV  
**LAW OFFICES OF ROBERT S. KILBORNE IV**

14

15

Robert Feinstein  
**LAW OFFICES OF ROBERT FEINSTEIN**

16

17

By \_\_\_\_\_

18

Robert S. Kilborne IV  
Attorneys for Plaintiffs

19

On Behalf of Themselves and All Others Similarly  
Situated.

20

21

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Chrysler Corporation  
Featherstone Road Center

## DEFECT INFORMATION REPORT #604

Submission date: December 6, 1993

### Identifying classification of vehicles potentially affected:

<u>Make</u>	<u>Model</u>	<u>Model Year</u>	<u>Inclusive Dates of Manufacture</u>	<u>Volume</u>
Jeep	Grand Cherokee Grand Wagoneer	1993	Mid-December, 1992 through the end of the model year	115,000 (est.)

Estimated percentage containing defect: Unknown

### Description of defect:

The upper steering column shaft may separate from the lower column shaft at the molded plastic pin connection if the pin connection is inadvertently sheared prior to installation of the column into the vehicle.

### Events which were the basis for determining existence of defect:

Several field reports of steering column separation were received by Chrysler including two provided with NHTSA's PE93-091 inquiry. Investigation of the reports revealed that the conditions resulted from a combination of sheared steering column shaft plastic pins and the degree of movement available with the collapsible column-to-gear intermediate shaft which was incorporated in mid-December, 1992 for assembly convenience purposes. Chrysler has determined that the plastic retaining pins can not be sheared during normal vehicle usage after the column is assembled into the vehicle. Though the potential scope of inadvertent shearing of the pins prior to column installation is unknown, it was determined that field corrective action was necessary based on the potential consequence of the condition.

### Statement of measures to be taken to correct defect:

A restraining sleeve will be added to the intermediate shaft to limit the amount of steering column shaft movement available in the event that the molded plastic pins were broken prior to steering column installation.

Chrysler Corporation

January 25, 1994

Mr. William A. Boehly, Associate Administrator for Enforcement  
Office of Defects Investigation, Enforcement  
National Highway Traffic Safety Administration  
U. S. Department of Transportation  
400 Seventh Street, S.W.  
Washington, D.C. 20590

Dear Mr. Boehly:

Reference: NHTSA Identification Number 93V-210

Enclosed are representative copies of communications relating to the 1993 model year vehicles involved in the referenced recall. The exact number of vehicles is 123,031.

The involved Vehicle Identification Number range is:

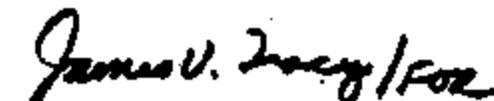
<u>Low</u>	<u>High</u>
PC501281	PC715610

(VIN last eight characters) - P = 1993 Model Year; C = Jefferson North Assembly Plant, Detroit, Michigan; and last six digits = sequential number.

We caution that the above range represents only the lowest and highest VIN sequential numbers included in the recall. This range cannot be used to determine conclusively that a vehicle is involved in the recall because many vehicles with a VIN within the range are not affected by the recall.

This completes Chrysler's package of information for this recall as required by the Defects Report Regulation.

Sincerely,

  
Dale E. Dawkins

Enclosures: Recall #604

cc: Charles L. Gauthier

No. 604  
January, 1994

To: All Jeep® & Eagle Dealers

Subject: Safety Recall #604 -- Steering Shaft

Models: 1993 Model Year Jeep Grand Cherokee and Grand Wagoneer (ZJ) Vehicles  
Built From December 18, 1992 Through the End of the Model Year

If the molded plastic steering column pin connection was inadvertently sheared before installing the column into the vehicle, the lower column shaft may separate from the upper column shaft and cause a loss of steering control. To correct this condition, a sleeve must be installed on the intermediate steering shaft to limit movement of the lower column shaft.

**IMPORTANT:** Some of the involved vehicles may be in dealer inventory. Federal law requires you to complete this recall service on these vehicles before retail delivery.

Details of this service action are explained in the following sections.

#### Service Procedure Videotape

No videotape of the service procedure for this recall will be provided.

#### Dealer Notification & Vehicle List

**Involved dealers:** Each dealer to whom involved vehicles were invoiced (or the current dealer at the same street address) will receive a copy of this dealer recall notification letter and a list of the involved vehicles by Certified Mail.

**Important:** Dealer notification by Certified Mail is required by federal law for all safety recalls. Responsible dealership personnel should be instructed to sign for this Certified Mail without hesitation as it concerns urgent safety recall information.

The Vehicle List is arranged in Vehicle Identification Number (VIN) sequence. Owners known to Chrysler are also listed. The lists are for dealer reference in arranging for service of involved vehicles.

**All dealers:** Each Jeep & Eagle dealer will receive a copy of this dealer recall notification letter by first class mail.

#### DIAL System Function 70

All involved vehicles will be entered to DIAL System Function 70 at the time of recall implementation for dealer inquiry by VIN as needed.

## Parts

Important: Each involved dealer, to whom vehicles in the recall were invoiced (or the current dealer at the same street address), will receive, and be billed for, enough Steering Shaft Sleeve Packages, Recall PN C3906040, to service 25% of those vehicles. Additional parts may be ordered by all dealers, as needed, to support customer demand.

Each parts package contains the following components:

<u>Quantity</u>	<u>Description</u>
1	Sleeve, Intermediate Steering Shaft
1	Tie strap
1	Instruction Sheet

## Owner Notification and Service Scheduling

All involved vehicle owners known to Chrysler are being notified of the service requirement by first class mail. They are requested to schedule appointments for the service with their dealers at the earliest possible date. A copy of the owner notification letter is attached.

Enclosed with each owner notification is an Owner Notification Form. The involved vehicle and recall are identified on the form for owner or dealer reference as needed.

## Service Procedure

1. Remove and set aside the stone shield covering the lower portion of the intermediate shaft at the steering gear (Figure 1).

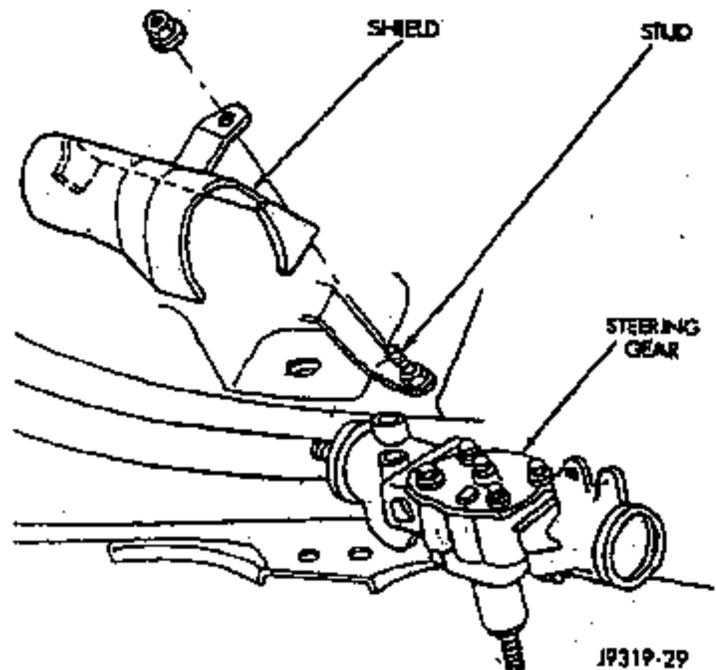


Figure 1

Service Procedure (Continued)

2. Install the provided sleeve around the intermediate steering shaft so that the open side of the sleeve is facing the round portion of the shaft (Figure 2).

**Note:** If there is not enough length for the sleeve to fit on the intermediate shaft, use a screwdriver placed against the upper boss of the intermediate shaft to gently work the lower steering column shaft back up into the column as shown in Figure 3. Then, install the sleeve.

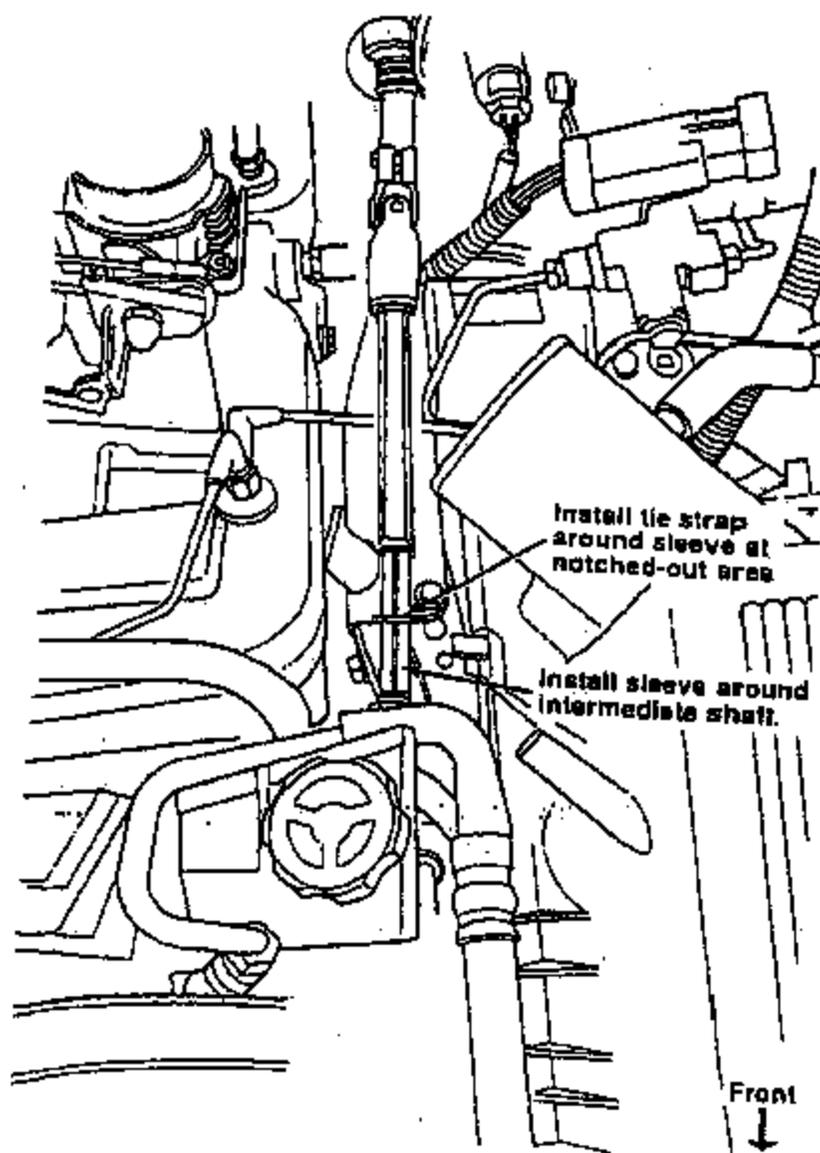


Figure 2

Service Procedure (Continued)

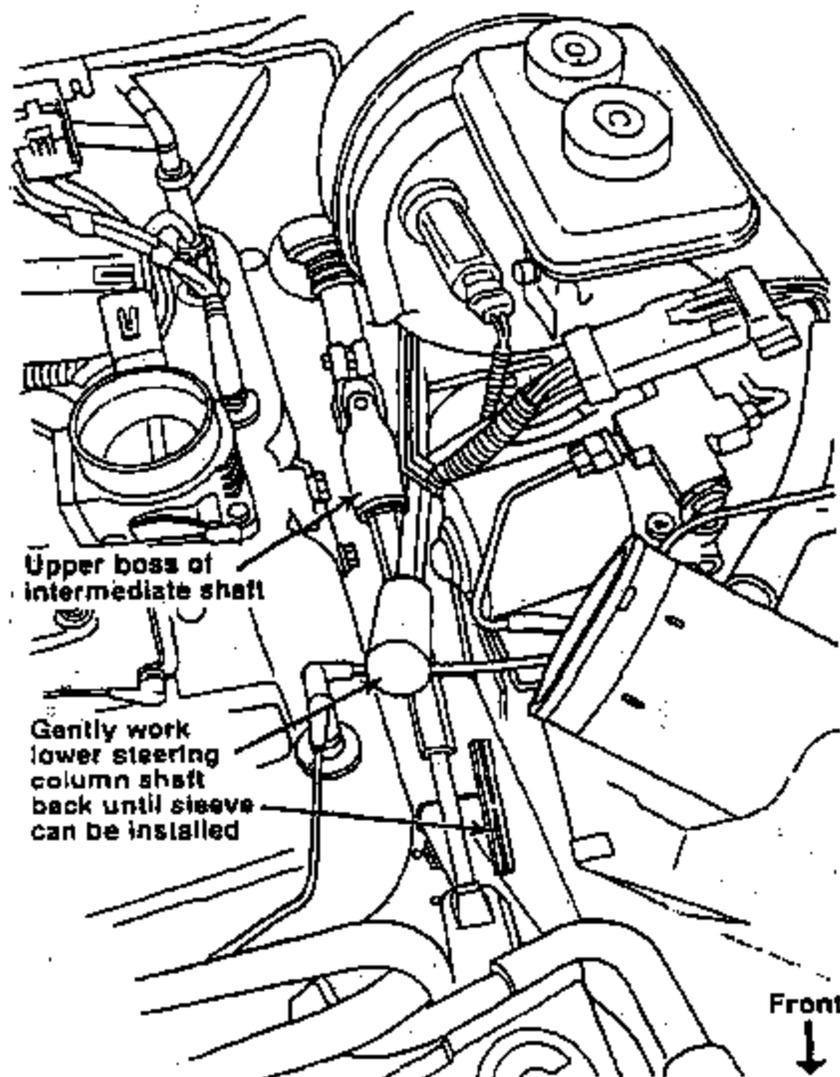


Figure 3

3. Install the tie strap around the sleeve and position it in the center notched-out area of the sleeve (Figure 2). Cut off the free end of the tie strap.
4. Reinstall the stone shield.

Completion Reporting and Reimbursement

Claims for vehicles which have been serviced must be submitted on the DIAL System. Claims submitted will be used by Chrysler to record recall service completions and provide dealer payments.

**Completion Reporting and Reimbursement (Continued)**

Use the following labor operation number and time allowance:

	Labor Operation Number	Time Allowance
Install intermediate shaft sleeve	19604182	0.2 Hours

Add the cost of the recall parts package plus applicable dealer allowance to your claim.

**Note:** See Warranty Policy and Procedure Manual, Chapter 6, Subsection H for complete recall claim processing instructions.

**Parts Return**

Not applicable.

**Vehicle Not Available**

If a vehicle is not available for service for a known reason, let us know by filling out the pre-addressed Vehicle Disposition Form portion of the Owner Notification Form or describe the reason on a postcard and mail to:

Chrysler Corporation 429-10-04  
P.O. Box 1919  
Detroit, Michigan 48231-1919

Following the above procedures will expedite the processing of your claim.

If you have any questions or need assistance in completing this action, please contact your Zone Service Office.

Customer Services Field Operations  
Chrysler Corporation

Chrysler Corporation

**SAFETY RECALL -- Steering Shaft**

Dear Chrysler Corporation Vehicle Owner:

This notice is sent to you in accordance with the requirements of the National Traffic and Motor Vehicle Safety Act.

Chrysler Corporation has determined that a defect which relates to motor vehicle safety exists in some 1993 model Jeep® Grand Cherokee and Grand Wagoneer vehicles. The lower steering column shaft may separate from the upper column shaft. This will result in a loss of steering control and could cause an accident without prior warning.

Your vehicle, identified on the enclosed form, is affected. For this reason we ask that you arrange for service to correct the condition without delay. The service and required parts as described in this letter will be provided free of charge.

To correct the condition your dealer will install a special sleeve around the steering shaft to prevent any potential for steering column shaft separation.

The work will take less than one-half hour to complete. However, additional time may be required depending on how dealer appointments are scheduled and processed. To obtain this free service:

- Contact your dealer as soon as possible to schedule an appointment for the service.
- Take the enclosed Owner Notification Form with you at the time of your appointment and give it to your dealer. The form identifies the vehicle and the service that is required.

If you have any problem obtaining the needed repair, please call the Chrysler Customer Center, toll free, at (800) 992-1997. A representative will assist you in getting your vehicle repaired.

We regret any inconvenience which this action may cause you. However, we are concerned about your safety. If your dealer fails or is unable to remedy this defect without charge and within a reasonable time, you may submit a written complaint to the Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590, or call the Toll Free Auto Safety Hotline at 1-800-424-9393. (Washington D.C. area residents may call 366-0123.)

Thank you for your attention to this important matter.

Customer Services Field Operations  
Chrysler Corporation

*Buckle up  
for Safety* 

# IMPORTANT

## DEALER SERVICE INSTRUCTIONS Safety Recall #604 - Steering Shaft

- This service requirement applies only to 1993 model year Jeep Grand Cherokee and Grand Wagoneer (ZJ) vehicles built from December 18, 1992 through the end of the model year.
- If the molded plastic steering column pin connection was inadvertently sheared before installing the column into the vehicle, the lower column shaft may separate from the upper column shaft and cause a loss of steering control. To correct this condition, a sleeve must be installed on the intermediate steering shaft to limit movement of the lower column shaft.

604

### Dealer Notification & Vehicle List

**Involved Dealers:** Each dealership which involved vehicles are in the current dealer at the same time, and will receive a copy of this recall notice and a list of the involved vehicles by the dealer.

**Important:** Dealer notification by certified mail is required by law for safety recalls. Participating dealership personnel should be instructed to sign for the certified mail without restriction as it is a legal document.

The VINs of the involved vehicles are listed in the list for the dealer. The list for the dealer is attached.

All dealers from Chrysler dealers will receive a copy of this recall notice.

**Dual System Function:** All involved vehicles will be automatically notified by dealer inquiry by the...

# **IMPORTANT**

## **DEALER SERVICE INSTRUCTIONS Safety Recall #709 -- Steering Shaft**

- This service requirement applies only to 1994 and 1995 model year Dodge Ram (BR) trucks.
- If the collapsible steering column shaft internal retainers break, the lower column shaft may separate from the upper column shaft and cause a loss of steering control. To prevent this condition, a sleeve must be installed on the intermediate steering shaft to limit movement of the lower column shaft.

### **Parts Packages:**

- Each involved dealer, to whom vehicles in the recall were invoiced, will receive enough of each Steering Shaft Sleeve Package to service about 25% of those vehicles.

# Recall Notification

No. 709  
January, 1997

**To:** All Dodge Truck Dealers

**Subject:** Safety Recall #709 - Steering Shaft

**Models:** 1994 and 1995 Model Year Dodge Ram (BR) Trucks

If the collapsible steering column shaft internal retainers break, the lower column shaft may separate from the upper column shaft and cause a loss of steering control. To prevent this condition, a sleeve must be installed on the intermediate steering shaft to limit movement of the lower column shaft.

**IMPORTANT: Some of the involved vehicles may be in dealer used vehicle inventory. Dealers should complete this recall service on these vehicles before retail delivery. Dealers should also perform this recall on vehicles in for service as determined by using DIAL System Function 70.**

Details of this service action are explained in the following sections.

#### **Service Procedure Videotape**

No videotape of the service procedure for this recall will be provided.

#### **Dealer Notification & Vehicle List**

**Involved dealers:** Each dealer to whom involved vehicles were invoiced (or the current dealer at the same street address) will receive a copy of this dealer recall notification letter and a list of the involved vehicles by first class mail.

The Vehicle List is arranged in Vehicle Identification Number (VIN) sequence. Owners known to Chrysler are also listed. The lists are for dealer reference in arranging for service of involved vehicles.

**All other dealers:** Each Dodge Truck dealer who does not receive a Vehicle List will receive a copy of this dealer recall notification letter by first class mail.

#### **DIAL System Functions 53, 70 and VIP**

All involved vehicles will be entered to DIAL System Functions 53, 70 and VIP at the time of recall implementation for dealer inquiry as needed.

**Parts**

**Important:** A quantity of parts will be distributed initially and billed to all involved dealers. This quantity will cover a portion of the total vehicles involved. Additional parts may be ordered as needed to support customer demand.

Each involved dealer, to whom vehicles in the recall were invoiced (or the current dealer at the same street address), will receive enough of each Steering Shaft Sleeve Package to service about 25% of those vehicles. Steering Shaft Sleeve package application is as follows:

Vehicle Model	Package PN
All 4x2 vehicles <b>except</b> <b>3500 Series Cab/Chassis</b> <b>vehicles</b>	CATK7091
3500 Series Cab/Chassis 4x2 vehicles	CARK7092
All 4x4 vehicles	CARK7092

Each parts package contains the following components:

<u>Quantity</u>	<u>Description</u>
1	Sleeve, Steering Shaft
3	Tie Strap
1	Instruction Sheet

**Owner Notification and Service Scheduling**

All involved vehicle owners known to Chrysler are being notified of the service requirement by first class mail. They are requested to schedule appointments for the service with their dealers. A copy of the owner notification letter is attached.

Enclosed with each owner notification is an Owner Notification Form. The involved vehicle and recall are identified on the form for owner or dealer reference as needed.

Service Procedure

1. Pull back the lower intermediate steering shaft boot to allow room for sleeve installation (Figure 1).

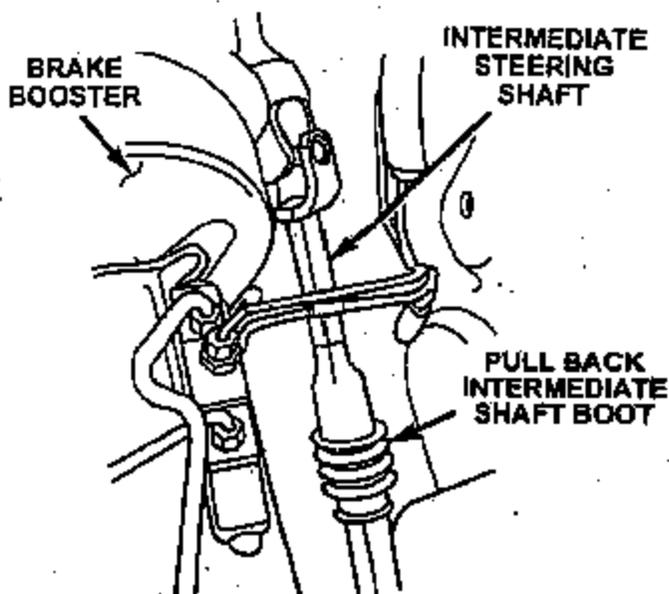


Figure 1

2. With the front wheels in the straight ahead position, snap the provided sleeve over the intermediate shaft with the open side of the sleeve facing downward (Figure 2).

**NOTE:** If there is not enough shaft length for the sleeve to fit on the intermediate shaft, use a screwdriver placed against the upper boss of the intermediate shaft to gently work the lower steering column shaft back up into the steering column (Figure 3). Then install the sleeve.

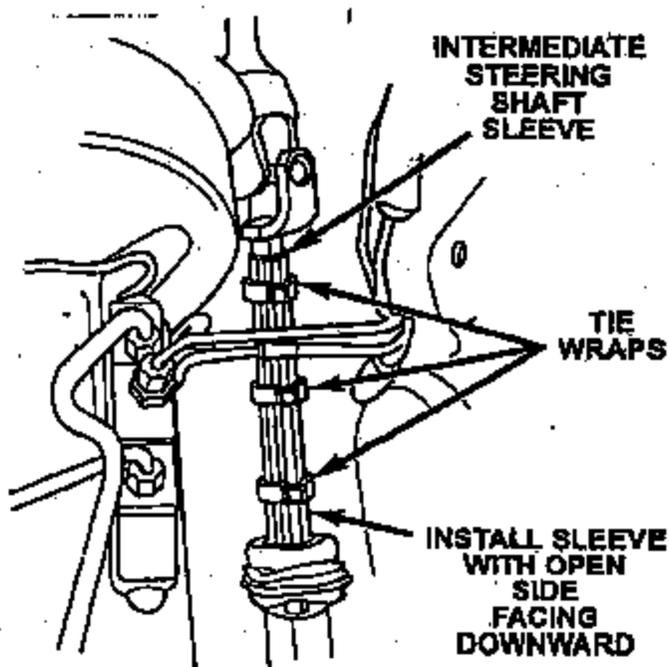


Figure 2

Service Procedure (Continued)

3. Install the three (3) provided tie straps around the sleeve, positioning them in the center of each notched-out area of the sleeve (Figure 2). Cut off the free ends of the straps.
4. Install the intermediate shaft boot over the lower end of the sleeve.

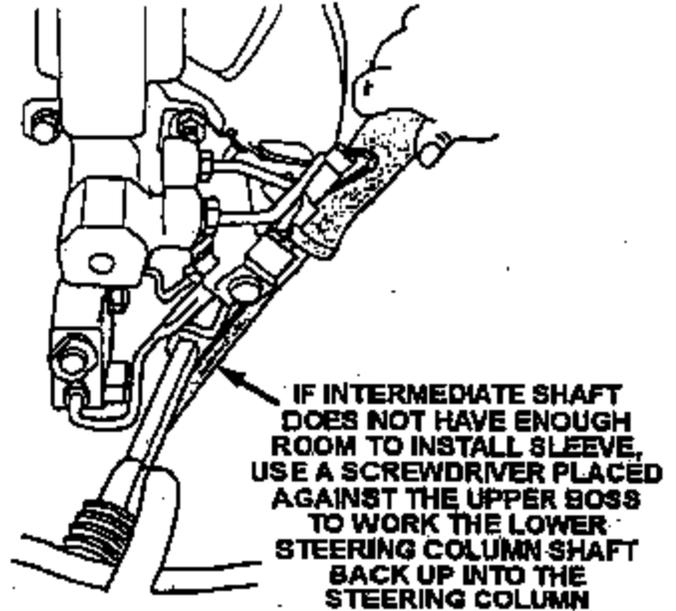


Figure 3

**Completion Reporting and Reimbursement**

Claims for vehicles which have been serviced must be submitted on the DIAL System. Claims submitted will be used by Chrysler to record recall service completions and provide dealer payments.

Use the following labor operation number and time allowance:

	<b>Labor Operation Number</b>	<b>Time Allowance</b>
Install steering shaft sleeve	19709182	0.2 hours

Add the cost of the recall parts package plus applicable dealer allowance to your claim.

**Note:** See the Warranty Administration Manual, Recall Claim Processing Section for complete recall claim processing instructions.

**Parts Return**

Not applicable.

**Safety Recall #709 – Steering Shaft**  
**January, 1997**

Page 5

**Vehicle Not Available**

If a vehicle is not available for service for a known reason, let us know by filling out the pre-addressed Vehicle Disposition Form portion of the Owner Notification Form or describe the reason on a postcard and mail to:

**Chrysler Corporation**  
**CIMS 482-00-85**  
**800 Chrysler Drive East**  
**Auburn Hills, Michigan 48326-2757**

Following the above procedures will expedite the processing of your claim.

If you have any questions or need assistance in completing this action, please contact your Zone Service Office.

**Customer Services Field Operations**  
**Chrysler Corporation**

## ***SAFETY RECALL TO INSTALL A SLEEVE ON YOUR VEHICLE'S STEERING SHAFT***

Dear Ram Truck Owner:

This notice is sent to you in accordance with the requirements of the National Traffic and Motor Vehicle Safety Act.

Chrysler Corporation has determined that a defect which relates to motor vehicle safety exists in some 1994 and 1995 Dodge Ram trucks.

***The problem is...*** The lower steering column shaft on your Ram truck (identified on the enclosed form), may separate from the upper column shaft. This will result in a loss of steering control and could cause an accident without prior warning.

***What Chrysler and your dealer will do...*** Chrysler will repair your Ram truck free of charge (parts and labor). To do this, your dealer will install a special sleeve around the steering shaft to prevent any potential for steering column separation. The work will take less than one-half hour to complete. However, additional time may be necessary depending on how dealer appointments are scheduled and processed.

***What you must do to ensure your safety...***

- Simply contact your dealer right away to schedule a service appointment. Ask the dealer to hold the parts for your vehicle or to order them before your appointment.
- Bring the enclosed Owner Notification Form with you to your dealer. It explains the required service to the dealer.

***If you need help...*** If you have trouble getting your vehicle repaired, please call the Chrysler Customer Center, toll free, at 1-800-853-1403. A representative will assist you in getting your vehicle repaired. If your dealer fails or is unable to remedy this defect without charge and within a reasonable time, you may submit a written complaint to the Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590, or call the Toll Free Auto Safety Hotline at 1-800-424-9393. (Washington, D.C. area residents may call 366-0123.)

We're sorry for any inconvenience, but we are sincerely concerned about your safety. Thanks for your attention to this important matter.



Susan M. Clischke  
Executive Director  
Vehicle Certification Compliance & Safety Affairs

May 21, 1997

Ms. Kathleen C. Demeter, Director  
Office of Defects Investigation  
National Highway Traffic Safety Administration  
U.S. Department of Transportation  
400 Seventh Street, S.W.  
Washington, D.C. 20590

Dear Ms. Demeter:

Reference: NSA-11ntr; RQ97-004

This document responds to the referenced inquiry dated April 24, 1997 regarding information on a recall 93V-210 involving 1993 model year Jeep Grand Cherokee and Grand Wagoneer vehicles.

Chrysler Corporation requests that the drawings referenced in the Attachment, question 3, be given confidential treatment and be withheld from public disclosure. These drawings, withheld from this submission and marked "confidential", are being submitted in a separate package directly to NHTSA's Office of Chief Counsel. That package contains a letter setting forth the justification for confidential treatment, and an appropriate declaration of confidentiality.

Chrysler's review of the information provided in this response concludes that steering shaft separation, the subject issue of the recall 93V-210 is not applicable to the 1993 through 1995 model year Jeep Cherokee or 1994 and 1995 model year Jeep Grand Cherokee vehicles. The spring clip added to the steering column shafts for the 1995 model year Cherokee and 1994 and 1995 model year Grand Cherokee vehicles provides a mechanical interference between the shafts, preventing the potential for separation. Further, the 1993 through 1995 model year Jeep Cherokee vehicles utilize a different, non-sliding intermediate shaft than that used in the 1993 model year Grand Cherokee vehicles.

Based on our analysis, Chrysler does not consider the complaints associated with this report to relate to the reasons for voluntarily recalling the 1993 Grand Cherokee vehicles.

Sincerely,

Susan M. Clischke  
Executive Director  
Vehicle Compliance and Safety Affairs

Ms. Kathleen C. DeMeter  
Reference NSA -11 ntn; RQ97-004  
May 21, 1997  
Page 1 of 7

- Q1. State the total number of the subject Cherokee vehicles that Chrysler has sold in the United States by make, model, model year, and assembly plants.**
- A1. The following chart describes the production volume of the subject Cherokee vehicles produced for sale in the United States.**

<u>Make</u>	<u>Model</u>	<u>Assembly Plant</u>	<u>Volume</u>		
			<u>1993</u>	<u>1994</u>	<u>1995</u>
Jeep	Cherokee	Toledo	116,668	122,946	186,221
Jeep	Grand Cherokee	Jefferson North	Not Req'd	263,375	281,749

- Q2. State any design or material differences between the steering column assembly used in the subject Cherokee vehicles and the 1993 Jeep Grand Cherokee/Grand Wagoneer that was included in recall 93V-210.**
- A2. The steering column used on the 1993 and 1994 model year Cherokee was produced by Saginaw Steering Gear. This column is a unique design from the column used on the 1993 through 1995 model year Grand Cherokee vehicles.**
- The 1995 Jeep Cherokee vehicles were equipped with steering columns that contain a secondary retention feature that was not part of steering columns involved in recall 93V-210. The secondary retention feature is a spring steel clip designed as a mechanical interference between the upper and lower steering column shafts. The introduction date for this feature was June 30, 1993 for the start of the 1994 model year.
- Q3. Provide the part list, assembly drawings, and detail drawings of the steering column assembly for each of the subject Cherokee vehicles and 1993 Grand Cherokee by model year. The detail drawings should include, but not be limited to, the dimensions of the molded plastic pin connection, its location and material specification.**
- A3. Engineering drawings of the steering column assemblies used on the subject vehicles are submitted separately with a request for confidentiality, to Ms. Heidi Coleman, Esq.**
- Q4. Identify and describe the action(s) taken on the Grand Cherokee/Cherokee production lines to prevent the steering column's plastic pin connection from inadvertently being damaged or sheared. This should include, but not be limited to, a description of the inspection procedure(s), type of inspection, defect reports, and inspection record.**

Ms. Kathleen C. DeMeter  
Reference NSA -11 ntn; RQ97-004  
May 21, 1997  
Page 2 of 7

- A4. All Grand Cherokee vehicles, and Cherokee vehicles produced for the 1993 model year, utilize the same "basic design" steering column. At the column manufacturing facility, a steel retaining pin is installed into the steering column prior to shipping to the assembly plants. The pin can not be installed into the column if the plastic shear pins have been damaged. The retaining pin is not removed until after the column is completely assembled into the vehicle.

A product engineering bulletin was issued on June 30, 1993 to inform assembly personnel of special handling considerations of the steering column prior to installation in the vehicles. A copy of this bulletin is enclosed in Enclosure 1.

- Q5. Identify the supplier of the steering column assembly for the subject Cherokee vehicles and the 1993 Grand Cherokee/Grand Wagoneer.
- A5. The steering column supplier for 1993 and 1994 model year Jeep Cherokee vehicles is Saginaw Steering, a division of GMC Delphi Products.

The steering column supplier for the 1995 Jeep Cherokee and 1993 through 1995 model year Grand Cherokee vehicles is Chrysler's Toledo Machining plant.

- Q6. Furnish the number and copies of all the following:
- a. owner reports or consumer complaints; and
  - b. other reports, field reports, surveys, or investigations from all sources either received or authorized by Chrysler, or of which Chrysler is otherwise aware;

pertaining to the alleged defect in the steering column assembly of the subject Cherokee vehicles from June 1, 1992, to date. This would include, but not be limited to, complaints or information provided by various consumer groups, government agencies, insurance companies, and other entities which would have provided such information to Chrysler. Furnish all reports whether or not Chrysler has verified each report, including all correspondence, notes, memoranda, and other records pertaining or relating to the performance of the assemblies (or components thereof) on the subject vehicles.

Ms. Kathleen C. DeMeter  
Reference NSA -11 ntn; RQ97-004  
May 21, 1997  
Page 3 of 7

A6. The following information was compiled for each NHTSA VOQ and Chrysler owner complaint related to the subject issue. The customer contact report, where available and noted, is provided in Enclosure 2.

1. Source: NHTSA VOQ  
VIN: 1J4FJ28S3SL553259  
Name: Kravitz  
Vehicle: 1995 Jeep Cherokee

Unable to verify alleged steering column complaint. No information is available at Chrysler to evaluate this complaint.

2. Source: NHTSA VOQ  
VIN: Not Available  
Name: Not Available  
Vehicle: 1993 Jeep Grand Cherokee

Unable to investigate the allegation. This is a 1993 model year vehicle and the complaint date is prior to the recall launch date; it was likely covered under the recall campaign.

3. Source: NHTSA VOQ  
VIN: 1J4GX58S4PC688190  
Name: Vasquez  
Vehicle: 1993 Jeep Grand Cherokee

Our information establishes that this vehicle was included in recall 93V-210 (in-service on 5/31/93) and the complaint date is prior to the recall launch date.

4. Source: NHTSA VOQ  
VIN: 1J4GZ58S4RC224532  
Name: Garrett  
Vehicle: 1994 Jeep Grand Cherokee

This vehicle alleged steering complaint was resolved by replacing the steering gear assembly. The warranty record which establishes this repair is included in Enclosure 3.

5. Source: NHTSA VOQ  
VIN: Not Available  
Name: Not Available  
Vehicle: 1994 Jeep Grand Cherokee

Ms. Kathleen C. DeMater  
Reference NSA -11 ntn; RQ97-004  
May 21, 1997  
Page 4 of 7

The NHTSA VOO complaint clearly indicates "bolts on steering shaft" as the customer concern. Chrysler recall #804(93V-21Q) does not involve steering shaft "bolts". No information is available to investigate the allegation.

6. Source: NHTSA VOO  
VIN: 1J4GZ78Y1SC757735  
Name: Jequish  
Vehicle: 1995 Jeep Grand Cherokee

This vehicle may pertain to the subject issue, however no parts or other information is available to substantiate the allegation.

7. Source: Chrysler Field Report  
VIN: 1J4GZ58S5SC698544  
Name: Smith  
Vehicle: 1995 Jeep Grand Cherokee

This vehicle may pertain to the subject issue, however no parts or other information is available to substantiate the allegation.

Q7. Furnish the number and copies of each of the following:

- a. all crashes or injury incidents;
- b. all subrogation claims; and
- c. all lawsuits, both pending and closed, by caption, jurisdiction, and docket number, in which Chrysler is or was a defendant (or codefendant), or of which Chrysler is otherwise aware.

The crashes, injury incidents, subrogation claims, and lawsuits would include, but necessarily be limited to, all those which may have occurred, at least in part, to circumstances, conditions, or problems caused by the alleged defect in the steering column assembly of the subject Cherokee vehicles from June 1, 1992, to date. Provide a brief synopsis of each case including Chrysler's analysis of the alleged incident, a description of any injuries or property damage involved, the identification of the vehicle (model, model year, and VIN), and the vehicle owner (name and address). Identify all parties involved in each lawsuit and furnish representative copies of pleadings and/or legal briefs filed on behalf of Chrysler in these lawsuits. Furnish information on all incidents, claims, or lawsuits whether or not Chrysler has verified each, including all correspondence, notes, memoranda, and other records pertaining or relating to the performance of the assemblies (or components thereof) on the subject vehicles.

Ms. Kathleen C. DeMeter  
Reference NSA -11 ntn; RQ97-004  
May 21, 1997  
Page 5 of 7

- A7. Chrysler is not aware of any warranty subrogation claims that relate to the subject issue.

Enclosure 4 contains additional information that relates to a NHTSA VOQ input: owner name - Komstein, VIN 1J4GZ78SXSC627450. This claim alleges a vehicle accident that was caused by a loss of steering control.

A single lawsuit has been identified that alleges a steering column separation complaint, and is also included in Enclosure 4. Chrysler believes the information regarding this incident does not support the allegation of steering column separation. The accident report and lawsuit claim both indicate the driver was able to swerve away from the road obstructions before losing control of the vehicle and therefore had not separated the steering column shaft. The information available from this report is not sufficient to support the claim of steering column shaft separation.

- Q8. Furnish a summary incident table of the reports or incidents from items 6 and 7 above, identifying the owner's name, model, model year, and VIN of the vehicle, the date of the incident, the state or territory of the U.S. the vehicle was registered in at the time of the incident, and a brief description of any injuries associated with the incident.
- A8. All available information associated with these reports is included with the enclosures. Chrysler does not have a summary table of these reports.
- Q9. State the total number of warranty claims, including extended warranty claims, and requests for "good will," field or zone adjustments received by Chrysler that relate to the alleged defect on the subject Cherokee vehicles by model, calendar month and year, and problem code. Each problem claim code must be identified.
- A9. Enclosure 5 contains warranty claim data for the replacement of the steering column assembly on the Jeep Cherokee and Grand Cherokee vehicles as readily available from our warranty compilation and summary system. The warranty claim data is for the following failure codes: broken or cracked or improperly installed. All of the failure codes have computed warranty rates (claim's per 100 vehicles) that are no greater than 0.057 as shown below. Additionally, there is no apparent difference between the claim rates for the Cherokee and Grand Cherokee columns even though the alleged failure only applies to the latter vehicles because of uniqueness in the intermediate shaft design.

The warranty codes for replacement of the steering column assembly apply to the following steering column features in addition to the subject issue:

Ms. Kathleen C. DeMeter  
 Reference NSA -11 ntn; RQ97-004  
 May 21, 1997  
 Page 6 of 7

gearshift operation, tilt steering wheel, ignition interlock, etc.

From this information, there is no indication of a failure trend or design defect of the steering column assembly.

Model Year	1993				1994				1995			
	Cherokee		Cherokee		Grand Cherokee		Cherokee		Grand Cherokee			
Production Years	176,858		122,848		253,375		186,221		287,748			
	Claims	%/100	Claims	%/100	Claims	%/100	Claims	%/100	Claims	%/100		
Number of Cracked	10	0.006	12	0.010	119	0.047	105	0.056	182	0.063		
Improperly Installed	32	0.018	23	0.019	62	0.024	74	0.040	108	0.038		

Q10. State the total number of the steering column assemblies sold for use on the subject Cherokee vehicles by part number, calendar month, and year of sales.

A10. Enclosure 6 contains the requested information for part sales to dealers.

Q11. If Chrysler has issued any service or technical bulletins, advisories, or other communications to dealers, zone offices, or field offices pertaining to the alleged defect in the subject Cherokee vehicles, provide a copy of each such document. If no such documents have been issued, so state.

A11. Chrysler has not issued any service or technical bulletins, advisories, or other communications to dealers, zone offices, or field offices pertaining to the alleged defect in the subject Cherokee vehicles.

Q12. Identify and describe all significant modifications or changes made by or on behalf of Chrysler or its suppliers in the manufacture, design, or material composition of the steering column assembly that could relate to the alleged defect in the subject Cherokee vehicles from beginning of production to date. The following information must be included for each such modification or change:

- a. the approximate date on which the modification or change was incorporated into production;
- b. a description of the modification or change;
- c. the reason for the modification or change; and
- d. whether the modified or changed components can be interchanged with earlier production components.

Ms. Kathleen C. DeMeter  
Reference NSA -11 ntn; RQ97-004  
May 21, 1997  
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A12. The corporate design steering column used on the 1993 through 1995 model year Jeep Grand Cherokee vehicles was modified on June 30, 1993 for the start of the 1994 model year by adding a spring clip to the steering column shaft assembly to provide a mechanical interference between the upper and lower shafts. This change to the steering column shafts was made to prevent the possibility of separation of the shafts and is interchangeable with earlier production components. This change was also incorporated in the 1995 model year Jeep Cherokee steering column.

There were no modifications made to the 1993-1994 model year Jeep Cherokee steering column, manufactured by Saginaw Steering Gear, that are relevant to the alleged issue of steering column shaft separation.

Q13. Furnish Chrysler's assessment of the complaints in the subject Cherokee vehicles including:

- a. all causal and contributory factors;
- b. the failure mode;
- c. the risk to motor vehicle safety; and
- d. any warning of the alleged defect and its consequences.

A13. Chrysler is unable to assess the contributing factors associated with the three allegations of steering column shaft separation. Without a vehicle inspection or actual parts, any assessment would be speculation. The failure mode of steering column separation would include a loss of steering control. However, there is no compelling evidence to suggest that the three complaints included in this analysis are anything more than random and isolated events. The causal factors that contribute to these occurrences do not indicate a failure trend nor identify a design flaw of a specific component of the steering column shaft assembly.

Q14. Indicate on what date Chrysler ceased collection of data for use in responding to this information request. If more than one date applies, please provide the dates for each information request (e.g., owner complaints, warranty, etc.).

A14. Chrysler ceased collecting information regarding this inquiry on May 2, 1997.

A

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

Smith M. Goshko, Executive Director  
Vehicle Compliance and Safety Affairs  
Chrysler Corporation - CIMS 482-00-91  
480 Chrysler Drive  
Auburn Hills, MI 48326-9757

NSA-1 Lab  
R097-004

Dear Mr. Goshko:

The Office of Defense Investigations (ODI) is conducting a review of a safety recall being performed by the Chrysler Corporation. The recall, 93V-219, involves 123,291 Jeep Grand Cherokees and Grand Wagoneers which were sold from mid-December 1993 through the end of the 1993 model year. In certain vehicles, the upper steering shaft may separate from the lower steering column shaft at the modified plastic pin connection if the pin connection is inadvertently shifted prior to the installation of the column into the vehicle. The purpose of this investigation is to determine whether there is a need for Chrysler to expand the scope of safety recall 93V-219.

This office has received three reports of alleged steering column failure on later model Jeep Grand Cherokee vehicles: one in 1994 and two in 1995 model years. In addition, three reports of similar steering column failures on 1994 and 1995 Jeep Cherokee vehicles were also received. The alleged failures appear to be the same as the recall campaign 93V-219 for 1993 model year Jeep Grand Cherokee and Grand Wagoneer vehicles. A copy of each of the reports is enclosed for your information. Unless otherwise stated in the text, the following definitions apply to this information request:

- **Subject Vehicles:** all 1993, 1994, and 1995 model year Jeep Cherokee and 1994 and 1995 Grand Cherokee vehicles.
- **Company:** all officers, employees, agents, contractors, and consultants of the Chrysler Corporation, whether assigned to its principal office or to any of its field locations, and all records or files maintained by the company either in hard-copy form or in electronic storage media.

- **Steering column assembly:** the steering column shaft assembly which includes the upper and lower shafts, and all components thereof.
- **Alleged defect:** any improper installation, failure, malfunction, or unsatisfactory performance of the steering column assembly in the subject Cherokee vehicles which results in (or could result in) the separation at the upper and lower connection of the steering column assembly.

In order for my staff to evaluate the alleged failure, certain information is required. Please provide numbered responses to the following questions, repeating the applicable question verbatim above each of your responses. If you have previously furnished ODI with information that is responsive to any question(s) in this request, you need not re-submit that information, but your response must cross-reference (by date of response and question number) the earlier submission.

The submitted information is to include, but not be limited to, all written reports or documents; transcriptions, notes, or other documentation of oral communications; and information contained in electronic or other storage media. If Chrysler cannot respond to any specific item, please state the reason why you are unable to do so. If Chrysler claims that any information or material responsive to the following items need not be divulged to the National Highway Traffic Safety Administration (NHTSA) because it is privileged, state the nature of that information or material and identify any documents in which it is found by date, subject or title, name and position of the person from and to whom it was sent, and name and position of any other recipient. You must also describe any such privilege that you claim, and explain why you believe it applies.

1. State the total number of the subject Cherokee vehicles that Chrysler has sold in the United States by make, model, model year, and assembly plant.
2. State any design or material differences between the steering column assembly used in the subject Cherokee vehicles and the 1993 Jeep Grand Cherokee/Grand Wagoneer that was included in recall 93V-210.
3. Provide the part list, assembly drawings, and detail drawings of the steering column assembly for each of the subject Cherokee vehicles and 1993 Grand Cherokee by model year. The detail drawings should include, but not be limited to, the dimensions of the molded plastic pin connection, its location and material specification.
4. Identify and describe the action(s) taken on the Grand Cherokee/Cherokee production lines to prevent the steering column's plastic pin connection from inadvertently being damaged or sheared. This should include, but not be limited to, a description of the inspection procedure(s), type of inspection, defect reports, and inspection record.

5. Identify the supplier of the steering column assembly for the subject Cherokee vehicles and the 1992 Grand Cherokee/Grand Wagoneer.
6. Furnish the number and copies of all the following:
  - a. owner reports or consumer complaints; and
  - b. other reports, field reports, surveys, or investigations from all sources either received or authorized by Chrysler, or of which Chrysler is otherwise aware;

pertaining to the alleged defect in the steering column assembly of the subject Cherokee vehicles from June 1, 1992, to date. This would include, but not be limited to, complaints or information provided by various consumer groups, government agencies, insurance companies, and other entities which would have provided such information to Chrysler. Furnish all reports whether or not Chrysler has verified each report, including all correspondence, notes, memoranda, and other records pertaining or relating to the performance of the assembly (or components thereof) on the subject vehicles.

7. Furnish the number and copies of each of the following:
  - a. all crashes or injury incidents;
  - b. all subrogation claims; and
  - c. all lawsuits, both pending and closed, by caption, jurisdiction, and docket number, in which Chrysler is or was a defendant (or sub-defendant), or of which Chrysler is otherwise aware.

The crashes, injury incidents, subrogation claims, and lawsuits would include, but not necessarily be limited to, all those which may have occurred, at least in part, to circumstances, conditions, or problems caused by the alleged defect in the steering column assembly of the subject Cherokee vehicles from June 1, 1992, to date. Provide a brief synopsis of each case including Chrysler's analysis of the alleged incident, a description of any injuries or property damage involved, the identification of the vehicle (model, model year, and VIN), and the vehicle owner (name and address). Identify all parties involved in each lawsuit and furnish representative copies of pleadings and/or legal briefs filed on behalf of Chrysler in these lawsuits. Furnish information on all incidents, claims, or lawsuits whether or not Chrysler has verified each, including all correspondence, notes, memoranda, and other records pertaining or relating to the performance of the assemblies (or components thereof) on the subject vehicles.

8. Furnish a summary incident table of the reports or incidents from items 6 and 7 above, identifying the owner's name, model, model year, and VIN of the vehicle, the date of the incident, the state or territory of the U.S. the vehicle was registered in at the time of the incident, and a brief description of any injuries associated with the incident.

JUN 7 2002

4:14PM

NHTSA/OFC DEFECTS INV

NO. 807

P. 4/5

4

9. State the total number of warranty claims, including extended warranty claims, and requests for "good will," flat- or some adjustments received by Chrysler that relate to the alleged defect on the subject Chrysler vehicles by model, calendar month and year, and problem code. Each problem claim code must be identified.
10. State the total number of the steering column assemblies sold for use on the subject Chrysler vehicles by part number, calendar month, and year of sale.
11. If Chrysler has issued any service or technical bulletin, advisory, or other communications to dealers, zone offices, or field offices pertaining to the alleged defect in the subject Chrysler vehicles, provide a copy of each such document. If no such documents have been issued, so state.
12. Identify and describe all significant modifications or changes made by or on behalf of Chrysler or its suppliers in the manufacture, design, or material composition of the steering column assembly that could relate to the alleged defect in the subject Chrysler vehicles from beginning of production to date. The following information must be included for each such modification or change:
  - a. the approximate date on which the modification or change was incorporated into production;
  - b. a description of the modification or change;
  - c. the reasons for the modification or change; and
  - d. whether the modified or changed components can be interchanged with earlier production components.
13. Furnish Chrysler's assessment of the complaints in the subject Chrysler vehicles including:
  - a. all causal and contributory factors;
  - b. the safety impact;
  - c. the risk to motor vehicle safety; and
  - d. any warning of the alleged defect and its consequences.
14. Indicate on what date Chrysler ceased collection of data for use in responding to this information request. If more than one date applies, please provide the dates for each information request (e.g., owner complaints, warranty, etc.).

This letter is being sent to your company pursuant to 49 U.S.C. 30166 which authorizes NHTSA to perform any investigative activity that may be necessary to enforce Chapter 301 of Title 49. Your failure to respond promptly and fully to this letter could subject Chrysler 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.

SENT BY:

6-14-2 11:14AM ROBERT KILBORNE IV.

868 625 777

NO. 887 P.5/5

5

Your response to this letter, in duplicate, must be submitted to this office by May 21, 1993. If you consider any portion of your response to be confidential information, include that material in an enclosure marked "Confidential." Separately, Chrysler must submit a copy of all such material to the Office of Chief Counsel (NOC-36), National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, and comply with all other requirements for the submission of confidential business information stated in 49 CFR Part 512.

If you have any technical questions concerning this matter, please contact Mr. Nha Nguyen of my staff at (202) 366-6288 or by fax at (202) 366-7882.

Sincerely,

Kathleen C. DeGeter, Director  
Office of Debate Investigation  
Safety Assurance

Enclosure:  
7 Contractor Complaints

NOV 13 2002

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES**

**[REDACTED]** et al.,  
Plaintiffs,  
v.  
DAIMLERCHRYSLER CORP.,  
Defendant.

Case No: BC262939

**STATEMENT OF DECISION RE:  
DEFENDANT'S MOTION TO STAY,  
MOTION TO STRIKE, AND DEMURRER**

**I  
BACKGROUND**

Defendant DaimlerChrysler Corporation (DCC) moves to stay this action and strike portions of the First Amended Complaint, and demurs to the First Cause of Action for Fraudulent Concealment and Second Cause of Action for Deceptive Practices in Violation of the Consumer Legal Remedies Act. Plaintiffs **[REDACTED]** individually and on behalf of all others similarly situated, and on behalf of the general public (Plaintiffs), generally oppose staying this action because the National Highway Traffic Safety Administration (NHTSA), in response to a letter produced by Plaintiffs, indicated it takes no position on whether this action should be stayed.

This case arises from DCC's alleged defective production of steering systems in various vehicle models manufactured by DCC. Plaintiffs contend DCC knew the steering systems were defective and chose to conceal the defects from NHTSA and the public to save recall costs and

convey a false impression of quality.

4.

II

## DISCUSSION

Under the primary jurisdiction doctrine, courts may "decline to hear a suit until the administrative process has been invoked and completed." *Farmers Ins. Exchange v. Superior Court* (1992) 2 Cal4th 377, 381. The Court reviewed the letter received from NHTSA. The Court is not persuaded that the NHTSA letter and its related materials constitute an adequate satisfaction of the primary jurisdiction requirements sufficient to justify the Court not exercising its previously expressed inclination to stay this action on primary jurisdiction grounds. In light of 49 C.F.R. § 552, the Court hereby stays this action through and including March 31, 2002 to permit Plaintiffs a full opportunity to petition NHTSA pursuant to § 552.

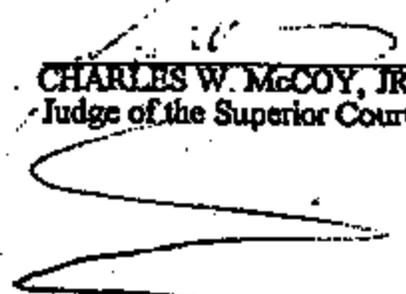
Because this action is stayed, the Court does not decide Defendant's Motion to Strike and Demurrer.

III

## CONCLUSION

The Court grants DCC's Motion to Stay.

DATED: November 4, 2002

  
CHARLES W. MCCOY, JR.  
Judge of the Superior Court



U.S. Department  
of Transportation  
National Highway  
Traffic Safety  
Administration

400 Seventh Street, S.W.  
Washington, D.C. 20590

AUG 27 2002

Larry A. Sackey, Esq.  
Law Offices of Herbert Hafif  
269 West Bonita Avenue  
Claremont, CA 91711-4784

Re [REDACTED] v. DaimlerChrysler

Dear Mr. Sackey:

This responds to your letter dated July 31, 2002, with respect to the above-referenced class action lawsuit in which you represent the plaintiffs. That lawsuit seeks damages under California law based on allegations that certain vehicles manufactured by DaimlerChrysler Corporation (DC) contain a safety defect related to the performance of their steering shafts. You raise a number of issues with respect to the relationship, if any, between the lawsuit and the investigatory authority and activities of the National Highway Traffic Safety Administration (NHTSA).

Shortly after I received your letter, I received a telephone call from Lewis Goldfarb, Esq., who stated that he represents DC in the above-referenced lawsuit. At Mr. Goldfarb's request, I am providing him with a copy of this letter.

NHTSA is the Federal agency responsible for improving safety on our Nation's highways. We are authorized to order manufacturers to recall and repair vehicles or items of motor vehicle equipment when our investigations indicate that they contain serious safety defects in their design, construction, or performance. We also monitor the adequacy of manufacturer's recall campaigns. We cannot act on isolated problems or resolve disputes between individual owner's, dealers, or manufacturers. Moreover, to the extent possible, we avoid involvement in litigation in which the United States is not a party (see generally, 49 CFR Part 9).

According to your letter, DC has asked Los Angeles Superior Court Judge Charles W. McCoy to stay the [REDACTED] lawsuit on the basis that, "NHTSA should be allowed first to investigate the plaintiffs' allegations." Your clients have opposed DC's motion and seek to have the case proceed, irrespective of whether NHTSA decides to investigate this matter.



DOT AUTO SAFETY HOTLINE  
888-DASH-2-DOT  
888-627-4238

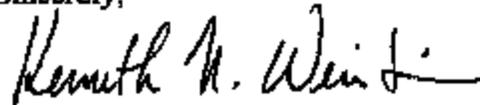
As you are aware, NHTSA's Office of Defects Investigation (ODI) has previously conducted three separate defect investigations (PE93-091, PE96-047, and RQ97-004) involving the steering shafts in vehicles manufactured by DC. The first two of these led to safety recalls of model year (MY) 1993 Jeep Grand Cherokees and Jeep Wagoneers, and MY 1994-1995 Dodge Ram pickup trucks, respectively. The third investigation, which considered whether those recalls should be expanded to cover certain other DC vehicle models, was closed in 1997 without an expansion of the recalls. It appears that your lawsuit seeks damages with respect to additional models and model years of DC vehicles, many of which were not covered by any of ODI's prior investigations.

At this time, based on all of the information available to ODI, including the records of the prior investigations and a review of our consumer complaint database, ODI has no present intention to reopen and/or expand its prior investigations with respect to the steering shafts in DC vehicles. Of course, if new information comes to our attention, from whatever source, we will take appropriate action.

Your letter poses several specific questions regarding the possible effect of the state court litigation (or its stay) on NHTSA's activities and mission. In keeping with our longstanding policy of avoiding involvement in private litigation (whether in Federal or state court), we do not believe that it is appropriate to address each of those questions individually. Nor does NHTSA take any position with respect to the issue of whether the McCabe litigation should or should not proceed at this time. However, we can say that, ordinarily, private litigation involving alleged safety defects in motor vehicles or motor vehicle equipment does not interfere with ODI's ability to carry out its safety mission.

If further information is needed, you may contact me at (202) 366-9700.

Sincerely,



Kenneth N. Weinstein  
Associate Administrator  
for Enforcement

cc: Lewis Goldfarb, Esq.

*Law Offices of*

**HERBERT HAFIF**

A PROFESSIONAL CORPORATION

CLAREMONT PROFESSIONAL BUILDING  
288 WEST BONITA AVENUE  
CLAREMONT, CALIFORNIA 91711-4784  
TELEPHONE: 909/824-1671  
FACSIMILE: 909/826-7772

NEWPORT BEACH, CALIFORNIA 92660-5215  
NEWPORT CENTER  
3 CIVIC PLAZA, SUITE 136  
TELEPHONE: 949/780-6433  
FACSIMILE: 949/789-1004

HERBERT HAFIF  
LARRY A. SACKBY  
BRIAN HAFIF  
CYNTHIA D. HAFIF  
MICHAEL G. DAWSON  
JEANNEA. STERBA  
PATRICIA M. LYTLE  
ROBERT B. ACHLEY  
TISHEN A. WRIGHT  
JOEL M. FRINSTEIN

HERBERT HAFIF  
WAYNE J. AUSTERO  
PATRICIA M. LYTLE  
GREG HAFIF  
ROBERT B. ACHLEY

July 31, 2002

Via Facsimile  
(202) 366-8065

Kenneth N. Weinstein,  
Assoc. Administrator of Enforcement  
National Highway Traffic Safety Administration  
Washington, D.C.

Re: [REDACTED] *v. DaimlerChrysler,*  
Los Angeles County Superior Case No. BC 262939

Dear Mr. Weinstein:

The undersigned and co-counsel identified on First Amended Complaint (Exhibit "1") have filed a class action lawsuit against DaimlerChrysler Corporation ("DCC") arising out of the sale of various vehicles manufactured by DCC which contained "defective collapsible steering shaft systems," two of which were previously investigated by NHTSA, after which DCC recalled the vehicles which were the subject of the investigation.

Specifically, vehicles including the 1992-93 Jeep Grand Cherokee and Grand Wagoneers, the 1994 and 1995 Dodge Ram Trucks (all Series) and the 1994 and 1995 Jeep Grand Cherokee and Cherokee were each subject to a NHTSA Preliminary Evaluation investigation respectively identified as Nos. 93V-210(Recall No. 604, 1993); PE96-047(Recall No. 709, 1996-97) and Preliminary Evaluation No. RQ97-004 (No recall issued, 1997). The defective steering shaft system in those vehicles utilized either (1) collapsible steering shaft system utilizing an injection molded pin design, which was designed to break allowing the steering shaft system to collapse upon frontal impact, and (2) the same system which utilized a "pin/clip" design, which was designed to break allowing the steering shaft system to collapse upon frontal impact.

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In 1993, once NHTSA initiated its Preliminary Evaluation 93V-210 and/or PE93-091, DCC determined that the "injected molded pin design" contained a safety related defect (the "injection molded pin/clip design" was found to break both during assembly and transit and in vehicles which were in operation as alleged by the vehicle owners/drivers who filed complaints with NHTSA) and recalled approximately 113,000 Jeep Grand Cherokees and Grand Wagoneers. The recall and published notice mailed to all known purchasers/owners/lessors admitted that the "safety related defect" existed and conducted the recall (Exhibit "2"). Because DCC initiated a safety recall, NHTSA closed its investigation.

In 1996, once NHTSA initiated its Preliminary Evaluation PE 96-047, DCC voluntarily admitted that the "injected molded pin design" contained a safety related defect (the "injection molded pin/clip design" was found to break both during assembly and transit and in vehicles which were in operation, due to plastic and metal fatigue, as alleged by the vehicle owners/drivers who filed complaints with NHTSA) and again DCC voluntarily recalled approximately 495,000 Dodge Ram full sized pick up trucks (Series 1500, 2500 and 3500) built in 1994 and 1995 Model Years. The recall and published notice mailed to all known purchasers/owners/lessors determined that the "safety related defect" existed and conducted a recall (Exhibit "3"), resulting in NHTSA's closure of its investigation. Because DCC initiated a safety defect recall, NHTSA closed PE 96-047.

In 1997, once NHTSA initiated its ODI review of Preliminary Evaluation 93V-210, the purpose of which was to determine whether the original 1993 investigation should be broadened to include all 1993, 1994 and 1995 Model Year Jeep Cherokees and 1994 and 1995 Grand Cherokee vehicles. After extensive correspondence between NHTSA and DCC was exchanged DCC argued that the collapsible steering shaft system contained in the additional vehicles did not contain a "root cause" which could be identified. The investigation ended with no further action being taken by NHTSA. (Exhibit "4").

#### **The Plaintiffs' Claims in the Above-referenced Civil Litigation and its Procedural Status:**

Plaintiffs brought the above referenced action seeking relief for violation of various consumer protection statutes which include a cause of action for fraud, compensatory and punitive damages, and disgorgement of profits from DCC. The case is premised upon the facts that Plaintiffs' counsel learned from DCC in an unrelated case entitled *Gonzalez v. DaimlerChrysler Corp*, USDC Court Case No. CV 98-00718 FMC (ALx), Central District of California, that DCC manufactured not only the vehicles referenced in NHTSA's three investigations containing "defective collapsible steering shaft systems" but produced as many as nine vehicle families containing the "safety related defect" identified in NHTSA's investigations. Further, DCC intentionally deceived NHTSA by concealing such facts, as well as evidence that the vehicles subject to recall were also manufactured in other years or other model types which contained the

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"defective collapsible steering shaft systems" which were the subject of the aforementioned recalls. NHTSA was misled by DCC so that only one type of vehicle was recalled in the 1993 recall ((DCC No. 604) recalling only the 1993 Jeep Grand Cherokees) and in the 1997 recall ((DCC Recall No. 709), recalling only the 1994-95 Dodge Ram trucks ) when DCC was aware the same defect existed in at least nine other vehicle families and numerous models which are now the subject of this civil litigation.

#### **Issues Which Required NHTSA's Input:**

Recently, DCC has asked Los Angeles Superior Court Judge Charles W. McCoy to stay the present civil lawsuit for damages alleging that NHTSA should be allowed to first investigate the Plaintiffs' allegations, before allowing Plaintiffs' civil claims for fraud and violation of consumer statutes to proceed. The Plaintiffs oppose this motion and have asked this court to proceed with the civil litigation, while informing NHSTA, as we are now, of DCC's deception so that it can take whatever action it deems necessary. As NHSTA has already investigated the "defective collapsible steering shaft systems," resulting in two recalls, the Plaintiffs do not believe that any public service would be served by doing so. Rather, Plaintiffs believe that this matter should proceed on two tracks, one in civil court in California and one in NHSTA's administrative proceedings should NHSTA deem it appropriate. Plaintiffs hold this belief based upon the following information, beliefs and understandings. Regardless of NHTSA's decision to investigate violated of the federal safety act.

We understand that the process under which ODI investigates an alleged safety-related defect can take approximately 16 months when carried through a preliminary Evaluation and an Engineering Analysis.

We believe it is unlikely that ODI would now chose to expend its limited resources on further investigation of the relatively old vehicles that are at issue in the above reference action. It is our understanding that ODI does not tend to reopen investigations of an alleged defect that it investigated years earlier. In the present matter as pointed out above, NHTSA conducted recalls into two of the "defective collapsible steering shaft systems" which resulted in recalls of the very safety related defect that is the subject of this civil case. Secondly, the Model Year 1993 and Model Year 1994 vehicles primarily at issue are already 8 - 9 years old. By the time an ODI investigation were completed, using the aforementioned 16-month benchmark, even if a formal investigation were to be commenced as early as August 2002, it would be approximately January 2004 before the investigation would be completed. By January 2004, many of the vehicles would be outside the agency's authority to order their recall (i.e., to compel the manufacturer to provide owners with a remedy without charge), and the balance would be rapidly moving beyond the agency's ten-year authority.

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Separate and independent of whether or not there is an ODI investigation, a manufacturer has an obligation under the Safety Act to recall motor vehicles and motor vehicle equipment that contain a safety-related defect. However, the Safety Act at 49 U.S.C. § 30110(d) provides that its recall remedy provisions — regardless of whether the recall is ordered by NHTSA or the initiated by the manufacturer — are “in addition to other rights and remedies” under state law. It is our expectation that NHTSA will not offer an opinion as to the merits of the Plaintiffs’ claims under the California Legal Remedies Act and Unfair Trade and Business Practice Act, much less assert that such claims are preempted or should be stayed pending a potential NHTSA investigation. In those California cases the Plaintiffs are aware that the courts have not stayed such actions even if NHTSA has an investigation on going. We are not aware of any case in California where NHTSA has sought or supported a stay motion in a civil action on the basis that it would invade NHTSA’s exclusive or primary jurisdiction. We believe this based upon the fact that NHTSA can only be aided by Plaintiffs’ prosecution of this civil action which may make significant material evidence available to NHTSA without NHTSA’s need to expend valuable financial and investigative resources that when presented with a somewhat similar situation relating to a class action, *Angelino v. DaimlerChrysler*, brought under the same California statutory provisions as the instant case.

**Plaintiffs Respectfully Request That NHTSA Answer the Following Questions:**

Plaintiffs have not and intend not to petition NHTSA for an investigation as NHTSA has no jurisdiction over plaintiff’s California Statutory claims under the California Legal Remedies Act and Unfair Trade and Business Act. Although DCC is asking the court to stay this action, it finds itself in the inevitable position of having to seek the stay while knowing it cannot petition NHTSA to conduct the very inquiry that it argues should be completed by NHTSA before Plaintiffs’ civil claims proceed. In order to aid the court in determining whether a stay should be issued, we ask of you, the following questions:

Would a stay of the civil case have any additional impact on NHTSA in making a decision of whether to investigate Plaintiffs’ allegations in a new investigation?

Does NHTSA assert that it wishes the court to grant a stay in the McCabe case?

Based upon the information presented to you by Plaintiffs as contained in this letter and the attached exhibits, do you have a present intention of once again investigating DCC’s “collapsible steering shaft systems.” If so, does NHTSA takes a position on the issue of whether Plaintiffs’ civil action should be stayed pending NHTSA’s exercise of NHTSA’s investigative powers?

While considering the requests contained herein would you please inform Plaintiffs’ counsel as soon as possible, of how long it will take to obtain a full response to the questions contained

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herein. We apologize for submitting such a lengthy correspondence but it has been necessary in order to put these issues before you. It is the Plaintiffs' desire to prosecute their California statutory claims promptly and not allow DCC to frustrate that effort.

Very truly yours,

**LAW OFFICES OF HERBERT HAFIF**

Larry A. Sackey

LAS:mls  
Enclosures