



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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

AUG - 4 2005

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

Stephan J. Speth, Director
Vehicle Compliance and Safety Affairs
DaimlerChrysler Corporation
800 Chrysler Dr. -CIMS 482-00-91
Auburn Hills, MI 48326-2757

NVS-213dsy
EA04-025

Dear Mr. Speth:

This letter is sent in connection with the Office of Defects Investigation (ODI) of the National Highway Traffic Safety Administration (NHTSA) investigation EA04-025 and is a request for updated claim and notice data (to a current status) and documents related to matters in litigation.

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

- **Subject vehicles:** all model year (MY) 2003 to current production MY 2005 Dodge Ram 2500 and 3500 model heavy-duty pickups with diesel engine and automatic transmission (model 47RE or 48RE) manufactured for sale or lease in the United States.
- **Alleged defect:** Inadvertent movement and/or rolling of the vehicle from a parked position, while powered and either attended or unattended, where drivers allege that the gearshift lever was placed in park and/or the gearshift (PRNDL) indicator was in park, or attempted to place the vehicle in the park position, regardless of whether DaimlerChrysler verified the allegation or not.
- **DCC:** DaimlerChrysler Corporation, all of its past and present officers and employees, whether assigned to its principal offices or any of its field or other locations, including all of its divisions, subsidiaries (whether or not incorporated) and affiliated enterprises and all of their headquarters, regional, zone and other offices and their employees, and all agents, contractors, consultants, attorneys and law firms and other persons engaged directly or indirectly (e.g., employee of a consultant) by or under the control of DCC (including all business units and persons previously referred to), who are or, in or after January 2002, were involved in any way with the following related to the alleged defect in the subject vehicles:
 - a. Consideration, or recognition of potential or actual defects, reporting, record-keeping and information management, (e.g., complaints, field reports, warranty information, part sales), analysis, claims, or lawsuits.



DOT AUTO SAFETY HOTLINE
888-DASH-2-DOT
888-327-4236

- Document:** "Document(s)" is used in the broadest sense of the word and shall mean all original written, printed, typed, recorded, or graphic matter whatsoever, however produced or reproduced, of every kind, nature, and description, and all non-identical copies of both sides thereof, including, but not limited to, papers, letters, memoranda, correspondence, communications, electronic mail (e-mail) messages (existing in hard copy and/or in electronic storage), faxes, mailgrams, telegrams, cables, telex messages, notes, annotations, working papers, drafts, minutes, records, audio and video recordings, data, databases, other information bases, summaries, charts, tables, graphics, other visual displays, photographs, statements, interviews, opinions, reports, newspaper articles, studies, analyses, evaluations, interpretations, contracts, agreements, jottings, agendas, bulletins, notices, announcements, instructions, blueprints, drawings, as-builts, changes, manuals, publications, work schedules, journals, statistical data, desk, portable and computer calendars, appointment books, diaries, travel reports, lists, tabulations, computer printouts, data processing program libraries, data processing inputs and outputs, microfilms, microfiches, statements for services, resolutions, financial statements, governmental records, business records, personnel records, work orders, pleadings, discovery in any form, affidavits, motions, responses to discovery, all transcripts, administrative filings and all mechanical, magnetic, photographic and electronic records or recordings of any kind, including any storage media associated with computers, including, but not limited to, information on hard drives, floppy disks, backup tapes, and zip drives, electronic communications, including but not limited to, the Internet and shall include any drafts or revisions pertaining to any of the foregoing, all other things similar to any of the foregoing, however denominated by DCC, any other data compilations from which information can be obtained, translated if necessary, into a usable form and any other documents. For purposes of this request, any document which contains any note, comment, addition, deletion, insertion, annotation, or otherwise comprises a non-identical copy of another document shall be treated as a separate document subject to production. In all cases where original and any non-identical copies are not available, "document(s)" also means any identical copies of the original and all non-identical copies thereof. Any document, record, graph, chart, film or photograph originally produced in color must be provided in color. Furnish all documents whether verified by DCC or not. If a document is not in the English language, provide both the original document and an English translation of the document.
- Other Terms:** To the extent that they are used in these information requests, the terms "claim," "consumer complaint," "dealer field report," "field report," "fire," "fleet," "good will," "make," "model," "model year," "notice," "property damage," "property damage claim," "rollover," "type," "warranty," "warranty adjustment," and "warranty claim," whether used in singular or in plural form, have the same meaning as found in 49 CFR 579.4.

In order for my staff to evaluate the alleged defect, certain information is required. Pursuant to 49 U.S.C. § 30166, please provide numbered responses to the following information requests. Insofar as DCC has previously provided a document to ODI, DCC may produce it again or identify the document, the document submission to ODI in which it was included and the precise

location in that submission where the document is located. When documents are produced, the documents shall be produced in an identified, organized manner that corresponds with the organization of this information request letter (including all individual requests and subparts). When documents are produced and the documents would not, standing alone, be self-explanatory, the production of documents shall be supplemented and accompanied by explanation.

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

1. State the number of each of the following, received by DCC, or of which DCC is otherwise aware, which relate to, or may relate to, the alleged defect in the subject vehicles:
 - a. Claims regarding death(s);
 - b. Notices regarding death(s);
 - c. Claims regarding injuries;
 - d. Notices regarding injuries;
 - e. Claims regarding property damage; and
 - f. Notices regarding property damage.

For subparts "a" through "f", state the total number of each item separately.

2. Separately, for each item within the scope of your response to Request No. 1, state the following information:
 - a. DCC's file number or other identifier used;
 - b. The category of the item, as identified in Request No. 1;
 - c. Vehicle owner or fleet name (and fleet contact person), address, and telephone number;
 - d. Vehicle's VIN;
 - e. Vehicle's make, model and model year (only if the VIN is unavailable);
 - f. Vehicle's mileage at time of incident;
 - g. Incident date;
 - h. Notice date (if a notice);
 - i. Claim date (if a claim);
 - j. Number of alleged injuries, if any;
 - k. Number of alleged fatalities, if any; and
 - l. If there is a civil action pertaining to the death, injury or property damage in your response to Request No. 1, state the caption, court, civil action number, and place where the action was filed. Also, state the name, address and telephone number for the attorney for the plaintiff.
3. Produce copies of all demands, notices, claims, complaints filed in court(s), interrogatories to DCC, answers by DCC to interrogatories, requests for production of documents to DCC, responses by DCC to requests for production of documents by DCC (including the documents and things produced), and transcripts of depositions related to each of the items within the scope of Request No. 1 (with the exception of transcripts of depositions of deponents whose testimony is restricted to economic damages and/or medical diagnoses,

medical costs, medical treatment, medical prognosis, and existence or degree of temporary or permanent impairment). Organize the documents separately by individual claim and describe the method DCC used for any further organization of the documents.

This letter is being sent to DCC pursuant to 49 U.S.C. § 30166, which authorizes NHTSA to conduct any investigation that may be necessary to enforce Chapter 301 of Title 49 and to request reports and the production of things. It constitutes a new request for information. DCC's failure to respond promptly and fully to this letter could subject DCC to civil penalties pursuant to 49 U.S.C. § 30165 or lead to an action for injunctive relief pursuant to 49 U.S.C. § 30163. (Other remedies and sanctions are available as well.) Section 5(a) of the TREAD Act, codified at 49 U.S.C. § 30165(b), provides for civil penalties of up to \$5,000 per day, with a maximum of \$16,050,000 for a related series of violations, for failing or refusing to perform an act required under 49 U.S.C. § 30166. See 49 CFR 578.6 (as amended by 69 Fed. Reg. 57864 (Sept. 28, 2004)). This includes failing to respond to ODI information requests.

If DCC cannot respond to any specific request or subpart(s) thereof, please state the reason why it is unable to do so. If on the basis of attorney-client, attorney work product, or other privilege, DCC does not submit one or more requested documents or items of information in response to this information request, DCC must provide a privilege log identifying each document or item withheld, and stating the date, subject or title, the name and position of the person(s) from, and the person(s) to whom it was sent, and the name and position of any other recipient (to include all carbon copies or blind carbon copies), the nature of that information or material, and the basis for the claim of privilege and why that privilege applies.

DCC's response to this letter, in duplicate, together with a copy of any confidentiality request, must be submitted to this office by August 30, 2005. Please refer to EA04-025 in DCC's response to this letter. If DCC finds that it is unable to provide all of the information requested within the time allotted, DCC must request an extension from Mr. Jeffrey Quandt at (202) 366-5207 no later than five business days before the response due date. If DCC is unable to provide all of the information requested by the original deadline, it must submit a partial response by the original deadline with whatever information DCC then has available, even if an extension has been granted.

If DCC claims that any of the information or documents provided in response to this information request constitute confidential commercial material within the meaning of 5 U.S.C. § 552(b)(4), or are protected from disclosure pursuant to 18 U.S.C. § 1905, DCC must submit supporting information together with the materials that are the subject of the confidentiality request, in accordance with 49 CFR Part 512, as amended (69 Fed. Reg. 21409 et seq; April 21, 2004), to the Office of Chief Counsel (NCC-113), National Highway Traffic Safety Administration, Room 5219, 400 Seventh Street, S.W., Washington, D.C. 20590. DCC is required to submit two copies of the documents containing allegedly confidential information (except only one copy of blueprints) and one copy of the documents from which information claimed to be confidential has been deleted.

If you have any technical questions concerning this matter, please call Scott Yon of my staff at (202) 366-0139.

Sincerely,

A handwritten signature in black ink, appearing to read "Kathleen C. DeMeter". The signature is fluid and cursive, with a large initial "K" and a long, sweeping underline.

Kathleen C. DeMeter, Director
Office of Defects Investigation
Enforcement