

Subject: FW: Case Escalation
Date: Monday, March 28, 2016 1:49:56 PM
Attachments: [NHTSA questionnaire.pdf](#)
[A Accid Narrative dec 7.odt](#)
[B ltr to Toyota recall details cited.odt](#)
[C12 27 2nd ltr to toyota no reply.odt](#)
[D Contact Us REPLY copied frm ToyotaCOM.odt](#)
[E Toyota ltr Estrada feb 19.pdf](#)
[F Toyota reply to Estrada Feb 29.odt](#)
Importance: High

Entered on 03/23/2016 at 1:51:15 PM EDT (GMT-0400) by [REDACTED]
ATTACHMENT TO VEHICLE OWNERS QUESTIONNAIRE (hard copy mailed today)

NHTSA Case # 10838647
Toyota Case # [REDACTED]

FROM: [REDACTED]
[REDACTED]
San Diego CA [REDACTED]
[REDACTED]

RE: 2012 Prius Lic. 6WYJ991 Vin JTDKN3DU4C5 [REDACTED]

On Dec 6 my 2012 Prius stalled on the freeway and was totaled and I was slightly injured. Toyota has had two recalls for similar stalling problems. I filed a claim with Toyota on Dec. 9, 2015 and specifically asked them to inspect and save the same two units on my car that caused previous stalls for which there have been recalls. Toyota ignored my request for nearly three months, did not inspect the probable faulty units, and secretly, without my knowledge, allowed the car to be sold for salvage despite my repeated requests both on the phone and in correspondence to save the same two units on my car that caused previous stalls for which there have been recalls.

They continue to avoid any meaningful communication with me to resolve this matter and identify why the car stalled. I would like to provide you with the attached documentation for the record in case anyone is injured or killed in the future as a result of this product defect and how Toyota has avoided addressing this problem.

ATTACHMENT A

Narrative description written December 7, 2015 detailing how my Prius

NM
41416
SMD

stalled and was totaled and my medical treatment at Kaiser Emergency.

ATTACHMENT B

Letter to Toyota dated 12-15-15 citing recalls and requesting that they "inspect and keep in a safe place" the same units on my car that have failed and been recalled in the past and citing a newspaper article in which Toyota has a history of deliberately delaying implementing fixes in an effort to avoid disclosure.

ATTACHMENT C

Letter to Toyota dated 12-27-15 again providing complete details of the accident and recall history and requesting information on the CAUSE OF THE CAR STALLING.

ATTACHMENT D

Email from Jason A. of Toyota Customer Experience Center (Ask Toyota) acknowledging that I sent them copies of the correspondence cited above and stating "Your email has been documented at our National Headquarters."

ATTACHMENT E

Letter from Toyota dated 2-19-16 ignoring my request to save and inspect the units from my car that have caused previous recalls and simply calling this "an unfortunate incident."

ATTACHMENT F

My reply dated 2-29-16 with specific questions regarding the inspection of the units cited in previous stalls. As of this date I have not received an answer to those questions.

ATTACHMENT G

Bosch 15 page Crash Data Retrieval (CDR) report which completely avoids any mention of inspection of the units cited in previous recall and shows no information regarding STALLING which was the cause of the accident.

Additional documentation on file:

- CHP Accident Report
- My Accident Report
- Kaiser Emergency Room treatment for Skin Avulsion.

-I also have additional hand-written notes documenting the dozens of phone calls and manner in which Toyota has avoided any recognition of the fact that the car STALLED.

Please contact me at your convenience if you need any additional information.

Thank you,

Case Information:

Did you contact the manufacture:Yes

Contact Information:

Last Name: [REDACTED] **First Name:** [REDACTED]
Address: [REDACTED]
City: SAN DIEGO **State/Province:**CA California
Zip: [REDACTED] **Country:** United States
Phone: [REDACTED] **Email Address:** [REDACTED]
NHTSA ID: [REDACTED] **Contact Source:**Owner
ODI #: 10838647

Attachments: NHTSA questionnaire.pdf A Accid Narrative dec 7.odt B ltr to Toyota recall details cited.odt C12 27 2nd ltr to toyota no reply.odt D Contact Us REPLY copied fm ToyotaCOM.odt E Toyota ltr Estrada feb 19.pdf F Toyota reply to Estrada Feb 29.odt



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

DOT Auto Safety Hotline
Vehicle Owner's Questionnaire
To Report Vehicle Safety Defects
1-888-DASH-2-DOT
(1-888-327-4236)
INTERNET: www.nhtsa.dot.gov/hotline

FOR AGENCY USE ONLY 100148

Date Received: 26-FEB-2016
Repository:
Reference No.: 10838647

OWNER INFORMATION (Type or Print)

Name: [REDACTED]
Address: [REDACTED]
City: SAN DIEGO State: CA Zip Code: [REDACTED]

Daytime Telephone Number: [REDACTED]
Evening Telephone Number: SAME
E-mail Address: [REDACTED]

The information you provide will be used to identify potential safety-related defects. We may share your information with the applicable vehicle manufacturer during an investigation or recall in accordance with the routine uses described in the agency's Privacy Act notice. See 49 FR 53971 (Sep. 3, 2004).

VEHICLE INFORMATION

17 digit Vehicle Identification Number Located at bottom of windshield on driver's side: JTDKN3DU4C5 [REDACTED]
Make: TOYOTA Model: PRIUS Model Year: 2012
Date Purchased: 7-28-2012 Dealer's Name and Telephone Number: Toyota of San Diego 619-727-5999
Engine: No: Cylinders: 4 Fuel Type: Hybrid
Original Owner: Dealer's City: State: Zip Code:
Transmission Type: Auto Antilock Brakes: Cruise Control: Powertrain: Hybrid Multiple Failure: Incident Date(s): 07-DEC-2015

FAILED COMPONENT(S)/PART(S) INFORMATION

Vehicle Component Codes: 110000 ELECTRICAL SYSTEM, 140000 AIR BAGS
Failure Mileage: 45000 Failure Speed: 60

ADDITIONAL ITEMS TO BE COMPLETED WHEN REPORTING A TIRE FAILURE

Tire Make: Tire Model (Name or Number): Tire Size (Example P215/65R15):
DOT No. (Example: DOTM19ABC036): Original Equipment Prior Repair Failure Location:
Tire Component Code: Tire Failure Type:

ADDITIONAL ITEMS TO BE COMPLETED WHEN REPORTING A CHILD SEAT FAILURE

Make: Date Manufactured: Model No./Name:
Seat Type: Installation System:
Child Seat Component Code: Failed Part:

APPLICABLE INCIDENT INFORMATION

(Please describe in detail the Incident(s), Failure(s), Crash(es), and Injury(ies).)

Crash: Yes No Fire: Yes No
Number of Persons Injured: 1 Number of Deaths: 0 Reported to Police: Y

Narrative Description of Incident(S), Crash(es), and Injury(ies).
Please describe (1) events leading up to the failure, (2) failure and its consequences, and (3) what was done to correct the failure; i.e. parts repaired or replaced (and if old part is available).

TL* THE CONTACT OWNED A 2012 TOYOTA PRIUS. WHILE DRIVING 60 MPH, THE ENGINE STALLED. VARIOUS WARNING LIGHTS ILLUMINATED AND A BEEPING NOISE WAS PRESENT. THE CONTACT'S VEHICLE COASTED TO A STOP AND WAS REAR ENDED BY ANOTHER VEHICLE. A POLICE REPORT WAS FILED. THE AIR BAGS DID NOT DEPLOY. THE CONTACT SUSTAINED INJURIES TO THE FOREARM THAT REQUIRED MEDICAL ATTENTION. THE VEHICLE WAS NOT DIAGNOSED NOR REPAIRED. THE VIN WAS NOT INCLUDED IN NHTSA CAMPAIGN NUMBER: 14V053000 (ELECTRICAL SYSTEM, HYBRID PROPULSION SYSTEM). THE MANUFACTURER WAS NOTIFIED OF THE FAILURE. THE VEHICLE WAS DESTROYED AND TOWED. THE FAILURE MILEAGE WAS APPROXIMATELY 45,000.

See Attachments

Include, if available: Police/Fire Department Report, Photos, and Repair Invoice. ATTACH ADDITIONAL SHEETS IF NECESSARY

The Privacy Act of 1974-Public Law 93-579 This information is requested pursuant to authority vested in the National Highway Traffic Safety Act and subsequent amendments. You are under no obligation to respond this questionnaire. Your response may be used to assist the NHTSA in determining whether a Manufacturer should take appropriate action to correct a safety defect. If the NHTSA proceeds with administrative enforcement or litigation against a manufacturer, your response, or a statistical summary thereof, may be used in support of the agency's action.

Attchmnt A

Narrative Written Dec 7, 2015

On Sunday evening, Dec 6, at around 8:30 p.m. I was driving south on Hwy 5 near Dana Point when my 2012 Prius suddenly lost power. When I pushed on the gas I heard beeps and I think lights flashed on the dashboard. The lights and electrical system worked, but it had no power. I immediately pressed on my emergency blinkers and pulled to the far right lane as I lost speed.

Along the edge of the road the shoulder was blocked by reddish small "poles" in the ground to prevent cars from pulling into that apparent construction area. Ahead I could see where they ended and figured I could coast that far, but when I got past the poles the shoulder was blocked by large cement barriers rather than a space to pull off. I coasted to a stop and pressed the start button several times but the car didn't start.

My main concern was behind me as I watched my rear view mirror. I saw at least a dozen cars speed up to me from 200 or so yards back, slowdown and swerve at the last minute to miss me. The traffic was heavy, but flowing along between 60 and 70 mph.

I think I was stopped there no more than a minute or two when I saw a set of headlights approaching and not slowing or swerving. I turned forward and sort of braced myself. I didn't hear any tire squeal as she hit me from the rear.

I don't know if I was out for maybe a couple of seconds but the car was pushed forward and the back caved in with the other driver's car a few feet behind my left with glass and car fragments scattered everywhere. The driver came up to me and asked if I was ok, and I asked her the same, and we thanked God we were ok.

It was dark, and hard to see clearly, but my right arm sleeve felt wet, so I took off my sweatshirt and was bleeding pretty badly. Someone had a flashlight and you could see an area several inches long separated and red flesh showing. After a few minutes the paramedics showed up and took my blood pressure, examined my eyes and bandaged my wound. I signed a form stating that they offered but I did not choose to go to the emergency room and I told everyone that I felt fine.

The paramedics asked me to stay seated in my front seat and a CHP officer interviewed me. I gave him the details above regarding the car stalling; my inability to pull to the shoulder; how I pulled over and set the flashers; and how the accident occurred. He took a report and again asked if I wanted to go to the hospital. I told him I felt fine and he advised me to be very careful and monitor how I feel the next couple of weeks... He had me turn my head right and left, etc. and I told him I felt fine. He said "You probably won't feel it until tomorrow or the next day, but watch your neck."

As I write this about 24 hours after the accident I do still feel fine, with slight stiffness in my neck, only a one or two on pain scale. The officers were in a hurry to clear the area and escorted us (me and the other driver [REDACTED] and her family) to a nearby Dennys parking lot along with our towed vehicles. We exchanged information...and I took a cab home arriving about midnight. The arm wound was getting up around a 4 or 5 of stinging pain, and my wife opened the bandage and we decided to go to Kaiser emergency. The wound (SKIN TEAR (skin avulsion) was cleaned and treated with "steri-strips."

[REDACTED]

Attchmnt B

December 15, 2015

FROM: [REDACTED] case no. [REDACTED]
TO:

ToyotaCEC@Toyota.com
Karma Powell fax 310-381-6065
Cynthia.ware@us.bosch.com fax 586-582-5840
Jim Daher Toyota Motor Sales fax 310-381 8100

SUBJ: case no. [REDACTED]

Since my accident on 12-6 I [REDACTED] "Prius Stalling." At: [REDACTED] I found:

NHTSA Vehicle Safety Recalls:

Recall Number: 15V449000 Recall Date: 07/15/2015
Component: HYBRID PROPULSION SYSTEM: INVERTER, and

Recall Number: 14V053000 Recall Date: 02/12/2014
Component: ELECTRICAL SYSTEM: SOFTWARE (IPM)

Problem Summary

..the inverter assembly may overheat ...the IPM may overheat
.. may shut down causing the vehicle to stop while being driven.

Consequence:

..could also shut down completely resulting in a vehicle stall, increasing the risk of a crash.

On 12-6 my 2012 Prius shut down completely resulting in a stall and a crash in a manner very similar to that cited so I want to review and document this situation and be sure that I have followed the correct procedures for this case up to this date.

On Fri 12 11 I received a call from Joel Moreno, Toyota USA requesting me to sign and send a consent form.

On Fri 12 11 I spoke with Karma Powell, Case Manager, Toyota Customer Experience, and faxed her the EDR consent form as requested.

On Fri 12 11 I got a call from Cynthia Ware of EAA, Warren MI. She said she was an outside third party who did the inspections for Toyota and I also emailed her a copy of the consent form.

On Fri 12 11 Another Toyota rep taped my statement regarding the cause of the accident. I don't recall discussing the maintenance record of the vehicle, but you should know that it has been serviced in your

dealership as part of the contract when we purchased it in 2012. I assume that any recall adjustments would have been made and recorded as part of that service.

On Mon 12 14 I received a call from Jim Daher, Toyota Motor Sales who said he was taking over the case here in San Diego and he requested another release form and asked me to call Farmer's Insurance and ask them to release the car and get the vehicle and lot number.

On Tues 12- 15 I further checked and found this:

Additional info from L.A. Times Feb 12, 2014 (re-sticking gas pedal)

...Most damaging to Toyota, in the view of Prof. Keating, was the revelation that company officials were aware of problems for periods of time and deliberately delayed implementing fixes in an effort to avoid disclosure.

I am not sure how to proceed at this point, but light of the information cited above I wanted to document my actions, provide you with our personal history with Toyota and request that you examine and keep in a safe place the:

**HYBRID PROPULSION SYSTEM: INVERTER and the
ELECTRICAL SYSTEM: SOFTWARE (IPM)**
and any other related materials until my case no. [REDACTED] is settled.

Our personal history with Toyota:

We purchased our first Toyota in 2000. It was a Camry, and we still drive it today, with over 200 thousand miles. In fact, since my accident, it has been our only vehicle.

In 2006 we purchased our first Prius and after several years, purchased another Prius in 2012. We have been satisfied Toyota owners and would like to continue that tradition. Our only concern at this point is safety and how Toyota responds to this information.

At the present time we are in the midst of an investigation regarding an accident in which our 2012 Prius stalled and was totaled. I have provided extensive documentation and complied with all requests for release of information and inspection of my car.

This is the second week that I have been without a second car. Neither Farmer's, Progressive nor Toyota have offered the use of a rental car until this is settled and I am willing to wait a reasonable period of time for you to complete your inspection etc.

When I was interviewed and taped by Toyota representatives on two occasions I was asked, "What do you want?" Initially I was not contacting Toyota seeking anything, I just wanted to inform you of the circumstances and help you correct any mechanical problems for existing or future customers, and find out what went wrong. Since then, I have found that Toyota has a history of this problem, and understand better what was implied when you asked "What do you want."


I would like this situation to be handled by Toyota as professionally and quickly as possible. Fortunately I was not seriously injured in the accident, and only have suffered trauma and inconvenience which is hard to evaluate. Specifically I would like you to consider:

Inconvenience/Cost:

Prius stalled and wrecked on freeway,
Examined/treated by paramedics,
Examined interviewed by Cal. Highway Patrol,
Had to take taxi home from Dana Point to San Diego (9 pm to 11 pm),
Kaiser emergency room treatment (11:30 pm),
Kaiser return visit to re-bandage wound,
Missed work day after accident,
Several weeks without Prius, (on-going)
Numerous hours on phone with insurance and Toyota reps,
Trip to wrecking yard to pick up contents of auto,
etc.

I would like to continue to be a satisfied Prius owner, and would consider it a fair settlement if you offered me a 2016 Prius and assurances that the cause of the accident has been investigated and corrected in the 2016 model.

Please keep us informed as this progresses.

Thank you,


Atchmnt C

Toyota_CEC@Toyota.com
Cynthia.ware@us.bosch.com

12-27-2015 Case # [REDACTED]

It has been over a week since I faxed the consent form and spoke with your representatives listed below. I was told that you (Jerry Akin) would inspect the "black box" to determine the cause of my auto stalling as described below, but have not heard from anyone. I will be out of town until Jan 5, 2016 so would like an update by email if possible.

I would also like to provide you with information of how the accident happened for the record. This is the same information I have given verbally over the phone to several of you agents:

Dec. 7, 2015

On Sunday evening, Dec 6, at around 8:30 p.m. I was driving south on Hwy 5 near Dana Point when my 2012 Prius suddenly lost power. When I pushed on

...

see case no for details which I have sent you several times...

copied from Toyota Contact Us

Your rep Karma Powell fax 310-381-6065 did not get these records and said to send copies to you for the record.

case no. [REDACTED]

accident narrative
Toyota recall
it has been

JTDKN3DU4C5 [REDACTED] vin

Response Sent!

Your email has been submitted under reference number: [REDACTED]

We appreciate your patience as we work to address your email.

If you have additional information you'd like to add to this request before you hear back from us, simply reply to the email from "Ask Toyota" that is now in your inbox.

Thank you.

Toyota Customer Experience

reply

Thank you for contacting Toyota Motor Sales, U.S.A., Inc.; we received your email.

This email is an automated acknowledgement of your inquiry and we hope to have a tailored response to you as quickly as possible. We appreciate your patience.

Our office hours are Monday through Friday from 5 AM to 6 PM and Saturday 7 AM to 4 PM Pacific Time.

If you need immediate assistance, we recommend you contact the Customer Relations Manager at your local Toyota dealership

Sincerely,
Toyota Customer Experience .

Discussion Thread

Customer By Web Form [REDACTED]

01/26/2016 08:48 PM

Your rep Karma Powell fax 310-381-6065 did not get these records and said to send copies to you for the record.

From: Ask Toyota <toyota_cares@toyota.com> ☆
Subject: Case # [REDACTED] 8:48 PM
To: [REDACTED]

Reply Forward Archive Junk Delete More

Thank you for contacting Toyota Motor Sales, U.S.A., Inc.; we received your email.

This email is an automated acknowledgement of your inquiry and we hope to have a tailored response to you as quickly as possible. We appreciate your patience.

Our office hours are Monday through Friday from 5 AM to 6 PM and Saturday 7 AM to 4 PM Pacific Time.

If you need immediate assistance, we recommend you contact the Customer Relations Manager at your [local Toyota dealership](#)

Sincerely,
Toyota Customer Experience .

Discussion Thread

Customer By Web Form [REDACTED] 01/26/2016 08:48 PM

Your rep Karma Powell fax 310-381-6065 did not get these records and said to send copies to you for the record.

[REDACTED]

2. Your Contact Information

*Required

Mr.

[Redacted]

SAN DIEGO

CA

[Redacted]

3. How Can We Help You?

*Required

case no. [Redacted]

I have documented important information to my contact with you Karma Powell fax 310-381-6065. She has not received some of them ; asked me to send you copies for the record.

Attachments (optional)

Choose File No file chosen

- Toyota recall documents
ltr.odt (23.45KB) Remove
- Accid Narrative dec
7.odt (25.48KB) Remove
- it has been a week.. Case [Redacted]
ltr to toyota.odt (14.61KB) Remove

TOYOTA

E

Sandee Estrada
(310) 468-5100
FAX (310) 381-6000

Toyota Motor Sales, U.S.A., Inc.
19001 South Western Avenue
Torrance, CA 90501
310 468-4000

February 19, 2016

[REDACTED]
San Diego, CA [REDACTED]

RE: Date of Loss: December 6, 2015
Vehicle: 2012 Toyota Prius
VIN: JTDKN3DU4C5 [REDACTED]

Dear [REDACTED]

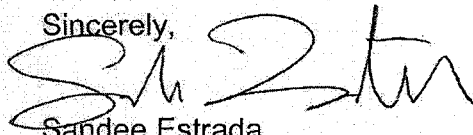
Thank you for contacting Toyota's Customer Experience Center in regards to the accident that you reported on December 9, 2015.

You stated that as you were driving on the freeway from LAX to San Diego, the vehicle started to lose power and other vehicles began passing you. You attempted to pull the vehicle off the freeway, but due to construction, you could only pull into the right lane. Your vehicle was rear ended while you were stopped in the right lane.

Your vehicle was inspected on December 17, 2015 at Copart by one of our field technicians in regards to your concerns. Due to the amount of collision damage, the vehicle could not be test driven on city streets. When tested, our technician could see the "Ready" light on. When the vehicle was put into "Drive" it moved and when the vehicle was put into "Reverse", it also moved. When the brake pedal was applied and then the "Power" button was pushed, the vehicle started immediately. Our inspection found no evidence of a manufacturing or design defect in your vehicle.

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

Sincerely,



Sandee Estrada
Legal Claims Administrator
Toyota Motor Sales, U.S.A, Inc.

Attchmnt F

Case #

February 29, 2016

To: Sandee Estrada: Toyota Legal Claims Administrator fax 310-381-6000
Karma Powell, Case Manager, Toyota Customer Experience fax 310-381-6065

Thank you for finally taking time to contact us regarding the accident on Dec 6, 2015 in which our 2012 Prius was totaled due to suddenly stalling and coming to a complete stop on the freeway. For your information I also went to Coparts on Dec. 11, 2015 and retrieved some belongings and tried again to start the car. There was no "Ready" light, I heard some beeps only, and it would not start or turn over, much less move forward or backwards, nor did it start right after the accident when I attempted to restart it and get off the freeway. I assure you, there was a problem with the car, and this was more than, as you called it, "an unfortunate incident."

You have not addressed our main concern, WHY DID THE CAR STALL? You have had recalls caused by defects in design as cited below and it appears as if you have no interest in finding out WHY the car stalled and are attempting only to avoid responsibility for this matter. Furthermore, in your "so called" CDR report you conveniently avoided any reference to the components that have caused similar crashes in the past. You did not even attempt to answer why the car stalled, and completely disregarded my specific request to inspect and save the: HYBRID PROPULSION SYSTEM: INVERTER, and ELECTRICAL SYSTEM: SOFTWARE (IPM). As I mentioned in previous correspondence to you, Toyota has had a recorded history of *"company officials being aware of problems for periods of time and deliberately delaying implementing fixes in an effort to avoid disclosure"* therefore I am requesting that Toyota answer the following questions:

Did you inspect the components in my Prius from recall numbers 15V449000 and 14V053000 and did you save them for further investigation as I requested?

Since your representative claims the car started and moved forward and backward did you tape it or have any evidence other than his word? If not, is the car still available for me or my representatives to inspect as I requested?

Since I paid \$3093 extra for *Service Contracts* when I purchased the Prius do you have records at your dealership in San Diego to show if these recall problems were addressed and/or corrected as part of your "World Class Inspection?"

Is there any interest by Toyota in finding out why the car stalled to avoid similar incidents in the future?

I look forward to your prompt reply and hope that this time it will not take "30 business days" (which in reality was nearly three months) as it did for your first reply, which did not address the stalling issue at all.

Thank you,

[Redacted signature]