

Jones-McBryde, Cassandr (C.L.)

From: Jones-McBryde, Cassandr (C.L.)
Sent: Tuesday, July 29, 2003 4:09 PM
To: Filey, Duane (D.)
Subject: legal contact for Thomas Ayo

Tracking: Recipient Read
Filey, Duane (D.) Read: 7/30/03 2:04 PM

Hi Duane,

I received an atty demand for the below customer. Do you have any information on this one?

VIN: 2MEFM75W03X [REDACTED]	Year: 2003	Model: GRAND MARQUIS	Case: 734022962
Name: MR [REDACTED]	Owner Status: Original	WSD: 2002-08-31	
Symptom Desc: LIGHTING SYSTEM EXT. LIGHTING		Primary Phone: [REDACTED]	
Reason Desc: LEGAL - OTHER ATTORNEY DEMAND		Secondary Phone: [REDACTED]	
Issue Type: 07 LEGAL	Issue Status: ACKNOWLEDGE		

Action: OPEN LEGAL CONTACT - ATTORNEY DEMAND
Dealer: 00061 PURVIS FORD INC

Thanks,

Cassandra Jones-McBryde
Ford Motor Company
Legal Analyst-Washington D.C. and Orlando
Phone: (313)248-1109
Fax: (313) 845-5555
cjones@ford.com

Jones-McBryde, Cassandr (C.L.)

From: JWesYoung@aol.com
Sent: Monday, August 11, 2003 10:30 AM
To: cjones@ford.com
Subject: From Wes Young CRM Washington DC

I was reviewing all of my CuDL cases and came across this legal contact. I never received a letter and wanted to make sure you were not waiting on me. Thanks

██████████ 2MEFM75W03X ██████████ 2003 GRAND MARQUIS 07
ACKNOWLED LEGAL - OTHER ATTORNEY DEMAND 734022962 Update Print/View

Action: MAKE OUTBOUND CALL TO ATTORNEY

Dealer: 00061 PURVIS FORD INC **Origin Desc:** CONSUMER AFFAIRS - LITIGATION PREVENTION
Odometer: 12434 MI **Comm Type:** MAIL
Analyst Name: CASSANDRA JONES **Analyst:** CJONES
Action Date: 07/29/2003 **Action Time:** 16.06.23.475 **Action Data:** Yes

Comments ATTY AWARE OF DEMAND RECIEPT. LETTER SENT TO CSM REQUESTING MORE INFORMATION.

Jones-McBryde, Cassandr (C.L.)

From: JWesYoung@aol.com
Sent: Monday, August 11, 2003 11:30 AM
To: cjones@ford.com
Subject: Re: From Wes Young CRM Washington DC

The unit came from Malloy LM which I believe is in the Select Dealer Region. Apparently it was purchased there and had been there several times for an intermittent headlamps going out. Purvis believes they brought it to them just to get a third repair attempt. They were not able to verify the concern but did put a lighting control module on the unit.

11A Malloy Lincoln Mercury/Mitsubishi
14655 Jefferson Davis Highway
Woodbridge, VA 22191
Phone: (703) 494-9121 Fax: (703) 550-8332

FAX COVER SHEET

DATE: 8-19-03

TO: CASSANDRA

FROM: ROBERT CROOK

#OF PAGES INCLUDING COVER: 2

ADDITIONAL NOTES:

MALLOY LINCOLN MERCURY, INC.
 T/A MALLOY LINCOLN MERCURY MITSUBISHI KIA
 14655 Jefferson Davis Hwy.
 WOODBRIDGE, VA. 22191

Phone: (703) 494-9121 (703) 550-9750 (540) 659-5240
 www.malloyautomall.com

SALES • SERVICE • PARTS

Authorized Dealer



0102ILINS113013



P & A CODE: 12322-5

CUSTOMER NO. 48479	ADVISOR JOSEPH ACHTZENER 9245	TAO NO. 2768	INVOICE DATE 03/10/03	INVOICE NO. 11WS113013
	LABOR RATE	LICENSE NO.	COLOR	STOCK NO. L5908
	YEAR / MAKE / MODEL 03/MERCURY/GRAND MARQUIS/4DR SDN LS	MILEAGE 6833	DELIVERY DATE 08/31/02	DELIVERY MILES 196
SPOTSYLVANIA, VA	VEHICLE I.D. NO. 2MEFM75WQ3X		SELLING DEALER NO.	PRODUCTION DATE
RESIDENCE PHONE	BUSINESS PHONE	F. T. E. NO.	P. O. NO.	R. O. DATE 03/05/03
COMMENTS			MO: 6834	

LABOR & PARTS	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
J# 1 SILIZ								
CUSTOMER STATES HEADLIGHTS AND PANEL LIGHTS WENT OUT WHILE DRIVING								
TEST DRIVE WITH FORD REP. FOUND NO PROBLEMS AT THIS TIME								
JOB # 1 TOTAL LABOR & PARTS	0.00							
R/O TAX	0.00							
R/O TOTALS	0.00							
CLAIM TOTALS	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

APPROVED BY SIGNATURE
 ***** DUPLICATE INVOICE *****

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Ford Motor Company

Consumer Affairs

*Sent via Fax

August 19, 2003

Mr. Kenneth Lehman
Attorney at Law
1008 Pendleton St.
Alexandria, VA 22314

RE: Thomas Ayo
2003 Mercury Grand Marquis
VIN: 2MEFM75W03X [REDACTED]

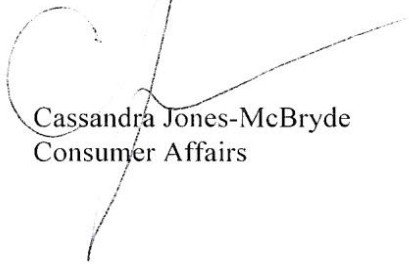
Dear Mr. Lehman:

This letter is in response to your letter dated July 24, 2003 regarding the above-mentioned client.

Ford Motor Company has reviewed your client's repair history and based on the available information we cannot honor your request to repurchase your client's vehicle.

Thank you for the opportunity to review this concern.

Respectfully yours,



Cassandra Jones-McBryde
Consumer Affairs

KENNETH A. LEHMAN, ESQ., P.C.

Attorney at Law

**1008 Pendleton Street
Alexandria, Virginia 22314**

Telephone (703) 683-6583

Fax (703) 683-6584

July 24, 2003

Michael Massey
Purvis Ford-Lincoln-Mercury
3660 Jefferson Davis Highway
P.O. Box 3489
Fredericksburg, VA 22402

Customer Relations Center
Ford Motor Company
16800 Executive Plaza Drive
Dearborn, MI 48121

Jeffery Malloy
Malloy Lincoln Mercury, Inc.
14655 Jefferson Davis Highway
Woodbridge, VA 22191

RE: 2003 Mercury Grand Marquis

VIN: 2MEFM75W03X[REDACTED]

Owner: [REDACTED]

Dear Sirs:

I am writing on behalf of my client [REDACTED] regarding his 2003 Mercury Grand Marquis, 4 DR SDN LS VIN: 2MEFM75W03X[REDACTED]

As you are aware, my client purchased this new vehicle from Malloy Lincoln Mercury, Inc. on or about August 31, 2002. Since that time, the vehicle has been serviced on four separate occasions related to the problem of the headlights and panel lights *malfunctioning*, i.e., turning off while the vehicle is being operated at night. This problem was clearly indicated in Mr. [REDACTED] letter to Ford Motor Company on December 18, 2002. Additionally, there have been numerous attempts to have the problem rectified at both Purvis Ford Lincoln Mercury and Malloy Lincoln Mercury, Inc., as detailed in the list immediately below the next paragraph. It is clear that Ford is unable to correct the inherent defect which substantially limits the usability, safety, and value of this vehicle.

On May 9, 2003, this office wrote a letter in a non adversarial attempt to let the dealerships fix the vehicle. In the beginning of this month (July) Mr. [REDACTED] authorized the service manager of Purvis to take this vehicle home to see if he could experience the headlight and dashboard problems. Mr. [REDACTED] has met the standards of permitting Ford and its dealer the opportunity to fix the defect, and Ford has yet to cure the problem. Mr. [REDACTED] is herein and hereby pursuing the remedies provided under the Motor Vehicle Warranty

3 JUL 28 P2:46

2003 MERCURY GRAND MARQUIS

Enforcement Act. The following list shows the actions that have occurred which invoke the protections of this Act.

- 1) Mr. [REDACTED] purchased the vehicle from Malloy Lincoln Mercury, Inc on or about August 31, 2002 and the defect has not been "cured" as of this date which is less than the 18-month period permitted in the statute.
- 2) The vehicle that Mr. [REDACTED] was sold is clearly a nonconforming vehicle. It is a motor vehicle upon which there has been *more than a reasonable number of attempts to repair* a defect. A vehicle is presumed to be significantly impaired if: "The same nonconformity has been subject to repair three or more times by the manufacturer, its agents or its authorized dealers and the same nonconformity continues to exist"-Va Code §59.1-207.13 (B)(1). The attached invoices show the numerous separate occasions Mr. Ayo had the vehicle's headlights and dashboard serviced (Attachment 1).
- 3) A motor vehicle that has had a reasonable number of attempts to repair a defect is presumed to be significantly impaired if: "The nonconformity is a serious safety defect and has been subject to repair one or more times by the manufacturer, its agent or its authorized dealer and the same nonconformity continues to exist"-Va Code §59.1-207.13 (B)(2). *The malfunctioning of the headlights and dashboard indicators results in the total loss of visibility, and the concurrent lack of knowledge of the speed, etc. of the vehicle which is clearly a dangerous and serious safety defect.*
- 4) Ford, as the manufacturer, has been put on actual notice of the continued defects through the receipt of the certified letter from Mr. Ayo dated December 18, 2002 and the May 9, 2003 letter from this office *as well as this letter which constitutes all of the notice required to meet the notice requirements of the Virginia Motor Vehicle Warranty Enforcement Act.* (Attachment 2)
- 5) Mr. [REDACTED] problem regarding the defective headlights and panel lights have not been repaired, and as of the date of this letter, the vehicle remains in its nonconforming state.
- 6) The following table shows the damages the Mr. [REDACTED] seeks under the statute:

TABLE 1 - Description of Damages

<u>Losses</u>	<u>Amount</u>
Cash down payment for the 2003 Mercury Grand Marquis	\$ 24,000.00
Monthly Amount Financed paid to date of \$151.51/mo, plus finance charge, tags, SVC Cont, and processing fee - approximately	\$ 2,000.00
Loss of use while the vehicle was in the shop for warranty repairs	
a) October 26, 2002	\$ 50.00
b) November 22, 2002	\$ 50.00
c) March 7, 2003	\$ 50.00
d) July 2003 (provided a loaner vehicle)	

Attorney Fees to date. \$ 1,200.00

TOTAL LOSSES \$ 27,350.00

Under § 59.1 - 207.13 A (2), Mr. [REDACTED] has the unconditional right to choose a refund for the full contract price of the vehicle, plus all collateral and incidental damages as listed above. Mr. [REDACTED] will maintain the use of their vehicle until a refund is received. He is aware that the refund will reflect a subtraction of the reasonable use up to the time the vehicle's defect was first reported to Ford or its agents.

Mr. [REDACTED] has been quite patient in this matter despite of the inconvenience this has caused him which includes the fact he and his wife do not drive the vehicle in the evenings for fear of having an accident due to the malfunctioning of the headlights and dashboard light. If Ford Motor Company chooses not to comply with the Virginia Lemon Law, Mr. [REDACTED] has instructed me to pursue this matter through formal litigation. I request that you acknowledge the receipt of this letter and contact me to discuss how soon you will be able to implement the issuance of a refund. At that time the vehicle will be returned, and Mr. [REDACTED] will acknowledge any reduction for normal wear and tear associated with the miles the vehicle has been driven and the number of months used. Mr. [REDACTED] will forego pursuing a legal action and sign a mutual release provided Ford Motor Company accepts the remedies in this letter. Thank you, and I look forward to working together to amicably resolve this matter.

Sincerely,



Kenneth A. Lehman

Jones-McBryde, Cassandr (C.L.)

From: JWesYoung@aol.com

Sent: Monday, August 11, 2003 11:30 AM

To: cjones@ford.com

Subject: Re: From Wes Young CRM Washington DC

The unit came from Malloy LM which I believe is in the Select Dealer Region. Apparently it was purchased there and had been there several times for an intermittent headlamps going out. Purvis believes they brought it to them just to get a third repair attempt. They were not able to verify the concern but did put a lighting control module on the unit.

8/19/03

PE08-066 0010LP

Customer Info

Customer: MR [REDACTED] Primary Phone: [REDACTED]

Address: [REDACTED] VA [REDACTED]

Country: USA Language: EN

Cell Phone: Pager:

Preferred Contact method: Fax:

Preferred Contact Time: Email:

ESP - K6248 8/11/09 10:30:55

VIN: 2MEFM75W03X619187

Contract: 1 Of

Status: Active

-----ESP Purchase Details-----

Purchaser: [REDACTED]

Expiration Date: 2009-08-31

Expiration Miles: 75,000

Plan Type: USA NEW 84/75,000 PREMIUMCARE
WIROADSIDE ASSISTANCE

Plan Year: 2002

Selling Dealer: MALLOY LINCOLN
MERCURY, INC.

Rental: 28

Deductible: 50

Towing
Allowance:

Purchase Type: N

Options:

-----ESP Cancellation Details-----

Cancel Date:

Process Date:

Refund Percent:

Dealer Received Date:

Dealer Credited:

No Recall Information for this VIN

Vehicle Information Report

GENERAL VEHICLE INFORMATION:

(Related Claims)

VIN: 2M1FM75W03N [REDACTED]	Veh Line: CTP-GRAND MARQ (PN53 FN114) [9204]	Eng Serial No: PKG AW 02063
Model Year: 2003	Market Derived: CM-MERCURY DIVISION DERIVATIVE	Body Shell: *
Veh Type: C	Drive Code: C B - 2 WHEEL REAR DRIVE	Engine: CVN - R-M 4.6L SOHC EFI N
Inv. Dealer: 10049	Body Cab Style: CFA-4 DOOR SEDAN-4 LIFE	Transmission: CD6-4 SP AT NAAO AODE
	Version/Series: CAL-LS VERSION -CAR	

BUILD INFORMATION:

Region: NA-***** Plant: AW-ST THOMAS PLANT BUILD
 Country: *-***** Prod Date: 14-JUN-2002

SALE INFORMATION:

Region: NA-***** Selling Dealer: 328521-#
 Country: USA-***** Selling Dlr St/Prov: VA
 Buyer St/Prov: VA

Arrival Date: 24-JUN-2002 Red Carpet Lease: *
 Sale Date: 31-AUG-2002 Fleet/Retail/Co. Lease: R
 Warranty Start Date: 31-AUG-2002 Modified Vehicle: *
 Orig Warranty Date: 31-AUG-2002 Reacquired Vehicle: * Vehicle Export Flag: N

VOC/EOC:

-----1-----2-----3-----4-----5-----6-----7-----8-----9-----
 * * * * *
 * * * * *

INSTALLED OPTION INFORMATION:

Air Conditioning: CC-ATC AIR CONDITIONER	GVW Code:
Alternator Amp Rating: *	GVW Class Code: F
Audio Disk: AC-AUDIO DISC CHANGER PLAYER	Instrumentation: AC-ELECTRONIC INSTRUMENTATION
Axle Ratio: EGAAC-2.75 FINAL DRIVE RATIO	Mirror(Driver Side): CX-DRVR PWR HEATED C/K EXT MIRROR
Axle Type: EGLAB-NON-LIMITED SLIP REAR AXLE	Mirror(Psngt Side): CZ-PASS PWR HEATED C/K EXT MIRR
Battery Amp Rating: MR	Paint: PNBFG-ARIZONA BEIGE #2
Brake Code: *- [N/A]	Power Antenna: *- [N/A]
Brake Code(Service): *- [N/A]	Radio: BU-ELECTR PREM STRO/CSTP/DISC CLK
Calibration Code: 3E1G19VA	Sound System: AA-LESS UPGRADED SOUND SYSTEM
Color(Accent): *- [N/A]	Suspn Tandem Axle:
Color(Trim): 000H1-	Tire Brand: *- [N/A]
Delivery Type: 0	Tire Size: D3JF3-P225/60TR-16 WSW
Driveshaft Code: *	Traction Control: AB-ANTI-SPIN TRACT BRAKES W/O IVD
Front Seat: C/K-SLVT-SPLIT BENCH	Wheel Base:
Fuel Type: AF-UNLEADED FUEL CAPABILITY	

TIRE DOT INFORMATION:

LF: B93VALHX1892 RF: B93VALHX1892
 LR: X19HB2100702 RR: B93VALHX1892
 LI: * RI: *
 SPARE: UYMPABC30702

ESP INFORMATION: EMISSIONS INFORMATION:

ESP Code:	✓	Emission Code:	3000
ESP Coverage(Miles):	✓	Emission Cert Type:	5
ESP Coverage(Time):	✓	Emission Decal Suffix:	KDG
ESP Plan Year:	✓	Engine Family:	3EMIXV046V15
ESP Signature Date:			

Standard Claims List For Model Year 2003

VIN	VEH FIN	MKT DERV	BODY CAB	VER SERIES	DRIVE TYPE	PLT CD	ERS CD	ENG CD	PROD DATE	WARR DATE	SELLING DEALER	SELL CNY	HTS	WCC	CPSC	PRF	BASI	SALE DATE	CCC	CD	DIST (MHS)
	C1P	CAI	C1A	CAI	CB	AW	C16	CAV	14-JUN-2002	31-AUG-2002	328521	USA	2	2002	030302		12029		129	42	2868
AWS Claim Key: 0006128 Trx Code: S07 Labor Hrs: 9																					
Dir Cd-Sub Cd: 0006128 Name: PURVIS FORD, INC Ph: 540-8983000 St: VA Ctry Cd: USA Reg Cd: NA Repr Date: 24-06-13 Doc #0059836A																					
Cust Comments: CS THAT THE CAR IS MISSING AT ABOUT 55 MPH AND THE ENGINE LIGHT CAME ON AND IS STAYING ON																					
Tech Comments: THE CAR IS MISSING AT ABOUT 55 MPH AND THE ENGINE LIGHT CAME ON VERIFY NGIS TEST REPLACT COIL																					
	C1P	CAI	C1A	CAI	CB	AW	C16	CAV	14-JUN-2002	31-AUG-2002	328521	USA	11	7116	170200	3W7Z	13C788	AF	125	42	12434
AWS Claim Key: 78-733 Trx Code: E83 Labor Hrs: 8																					
Dir Cd-Sub Cd: 0006128 Name: PURVIS FORD, INC Ph: 540-8983000 St: VA Ctry Cd: USA Reg Cd: NA Repr Date: 01-03-13 Doc #0059174A																					
Cust Comments: CR FOR THE HEADLAMPS INTERMITTENTLY GOING OUT																					
Tech Comments: THE HEAD LIGHTS INTERMITTENTLY GOING OUT VERIFY REPLACT LIGHTING CONTROL MODULE PURSSM16698																					
	C1P	CAI	C1A	CAI	CB	AW	C16	CAV	14-JUN-2002	31-AUG-2002	328521	USA	11	6521	020001		MISC		AV	82	12434
AWS Claim Key: 1786724 Trx Code: P01 Labor Hrs: 6																					
Dir Cd-Sub Cd: 0006128 Name: PURVIS FORD, INC Ph: 540-8983000 St: VA Ctry Cd: USA Reg Cd: NA Repr Date: 01-03-13 Doc #0059174D																					
Cust Comments: CUSTOMER IN RENTAL THROUGH FORD SEE SCOTT																					
Tech Comments: CUSTOMER IN RENTAL THROUGH FORD																					

Dealer Information

FCSD Region	Sales Region	Sales Zone	Market	P&A Code	Sales Code
27-WASHINGTON	27-WASHINGTON	A	F1	00061	F27440

Dealer Name:	PURVIS FORD INC		
Dealer Address:	3660 JEFF DAVIS HWY/US #1 FREDERICKSBURG VA 22408		
Dealer Main Phone:	540-898-3000	Dealer Service Phone:	540-710-1400

Position	Employee Name
DEALER/PARTNER	EMILY J PATRICK
DEALER/PARTNER	ROBERT E PATRICK SR
GENERAL MANAGER	MICHAEL H MASSEY
GENERAL MANAGER	JAMES M SNODDY
PARTS MANAGER	WILLIAM R TODD
PARTS MANAGER	GARY C GEIL
PARTS MANAGER	WAYNE T LONG
SALES MANAGER	PHILIP S WALTERS
SALES MANAGER	DAVID D EADIE
SERVICE MANAGER	WILLIAM R MOULDS

Service Hours 7:30 AM - 6:00 PM

Directions

Trained Y

Additional Information BODYSHOP MANAGER: M.L. DEES

VIN: 2MEFM75W03X [REDACTED] Year: 2003 Model: GRAND MARQUIS Case: 734022962
 Name: MR [REDACTED] Owner Status: Original WSD: 2002-08-31
 Symptom Desc: LIGHTING SYSTEM EXT. LIGHTING Primary Phone: [REDACTED]
 Reason Desc: LEGAL - OTHER ATTORNEY DEMAND Secondary Phone: [REDACTED]
 Issue Type: 07 LEGAL Issue Status: CLOSED

Action: OPEN LEGAL CONTACT - ATTORNEY DEMAND
 Dealer: 00061 PURVIS FORD INC Origin Desc: CA-LITIGATION PREVENTION-FRONT DESK
 Odometer: 12434 MI Comm Type: MAIL
 Analyst Name: LEICH,CHERIE Analyst: CLEICH
 Action Date: 07/28/2003 Action Time: 15.02.26.614 Action Data: Yes

Comments *****ATTORNEY DEMAND***** DATE STAMPED 7-28-03. ATTORNEY ALLEGES CLIENT'S VEHICLE HAS BEEN SERVICED ON AT LEAST FOUR OCCASIONS FOR HEADLIGHTS AND PANEL LIGHTS MALFUNCTIONING. ATTORNEY DEMANDS CONTACT FROM FORD REPRESENTATIVE.

Data Element Name	Data Value
NAME OF LAW FIRM	KENNETH A. LEHMAN ATTORNEY AT LAW
ATTORNEY NAME	KENNETH A. LEHMAN
ATTORNEY PHONE NUMBER	7036836583

Action: MAKE OUTBOUND CALL TO ATTORNEY
 Dealer: 00061 PURVIS FORD INC Origin Desc: CONSUMER AFFAIRS - LITIGATION PREVENTION
 Odometer: 12434 MI Comm Type: MAIL
 Analyst Name: CASSANDRA JONES Analyst: CJONES
 Action Date: 07/29/2003 Action Time: 16.06.23.475 Action Data: Yes

Comments ATTY AWARE OF DEMAND RECIEPT. LETTER SENT TO CSM REQUESTING MORE INFORMATION.

Data Element Name	Data Value
CONTACT PERSON	.

Action: FINAL CASE DISPOSITION
 Dealer: 00061 PURVIS FORD INC Origin Desc: CONSUMER AFFAIRS - LITIGATION PREVENTION
 Odometer: 12434 MI Comm Type: MAIL
 Analyst Name: CASSANDRA JONES Analyst: CJONES
 Action Date: 08/19/2003 Action Time: 08.22.38.956 Action Data: No

Comments LPA HAS REVIEWED THE SRV HISTORY FROM BOTH THE SELLING AND THE SERVICING DLR. BASED ON THE AVAILABLE INFORMATION, WE CAN NOT HONOR REQUEST FOR REPURCHASE. LETTER OF CLOSING WILL BE FAXED TO ATTY.