



U.S. Department of Transportation

National Highway Traffic Safety Administration

*GMCC 022*

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

MAR - 1 2006

*Original Received  
3-7-06*

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Ms. Gay P. Kent, Director  
General Motors Corp.  
Mail Code [REDACTED]  
[REDACTED]

NVS-217ph  
DI05-142

Dear Ms. Kent,

The Office of Defects Investigation (ODI) of the National Highway Traffic Safety Administration (NHTSA) has received information about certain death incidents reported by General Motors Corporation in its light vehicle early warning report for the 3rd quarter of 2005. We are writing to request additional information about the following incidents:

<b>Selected Death Incidents from the 3rd Quarter of 2005</b>
For Reporting Category: L
For the following Sequence IDs (SeqID): 28, 129, 137, 173, 221, 227, 233, 238, 248, 254, 286, 291, 299, 324, 329, 337, 385, 452, 456, 459, 521, 577

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

**Incident:** each incident reported in Sequence IDs identified above.

**Claim and Notice:** shall have the meanings stated in 49 CFR §579.4(c). Claim and notice also specifically refer to the claim(s) and notice(s) that are the predicate for the early warning report on the incident.

**Manufacturer:** refers to General Motors Corporation.

**Vehicle:** the vehicle produced by General Motors Corporation that is identified in the claim or notice.

**Tire:** the tire produced by General Motors Corporation that is identified in the claim or notice.



VEHICLE SAFETY HOTLINE  
888-327-4236

**Equipment:** the item of motor vehicle equipment produced by General Motors Corporation that is identified in the claim or notice.

**Defect:** means any failure, malfunction, lack of durability, or other problem in performance, construction, a component, or material of a motor vehicle or piece of motor vehicle equipment.

**Document:** "Document(s)" is used in the broadest sense of the word and shall mean all written, typed, graphic and photographic matter whatsoever, be it in original, copy or electronic form. Any photograph originally produced in color must be provided in color. Furnish all documents whether verified by General Motors Corporation or not. If a document is not in the English language, provide both the original document and an English translation of the document. Document(s) includes all documents in General Motors Corporation's custody and/or control.

Please provide numbered responses to the following inquiries, repeating the applicable request verbatim before each response. After General Motors Corporation's response to each request, identify the source of the information and indicate the last date the information was gathered. When documents are produced, the documents shall be produced in an identified, organized manner that corresponds to each pertinent information request. A separate response must be provided for each incident. Each response, document or attachment must be clearly identified with the incident Sequence ID (SeqID) number.

1. Provide a complete copy of the claim or notice document(s) that notified General Motors Corporation of the incident, including any amendments and supplements thereto, excluding: (a) medical documents and bills, except those showing the cause of death or injury; (b) property damage invoices or estimates; and (c) documents related to damages.
2. Provide a copy of all documents, photographs, videos, received from the claimant(s) or claimant's representative that identify and/or support or purport to support any allegation of a defect in the vehicle, regardless of whether General Motors Corporation disputes the assertions therein and excluding: (a) medical documents and bills, except those showing the cause of death or injury; (b) property damage invoices and estimates; and (c) documents related to quantification of damages.
3. Provide a copy of all investigative documents prepared by any local, state, or Federal governmental agency or personnel related to the incident, including but not limited to photographs, Police Accident Reports, or cause and origin reports.
4. At your option, provide General Motors Corporation's assessment of the circumstances that led to the incident including General Motors Corporation's analysis of the claim and/or notice regarding allegations of a defect.

This letter is being sent to General Motors Corporation 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. General Motors Corporation's failure to respond promptly and fully to this letter

could subject General Motors Corporation 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 General Motors Corporation 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, General Motors Corporation 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-110), National Highway Traffic Safety Administration, Room [REDACTED]

Your response to this letter, together with a copy of any confidentiality request, must be submitted to this office by **April 7, 2006**. Please include in your response the identification codes referenced on page one of this letter. If you are unable to provide all of the information requested within the time allotted, you must request an extension from me at [REDACTED] no later than five business days before the response due date. If all of the information requested by the original deadline is unavailable, you must submit a partial response by the original deadline with whatever information then is available, even if an extension is granted.

If you have any technical questions concerning this matter, please contact Mr. Leo Yon at [REDACTED] or by fax at [REDACTED]

Sincerely,

[REDACTED]  
Christina Morgan, Chief  
Early Warning Division  
Office of Defects Investigation  
Enforcement



April 6, 2006

Ms. Christina Morgan, Chief  
Early Warning Division  
Office of Defects Investigation  
Enforcement, NHTSA

GMRC022

NVS-217ph  
DI05-142

Dear Ms. Morgan:

This letter is General Motors' (GM) response to your inquiry dated March 1, 2006, regarding certain death incidents reported by GM in its light vehicle early warning report for the 3rd quarter of 2005.

GM's response is comprised of 35 CDs (1 audio tape), one or more for each incident that is the subject of DI05-142.

Attachment "A" includes instructions for navigating the CD. Each CD, on its face, is identified by the NHTSA Sequence ID number, the Manufacturer's Unique ID number and the year, make and model of the vehicle involved in the incident, e.g., 28 168230056 - 501616 2003 Cadillac CTS. When the CD is launched, this identification number appears again along with all of the documents (including photographs and videos) on the CD listed under "Filename." The first document listed under Filename is an index with the Request and Responses, e.g., identified as 28 168230056 - 501616 00 Request and Responses.tif. The index is numbered one through four to correspond to Inquiries no. 1 through 4 of the inquiry, which are repeated verbatim below. The index also details whether any documents responsive to each inquiry were located.

For example, the first two Request and Responses in the index for one of the CDs are as follows:

DI05-142  
28 168230056 - 501616  
2003 Cadillac CTS

Request for Information:

1. Provide a complete and full copy of the claim or notice document that notified General Motors Corporation of the incident, including any amendments and supplements thereto, excluding: (a) medical documents and bills, except those showing the cause of death or injury; (b) property damage invoices or estimates; and (c) documents related to damages.

Response: See Attached Documents

2. Provide a copy of all documents concerning the alleged defect, or alleged consequences of the alleged defect, that refer to the incident excluding: (a) medical documents and bills, except those showing the cause of death or injury; (b) property damage invoices and estimates; and (c) documents related to quantification of damages.

Response: None.

The remaining documents listed under Filename, reference the Manufacturer's Unique ID number along with the responsive Inquiry number. For example

- 28 16823056 - 501616\_01\_001 - is the first document responsive to Inquiry no. 1.
- 28 16823056 - 501616\_03\_001 - is the first document responsive to Inquiry no. 3.
- 28 16823056 - 501616\_03\_002 - is the second document responsive to Inquiry no. 3.

Your inquiries and our corresponding replies are as follows:

1. Provide a complete and full copy of the claim or notice document(s) that notified General Motors Corporation of the incident, including any amendments and supplements thereto, excluding: (a) medical documents and bills, except those showing the cause of death or injury; (b) property damage invoices or estimates; and (c) documents related to damages.

The table below lists the incidents that are the subject of DI05-082, by Reporting Category, Sequence ID, VIN and type of notice received by GM (as "notice" is commonly used, not as it is defined by 49 C.F.R. § 579.4(c)). Incidents reported on GM's Early Warning Report Death and Injury worksheet fall into four categories: Lawsuit (LIT), NISM (Not in Suit Matters), Product Allegation Resolution (PAR), or Rumor (RMR). Lawsuit and NISM case types generally meet the § 579.4(c) definition of "claim." PAR cases, in this context, refer to customer contacts in which an injury or fatality is alleged to have occurred as a result of a product defect, and are accompanied by a writing that may or may not meet the §579.4(c) definition of "claim" or "notice." Rumor incidents do not involve a written or verbal, implied or express allegation of a defect by a customer. Rather, rumor cases generally refer to incidents that GM learned of through the media, which were subsequently investigated further. As such, the document included in response to inquiry 1 that can be found on the enclosed CD for the PAR and Rumor case listed in the table may not be a claim or notice of the type generally defined as such by § 579.4(c).

SELECTED DEATH INCIDENTS FROM THE 3RD QUARTER OF 2005  
REPORTING CATEGORY L  
(22 VEHICLES FROM TEMPIA II)

SEQUENCE ID	VEHICLE IDENTIFICATION NUMBER (VIN)	TYPE
28	1G6DM57NS30174287	LIT
129	1G1JC12F847143366	LIT
137	1G1A11Z1857595416	NISM
173	JNKNOWN	RMR
221	1GCCS14XBWK171417	NISM
227	1GCCS19X136132297	NISM
233	1GNCT15WXXK190170	LIT
238	1GNCS13W3V2138941	LIT
248	1GNBT13W4Y2244076	NISM
254	1GNCT18W42K135239	LIT
286	2GCEK19T841278383	NISM
291	2GCEC19V341233897	LIT
299	1GCHK29U11F211642	NISM
324	1GNFK16Z04J158197	LIT
329	3GNFK16Z65G104454	NISM
337	1GNEK13Z54R227483	LIT
385	1GNDV23L85D268189	NISM
452	2GTEK13T551138275	LIT
456	1GTHC24L05E209653	LIT
459	1GTJC53L84F185607	NISM
521	1G2NE52T2XC565620	LIT
577	1GSAJ52F24Z119146	NISM

2. Provide a copy of all documents, photographs, videos, received from the claimant(s) or claimant's representative that identify and/or support or purport to support any allegation of a defect in the vehicle, regardless of whether General Motors Corporation disputes the assertions therein and excluding: (a) medical documents and bills, except those showing the cause of death or injury; (b) property damage invoices and estimates; and (c) documents related to quantification of damages.

See attached document.

3. Provide a copy of all investigative documents prepared by any local, state, or Federal governmental agency or personnel related to the incident, including but not limited to photographs, Police Accident Reports, or cause and origin reports.

See attached documents and photographs.

4. At your option, provide General Motors Corporation's assessment of the circumstances that led to the incident including General Motors Corporation's analysis of the claim and/or notice regarding allegations of a defect.

To date GM's investigation of the alleged defect has not included an assessment of the cause(s) of each incident responsive to this request. Some incident reports may not contain sufficient reliable information to accurately assess cause. Assessments of other incidents (from lawsuits and claims) may be attorney work product and/or privileged. Therefore, information and documents provided in this response, if any, consist only of non-attorney work product and/or non-privileged material for incidents that have been investigated and assessed.

GM claims that certain information, in documents that are part of rumor, claim and lawsuit files maintained by the GM Legal Staff and its outside counsel, is attorney work product and/or privileged. That information includes notes, memos, reports, photographs, and evaluations by attorneys (and by consultants, claims analysts, investigators, and engineers working at the request of attorneys). GM is producing responsive documents from its rumor, claim and lawsuit files that are neither attorney work product nor privileged and withholding those that are attorney work product and/or privileged.

This response was compiled and prepared by this office upon review of documents retrieved by GM and does not include documents generated or received subsequent to the searches.

Please contact me at if you require further information.

Sincerely,



Gay P. Kent

Director

Product Investigations

Enclosures:  
35 CDs , 1 Audio tape  
Attachment A



5. Each image file may contain multiple pages. In the browsing mode use **Next Page Icon (Ctrl+PgDn)**, **Select Page Icon** or **Previous Page Icon (Ctrl+PgUp)** to browse through all of the pages within an image file. (Note: Some image files may contain up to 80 pages.)
6. By double-clicking on an image from the file list, a slide show will initiate, however it will not automatically advance through the pages. Use **Ctrl+PgDn** or **Ctrl+PgUp** to browse through all of the pages within an image file. Left-clicking on an image, while in the slide show mode, will advance to the first page of the next image file.
7. Right click on the image to see the image properties, as shown below. Image properties can also be used to view each page with in the documents (Next page), or to view the next document within the file list (Next Image).
8. If the image is difficult to view, the scale may be changed. Use **F5**, **F6**, **F7** and **F8** to alternate between scales that fit the screen, or are 50%, 100%, and 200% of the image's original size.

