

7/5/2016

Jean-Pierre White
114 Dorcas Drive
Hendersonville TN 37075

Brian – Consumer Affairs
Nissan Case Number : 22830803
1 Nissan Way,
Franklin, TN 37067

Dear Brian

This letter is a request that Nissan reconsider its decision to deny warranty replacement of the Traction battery for my 2011 Nissan LEAF. I am claiming under the original 8 Year 100,000 mile Workmanship and Materials Warranty as a result of abnormal loss of battery capacity which is neither normal nor could be reasonably anticipated.

I have kept records of when my vehicle lost each of its capacity bars and compared that to guidance issued by Andy Palmer, Chief Planning Officer of Nissan on October 4th 2012 regarding the expected traction battery life for a Nissan LEAF. Please find this attached as Attachment 1.

My position is that the loss of battery capacity in my 2011 LEAF is abnormal and I have used Nissan Official statements and videos to establish what Nissan considers to be the anticipated durability of its LEAF traction battery. Please see selected transcripts from Nissan videos as Attachment 2. Videos can be furnished upon request.

I have maintained my 2011 LEAF well above the standard set forth in the 2011 LEAF Service Maintenance Guide and submit a summary of service and repairs on my vehicle as Attachment 3. Actual service receipts from any or all service visits can be furnished upon request.

I have made favorable comments regarding the LEAF in press interviews, at public events and on my LEAF blog which receives 36,000 visits a year. A LEAF's best salesperson is its enthusiastic owner.

I feel confident once you review my specific situation you will find in my favor and look forward to hearing from you. I can be contacted at the address above or via telephone on 615-431-9461.

Thanks for your kind consideration

Jean-Pierre White
2011 Nissan LEAF Owner
<https://jpwhitenissanleaf.com/>
Attachments (3)

Attachment 1 – Actual Battery Performance compared to Nissan Guidance.

Nissan Establishes Degradation Guideline

On October 4th 2012 Andy Palmer, an executive at Nissan stated the following regarding anticipated LEAF battery durability during a staged and formal interview on camera (Video available upon request).

“After 5 years of normal usage you’d be at 80% state of health and at 10 years in you’d be at 70%. You can see it’s basically Non-Linear.”

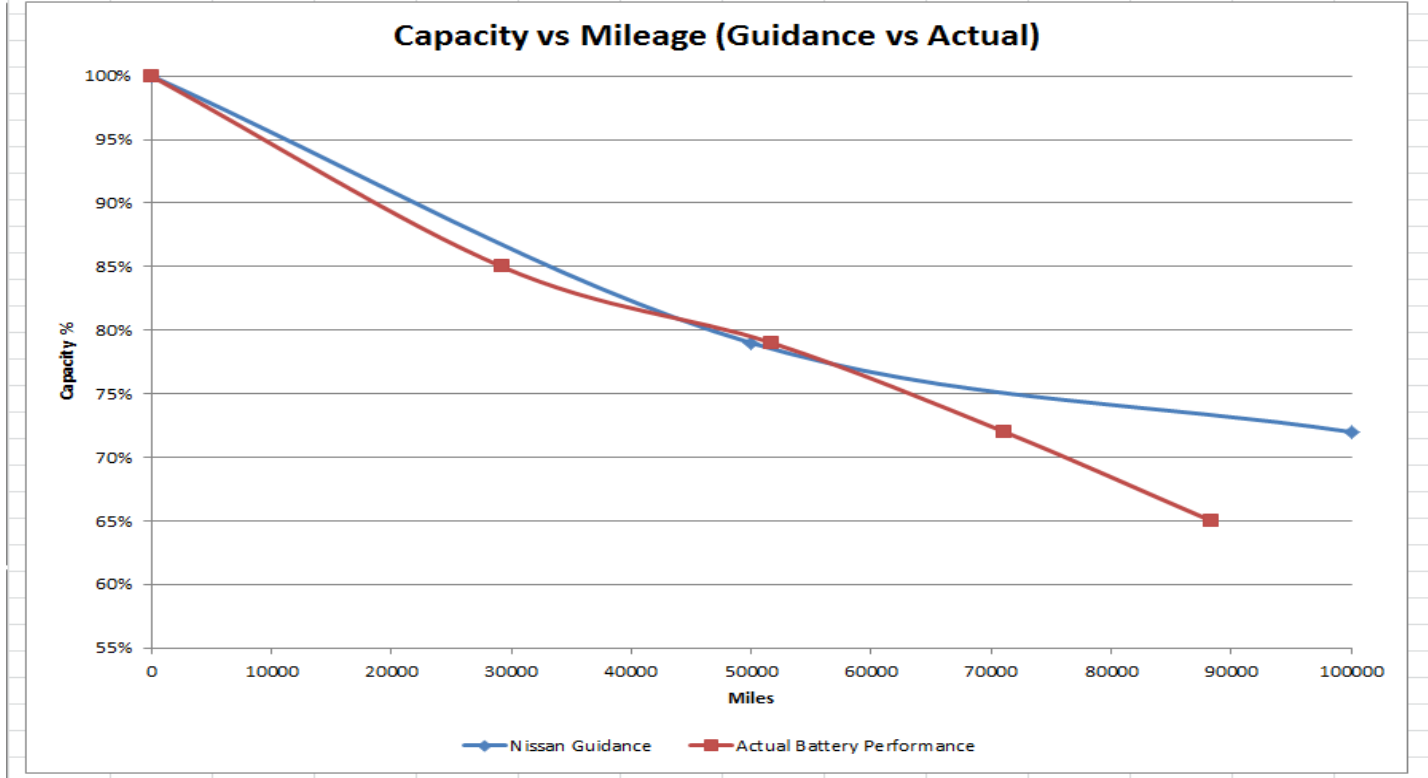
I assumed 10,000 miles per year to be ‘normal usage’ and plotted this on a chart (see blue line below) with 80% at 50,000 miles/5 years and 70% at 100,000 Miles/10 Years. This shows the non-linear shallowing of the degradation curve overtime as described by Andy Palmer.

Actual Degradation of my 2011 LEAF

My personal documentation details the mileage at which my LEAF lost its capacity bars and the state of health that each bar represents. Actual degradation is shown as the red line on the chart below.

WARRANTY CLAIM: My 2011 LEAF’s battery *performed as anticipated* up to 57,000 miles when compared to the Nissan degradation guideline but after this point the rate of degradation accelerated instead of shallowing off. I can only assume an internal battery fault caused this at or around the 57,000 mile mark and this **sharp and sudden** deviation of capacity loss from Nissan established guidelines is the **basis for my claim** under the 8 year/100,000 mile workmanship and materials warranty.

Nissan Guidance			Actual Battery Performance		
Miles	Capacity	Bars	Miles	Capacity	Bars
0	100%	12	0	100%	12
50000	79%	10	29206	85%	11
100000	72%	9	51728	79%	10
			71108	72%	9
			88361	65%	8



Andy Palmer made the following statement on October 4th 2012 in a formal interview.

“At Nissan we are very confident in the technology, but there was a requirement from some customers to buy. In that instance seen from Tokyo in the development process the only reason you’d replace a battery is if something went wrong with the battery in which case Nissan would replace it under its 8 year warranty scheme. Period.”

Andy Palmer also said in the same interview

“When we developed the motor car we couldn’t imagine a scenario where you replaced the battery.”

In an official Nissan Video released on March 6th 2012 Mark Perry of Nissan made the following statement.

“Some people are always worried about (and I understand the worry) that I’m going to have to replace their entire battery pack, the chances of that happening are almost zero.”

Attachment 2 - Nissan LEAF Battery Guidance as detailed in Official Nissan Videos and statements

– select transcripts and start times.

Nissan Official Video: Nissan LEAF In Depth Battery Performance. Mar 6, 2012

<https://www.youtube.com/watch?v=DShtvd5jJHQ>

Robert Brown and Mark Perry of Nissan.

1:00 Mark Perry: The battery from a chemistry standpoint over a 10 year life you will have about 70-80% capacity left after 10 years.

1:57 Mark Perry: Some people are always worried about (and I understand the worry) that I'm going to have to replace their entire battery pack, the chances of that happening are almost zero.

Nissan Official Video – Nissan LEAF Tour Questions and Answers - Battery Replacement Feb 9, 2012

<https://www.youtube.com/watch?v=-s4rX3saPUw>

When will the Nissan LEAF battery need to be replaced? Juan E.

Spokesperson: The Battery will NOT have to be replaced after a couple of years, in fact the battery pack is meant to last at least 10 years or 100,000 miles, could be much longer depending on how you drive.

Andy Palmer and Chelsea Sexton Discuss the Nissan LEAF. October 4th 2012.

<https://www.youtube.com/watch?v=R1tfX7fRWPI>

Anticipated Battery Life

1:03 Andy Palmer: After 5 years of normal usage you'd be at 80% state of health and at 10 years in you'd be at 70%. You can see it's basically Non-Linear.

Battery Replacement Likelihood.

6:45 Andy Palmer: When we developed the motor car we couldn't imagine a scenario where you replaced the battery.

7:09 Andy Palmer: At Nissan we are very confident in the technology, but there was a requirement from some customers to buy. In that instance seen from Tokyo in the development process the only reason you'd replace a battery is if something went wrong with the battery in which case Nissan would replace it under its 8 year warranty scheme. Period.

7:50 Andy Palmer: We never imagined there would be a customer, and apparently there is, that after 5 years they would want to bring their battery back up to state of health of 100%. And therefore buy a battery.

Goodwill

9:15 Chelsea Sexton: How are you dealing with the goodwill issue? Is there going to be a broad goodwill remedy for owners?

9:26 Andy Palmer answers: So far the number of people dissatisfied is relatively small. We deal with complaints and we take complaints seriously. We deal with them on a customer by customer basis. The famous seven customers in Arizona we've basically dealt with those customers and in some cases have taken goodwill actions. We'll continue to try and engage customer by customer.

10:17 Chelsea Sexton: I know you've been dealing with some customers on a case by case basis for the Phoenix issue, but is there going to be a broader remedy for those who still love their LEAF's but are concerned that one day this issue will be their issue?

10:38 Andy Palmer answers: If you look around the world at the LEAF, LEAF has a 5 year warranty on the battery. Everywhere except the United States where we have an 8 year warranty. We did that in the United States not because we had to but because other hybrid vehicles have a mandated 8 years warranty so we decided to put a 8 year warranty. The assumption was that it was competitive in all ways.

Attachment 3 – Service Summary. Receipts available upon request.

Miles	Interval	Date	Service Performed	Repair Station	Cost
11		30-Jul-2011	Purchased New	Newton Nissan	\$ 31,680.00
11		30-Jul-2011	Taxes/Title/Reg	Newton Nissan	\$ 2,985.62
11		30-Jul-2011	100,000 Mile Service Contract	Newton Nissan	\$ 1,163.00
1826	1815	15-Sep-2011	Window Tinting	Performance Films	\$ 218.50
5103	3277	30-Dec-2011	Replace Passenger Window Track (Warranty)	Newton Nissan	\$ -
7495	2392	12-Mar-2012	7,500 Mile Service. Tire Rotation. 2 software updates for NTB12-015 and JP12740.6	Newton Nissan	\$ 11.97
13360	5865	25-Jul-2012	12 Month Battery Check	Newton Nissan	\$ -
14954	1594	4-Sep-2012	15,000 Mile Service. Tire Rotation, Replace Brake Fluid, 4 Wheel Alignment and balance, Replace Cabin Filter, R&R rear hatch weather seal	Newton Nissan	\$ 305.87
16167	1213	2-Oct-2012	Replace Passenger Door Speaker. (Warranty)	Newton Nissan	\$ -
22568	6401	19-Mar-2013	22,500 Mile Service. Rotate Tires. Applied TSB to resolve grabby brakes.	Newton Nissan	\$ 1.94
28708	6140	12-Jul-2013	4 New Ecopia Tires	Firestone	\$ 535.28
30173	1465	2-Aug-2013	30,000 Mile Service. Tire Rotation, Replace Brake Fluid, 4 Wheel Alignment and wheel balance. Replace Cabin Air Filter, Interior Detail. HV Battery and PD Charger Firmware update NTB13-061. 24-Month Battery Check.	Newton Nissan	\$ 328.33
35847	5674	12-Nov-2013	Diagnostic after EV System Warning Light came on. Issue was due to public charging station. Codes Cleared. No Fault Found.	Newton Nissan	\$ -
36766	919	30-Nov-2013	Plug right rear tire	Firestone	\$ 16.38
37180	414	8-Dec-2013	Replace Front Wiper Blades	Advanced Auto Parts	\$ 33.31
37503	323	13-Dec-2013	37,500 Mile Service. Rotate Tires. Replace Rear Wiper Blade	Newton Nissan	\$ 42.77

41125	3622	15-Feb-2014	Replace Master Window Switch 25401-3NA0B (Warranty)	Newton Nissan	\$	-
44958	3833	22-Apr-2014	45,000 Mile Service. Tire Rotation, Replace Brake Fluid, 4 wheel alignment and wheel balance, Replace Cabin Filter, Interior Detail. Adjust Charge Trap Door	Newton Nissan	\$	366.91
49852	4894	21-Jul-2014	36 Month Battery Check		\$	103.79
52590	2738	8-Sep-2014	Rotate Tires	Newton Nissan	\$	22.89
56241	3651	1-Nov-2014	Plug Front Passenger Tire	Firestone	\$	-
60227	3986	12-Jan-2015	60,000 Mile Service. Tire Rotation, Replace Brake Fluid, 4-Wheel alignment and Wheel Balance, Replace Cabin Filter, Interior Detail, Replace Gearbox Oil. Replace Windscreen Wipers.	Newton Nissan	\$	353.08
67571	7344	20-May-2015	4 New Ecopia+ Tires	Firestone	\$	535.28
71367	3796	1-Aug-2015	48 Month Annual Battery Check	Newton Nissan	\$	-
75136	3769	2-Oct-2015	75,000 Mile Service. Tire Rotation, Replace Brake Fluid, 4-Wheel alignment and Wheel Balance, Replace Cabin Filter, Interior Detail.	Newton Nissan	\$	487.54
82300	7164	3-Feb-2016	82,500 Mile Service. Rotate Tires	Newton Nissan	\$	10.38
82901	601	13-Feb-2016	Replace Rear Wiper Motor. (Warranty)	Newton Nissan	\$	-
90119	7218	11-Jun-2016	90,000 Mile Service. Tire Rotation, Replace Brake Fluid, Replace Cabin Filter, Interior Detail, Replace Windshield Wipers, Lubricated Passenger Window, 4-Wheel Alignment and Balance.	Newton Nissan	\$	565.67