
CENTER FOR AUTO SAFETY

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November 25, 2014

Mr. Kenneth Feinberg
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Mr. Feinberg:

On [November 12](#), the Center wrote you asking: “How good can the Compensation Program be if it doesn’t contact and provide compensation for the first known victim whose name is in GM’s files?” In a June 2, 2014 letter to you and in a follow-up meeting on June 11, we emphasized: “As a first step to identifying ignition switch victims, every GM recalled vehicle EWR report must be searched for deaths and injuries due to the ignition switch defect.” We even provided a list of the 2,004 EWR claims provided through 2013 to help you get started. (The EWR System now contains [2,703 EWR death and injury claims](#) on vehicles in the GM Ignition Compensation Program through June 30, 2014.) The First Victim, Jean Averill of Washington CT, is number one on the EWR death list.

On November 17, [you responded](#) trying to defend the GM Ignition Compensation Program limited victim outreach by saying “[o]wners of vehicles with VIN identified in the EWR report . . . were included in our notice campaign.” Your notice campaign appears to be little more than mailing to lists of present and past owners. Mrs. Averill comes from a well-known family in Washington, CT which ran a beloved farm stand for generations. Why not pick up the phone and call the First Victim’s family?

Your November 17 letter stated “GM will send a supplemental notice to over 850,000 individuals who are either newly registered owners of eligible GM vehicles or individuals for whom a change in registration, change of address or corrected address has been received.” [Andrew Jackson](#) of Marana AZ received [this notice](#) on November 22. It came too late because his 2007 Cobalt lost steering and crashed the day before with the airbag failing to deploy. It is rather startling that so many people were not contacted. If they didn’t get the original claim notice, they likely didn’t get the recall notice either – Mr Jackson never got a recall notice.

Your November 17 letter announced the extension of the claims period for the GM Ignition Compensation Program by one month. That’s good. But the Program must do more to reach out and find victims and then help them overcome GM’s objections. To date, the Program has only approved [79 out of 2,180 claims](#). Some 1,746 claims have been deemed ineligible, deficient, or undocumented leaving only 355 claims under review. If the Program ends up approving only 20% of the claims filed (the maximum possible if all 355 claims under review are approved), the Program will be a failure.

The Center urges the Program to not only increase personal outreach but also to hire experts to help victims make their case. It’s not fair for GM to bring in experts against victims who have no counsel to assist them and who have little, if any, records because GM concealed the defect for so many years. Again, the Center calls on the Program to establish a prima facie case where the subject vehicle had a history of stalling.

Sincerely,



Clarence Ditlow
Executive Director

