

Peter W. D. Wright

P. O. Box 1008
17456 GEN'L PULLER HWY
DELTAVILLE, VIRGINIA 23043-1008
(804) 776-XXXX

October 24, 2006

Jack XXXXXXXX, Owner
Mary XXXXXXXX, Owner
Stingray Point Auto and Marine
PO Box xxx
Deltaville, Virginia 23043

Delivered by Hand

Re: Damage to Mazda Miata

Dear Jack and Mary:

As you know, your shop has had my business on all of our cars within a month or so after you opened many years ago. I was one of your first loyal and faithful customers. On Friday, September 29, 2006, per a pre-arranged appointment, I left my 2000 Mazda Miata at your shop for the annual inspection. I was expecting to be able to pick the car up in an hour or so.

A couple of hours later Donald called and advised that he could not complete the inspection. He explained that some brake parts and a fog lamp needed to be replaced. None of the items were in stock and would be ordered. I understood that the brake parts would be in very early the next morning. I asked about picking the car up that Friday afternoon and bringing it back early Saturday morning. Donald recommended that I leave the car. I explained that I did not want to leave it at the shop because I was aware that automobiles had been broken into when left overnight on your lot. (This happened to our office manager last year when she left her car overnight at your shop.) Donald recommended that I leave the car and said the car would be locked up inside the bay overnight.

I left the car that night.

On Saturday morning, September 30, I went by your shop to pick up the car. Donald explained that the brakes had been repaired but that the fog light would not be in until Tuesday. I never used the fog light and was not concerned. I explained that I had some errands to run and could bring the car back on Tuesday. Donald explained that the law had changed and that now it is illegal to operate a vehicle with a rejection sticker unless it is being operated to and from the repair facility. I should not use the car to run personal errands.

Given that, and his assurance that the car would be locked up each night, I left it at the shop with the understanding that I could pick it up on Tuesday.

On Tuesday, October 3, I went to the shop to pick up the car. The fog light had not yet arrived and the car was not repaired.

I explained that I was going out of town for rest of week and could bring it back after I returned. Donald said that was not necessary, I could leave it there and the car would be put it inside each night. I agreed to leave the car with you and I also said “perhaps Frank could bring it back to my house when it is fixed since he lives so close.” Donald responded, “Perhaps, we will see.” (Frank, one of your employees, lives within sight of my house, and he and his parents have been to our house on occasion.)

On Monday morning, October 9, almost a week later, after I returned from the trip out of town, my office manager called me at home. She said she heard that customers at Nauti Nells store were talking about my car being at your shop and having lots of water damage. I was confused. I thought she or the customers were talking about Tropical Storm Ernesto or the heavy rains over the weekend having damaged my car, assuming that I took it to your shop because of such damage. I explained that I had taken it for an inspection before I left town.

I then went to the shop to pick up my car. When I arrived at your lot, I saw my car with the top up, windows closed, and water dripping from the interior of the windshield onto the dashboard. I opened the door and water was on the floorboard. The seat cushion was soaked. Water was in the center console and side pockets of the door.

I immediately went into the store, Jack was standing by the door talking with a customer. When he was through, I said, “Come outside, look at my car.” He followed and as we walked toward my car I asked, “What happened?” He said, “I don’t know.”

We went to the car. When I opened the top and put it down, water came out of the lining of the top. You could see water on the floor in front of the seats. I then pushed the seats forward and you could see standing water behind the seats. I tilted the seats forward, the back portion behind the seats adjacent to the trunk was soaked a foot high. I felt up underneath of the seats, pushed up, and water began dripping out. I opened the center console. Water was in it. Both side door pockets had water in them. I opened the trunk and water was in the trunk.

I was upset. Jack was evasive about what had happened. I explained that I bought the car new, always put the top up at night, and never had rain inside the car. I again asked Jack what happened. This time Jack said “rain got in it.” He would not elaborate. He immediately asked me to leave the car and that he would get it dried out with a de-humidifier. He walked off.

I went to my office, talked with our office manager, and asked her to track down what she had heard.

On Tuesday, October 10, I went by the shop to see what was being done to my car. The seats had been removed and were outside in the sun. The car was inside in a bay, closed up tight. I went to it, opened the door, and saw a de-humidifier inside of it.

I then left the bay, went inside the shop and asked Mary what had happened. She said Frank said the top had leaked. I said that was not true and did not believe Frank said that. I then said that the top had never leaked. I said that the rain water was so high inside the compartment that it was above the side door pockets. She said she was not really sure what had happened, but obviously the car was in the rain. She said that there was very heavy rain in Stingray Point while I was gone, and that she had at least ten inches at her house the night that my car got wet. Several times Mary said "We will get it right."

After Tuesday, October 10, I did not hear from either of you or Donald about the status of my car. Since your shop is close to my office and en route to my house, I drive by your shop several times a day. During that week I could see that my car was not outside in the lot. On Friday the 13th, at 1:30 p.m., not having heard from anyone, I went to the shop to see if I could pick up my car. The shop had closed at 11:30 a.m., evidently for a funeral for your head mechanic.

On Saturday, October 14, at 11:15 a.m., I went to the shop again. The car was out in the front lot, closed up tight and locked. It was sunny and sixty degrees outside. I opened the door, was struck by an odor, felt under the seat cushion and pressed up, water came out, my finger was wet with rusty water.

I then went inside and talked with Mary. I showed her my wet fingers that were streaked with red rust. Again I asked her what happened. She said that all that she knew was that the car was brought inside on Friday, October 6, and that the top was up at that time. She said that the car was outside on Saturday and that is when it happened and was discovered by the deceased mechanic.

It seems that at one point prior to the incident, the top was up and then later down.

I explained to Mary that I am active on a Miata internet forum and posted a message about what to expect as a result of ten inches or more rain getting inside the vehicle. The forum is frequented by Miata mechanics and enthusiasts, etc.

I told Mary that I learned that the seats, (the leather fabric, interior cushions and springs) are probably ruined and will have to be replaced. I learned that I can expect to have future electrical problems with the power windows and electronics such as radio, CD and other electronics under the dashboard. I learned that there are some electrical connections that run along and under the seats / console that will probably fail due to corrosion. I learned that I will probably have problems with my seat belt retraction device.

I asked Mary if the incident had been reported to the insurance company. Mary said no. She said that I need to talk with Jack and that he would call me. I explained that I was leaving town on Sunday, October 15, for almost a week and gave her my cell and home telephone numbers so Jack could reach me.

I never received a telephone call or voicemail from Jack.

I have learned that several individuals saw my car outside in your parking lot, on Thursday night, October 5 and also early Friday morning, October 6, with the top down. It is my understanding that, consistent with Mary's statement about ten inches of rain, that the rain was very heavy on Thursday night and Friday morning. It was also very heavy all day Saturday. (A five gallon bucket in my yard that was empty before I left, was full when I returned home.)

It is my understanding that one individual tried to call the shop to tell you about my car but was unsuccessful, since it was either after business hours or before you were open for business.

It is also my understanding that another individual saw the car inside your shop on either that Friday or Saturday, as your employees were trying to vacuum the water out. One person described talking with both of you about my car and was allegedly told that it was my fault that it was rained in, that I had said that I would come by and pick the car up on Thursday and did not pick it up. Needless to say, this is not true. I talked with no one and was out of town during this entire period.

My last contact with either of you was on Saturday, October 14, when I was told to expect a telephone call. When I left town on Sunday, October 15, I kept my car inside my garage, with the top down in order to continue to air it out. When I returned from my trip, I felt underneath the seat. It was still wet. The leather seat is now cracked and has a rip in it.

Now, when the car is closed up with the top up and windows up for any period of time, in addition to a build up of interior condensation, there is an odor. Yesterday, October 23, when I started my car and secured the seat belt, I noticed a strong odor from it. It smells. As I pulled the seat belt out the entire way, it was wet. I then drove the car to Hartfield. The seat of my pants got wet from the car seat. The power windows operate slower than before and are sluggish.

At times the LCD portion of my radio / CD player is showing some erratic characters and digits, although at other times it seems to be working fine.

Back to the beginning, I left my car with you on September 29, 2006 for a state inspection. I think it would be appropriate to receive a response from you by October 30 as to your intentions regarding future repairs to my car caused your leaving it outside with the top down during heavy rain.

If I do not hear from you, then I can only assume that you intend to do nothing further and that you refuse to accept responsibility for what happened to my car.

Sincerely,

Peter W. D. Wright

Postscript to the reader - after the shop received this letter, an insurance adjuster on behalf of the business contacted me within a few days, inspected the vehicle, and told me that it was probably totaled due to multiple future problems that will occur slowly over time. I eventually received a check for about half the value of the fair market value of the vehicle. Problems have occurred from time to time due to the immersion. Being mechanically inclined and, in my youth, having rebuilt two engines from the main bearings to manually grinding the valves, I have been able to fix most problems on my own at low cost.

My car is well known in our small community. It is always polished, looks great, and has an unusual Virginia license tag, 510 US 7, which is the U. S. Supreme Court's citation of my *Florence County School District IV v. Shannon Carter* case. It is published in Volume 510, at page 7, of the U.S. Supreme Court reports. This incident became the talk of the community and many shared their own unpleasant stories about Jack, the owner, with me. The business appeared to go down hill after the incident and eventually only had one mechanic who was not certified to handle state inspections. The owners sold within a year. The shop is now doing fine, under new ownership.