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Sean Brennan
Barrister

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21 January 2019

Graeme Whickman
President and CEO
Ford Motor Company of Australia
Customer Relationship Centre
Private Mail Bag 5
Campbellfield, Victoria, 3061

CC

John Austin
CFO & Company Secretary
Australian Automotive Group PTY LTD
811 Elizabeth Street
Zetland, NSW 2017

Dear Graeme,

**Fraud in relation to Ford Territory 6FPAAAJGAT9P46274 registered
BJP 55K**

**Your Reference: City Ford Tax Invoice ZFASZ154129 dated 14
November 2018**

I wish to bring to your attention incompetence and fraudulent conduct
apparently orchestrated by Arzan Irani, "Service Advisor" at City Ford.

Shortly before 14 November 2018 I contacted City Ford about fixing a
potentially dangerous transmission fault on the Ford Territory I bought new
from City Ford in 2009. It was intermittently slipping or failing to engage gear,
either when cold or warmed up, such that power would suddenly and
unpredictably be unavailable when driving in traffic.

But for that serious problem the car would not have been in your dealership. There were several other issues I wanted rectified, mainly the driver window not operating, but I was prepared to do that myself and inquired about the availability of a better replacement part, having replaced it myself previously with a non Ford part which the Spare Parts division told me was inferior but the only one available and which had subsequently failed. That work took me several hours.

My wife, Deborah Soden, former editor of the now discontinued Ford Australia staff magazine, Ford News, delivered the car to City Ford at Zetland and I was then telephoned by Mr Irani.

Mr Irani told me he had had a look at the car. He stated there were issues with the car requiring work including a leaking power steering hose. He told me the part was expensive, about \$500.00, and it would be several hours labour. I agreed you should fix it. It seems your labour cost is \$255.00 per hour.

We discussed the driver's window and he said it would be 1 hour's labour which I found surprising, but I threw caution to the wind and said he could fix it because I knew it would me take a lot longer than that. Again, \$255.00 per hour. I say caution because it is my experience that employed mechanics will quickly destroy car interiors, and for that reason I recently spent most of a weekend replacing the bonnet cable which is a nightmare on a Territory.

Mr Irani told me the main rear engine seal was leaking and the car would not pass registration if it was not fixed. He quoted \$2000.00 to fix it. I told him because the transmission was problematic that job should at least wait until the transmission was diagnosed and it was known if it needed to come out, at which time replacing the seal would be a trivial amount of extra work. He sounded unhappy that I told him this.

I asked Mr Irani about the transmission malfunction and he told me the car had been driven and the transmission was working properly and did not need

attention. I told him the transmission was the only reason he had the car in his workshop and suggested he do a service. He told me the service was not due until 150 000 km but I told him I wanted it done anyway and he agreed they would do it.

We talked about the front ball joints which were obviously loose and I instructed him to do what was necessary to fix those.

He also told me the rear subframe bushes needed replacing and I told him I was having no problems with them. He insisted saying they were broken and the car needed it and I relented because I was too busy at work to think carefully. He was talking very quickly and I was pressured into making a mistake.

Upon completion of whatever was done to the car my wife was presented with a bill for the stunning amount of \$6150.90 and unfortunately I gave her permission to pay it.

When she collected the car she noticed the external mirror control was not properly in place and the mirrors did not operate. She asked them to remedy this and they put it in place but at the wrong angle. The mirrors still did not operate and as she refused to drive without mirrors they tried to fix it but discovered they had broken it. She was given a courtesy car and had to return the next day so they could install a new part.

It might be noted that when she took the car she was asked to walk down the ramp from where the cars are inspected to the courtesy car she slipped and fell where the ramp slopes sideways at the edge to meet uneven ground beyond the ramp. She luckily did not suffer injury other than shock and was told by somebody there the ramp was new and they knew it was unsatisfactory. From my experience running personal injury cases as a barrister I can tell you I would have no great trouble winning a negligence case if someone complained to me they were actually injured by that ramp.

Upon return of the car I noticed that:

- The driver's external mirror now vibrates much with engine vibration much more than the passenger one whereas before it did not. I will have to fix that myself.
- The front wheel alignment was unsatisfactory in that the car was not tracking straight and this was fixed by Matthews Tyres aligning it the following week when we needed to replace a damaged tyre. I note Job# 7 on your invoice says "Checked and adjusted toe in" which was either not done or done wrongly.
- Just looking at the steering rack through the gap between the off side front guard and the wheel in the front wheel housing shows the protective bellows boot to be torn in half and therefore priming the steering rack for expensive replacement. This was either done by you or neglected when supposedly "checking" under Job# 1 or when you were doing \$510.00 of work to replace 2 ball joints.
- A look under the bonnet at the steering pressure connectors on the rack shows the engine earthing strap now passes over the top of it which is not the correct path for it.
- There was never any problem with the rear suspension and it feels no different or quieter after paying \$1233.06 for job#9.
- However, most appallingly, the transmission slipping was no better or worse or different than before I paid \$296.00 for Job# 11.

I was prepared to give you the benefit of the doubt as to honesty although not competence and thought that although it is common practice to overfill worn automatic transmissions to fix slipping maybe the Ford dealer would stick to factory specifications including as to the fill level even when others might not.

I therefore purchased transmission oil from Repco, raised the vehicle in my garage yesterday, 20 January 2019, and opened the fill plug to see if it was full and if I could put more in.

When the plug came off transmission oil came out and spilled on my hand. Right away I could smell and see that the oil has never been changed. It had a slightly burned smell and was dark and stained with a sooty appearance, not

clear pink as new transmission oil is. I have kept the paper towel I wiped my hand with as evidence.

Close inspection showed the bolts holding the pan on had a layer of surface rust undisturbed by the application of a socket to tighten and loosen them.

While this was being inspected I noticed some oil staining on the underside of the transmission casing but no fresh oil or dripping. If there was excessive oil there when Mr Irani told me I would not get the car registered without removing and replacing the transmission at a cost of \$2000.00 to fix the rear main seal, common sense would say it was leaked power steering fluid.

Apart from the florid demonstration of your incompetence it has become apparent that Mr Irani decided there was no need to service the transmission and lied and stole instead of doing a little bit of work.

We both now have to take responsibility.

I take responsibility for sending a woman with a an address in a wealthy suburb to ask you to work on a car which was dirty and apparently uncared for, such that temptation was unfairly put in your way. I also hid from you that I was a mechanic before I obtained legal qualifications and still do all the work on my 33 year old Mercedes-Benz 560SEL and MX 5 track day car.

You will take responsibly either by providing me with a cheque for \$6150.90 within 14 days or paying my professional colleagues more than that to defend yourselves against a Statement of Claim filed in which will specifically allege fraud and be supplied to my media contacts.

Evidence will be adduced including a statement from a transmission specialist, who will shortly do the service you did not, that the condition of the oil and transmission body is inconsistent with Job# 11 on your invoice.

On the other hand there is no evidence that you did any work correctly or safely, that much was done at all, and in particular no evidence any work on the rear subframe was warranted.

You will not be given a further chance to damage the car at your workshop but by arrangement you may have a recognised expert witness attend our premises at Annandale and inspect the car to provide you with a forensic report.

You may write to me care of the above address if you wish but any telephone contact will be regarded as harassment and not entertained. I take it you will accept service of the Statement of Claim at your Zetland address.

Yours Sincerely

A handwritten signature in black ink, appearing to be 'Sean Brennan', followed by a long horizontal line extending to the right.

Sean Brennan

David Berlusconi

From: David Berlusconi
Sent: Friday, 1 February 2019 3:22 PM
To: Mark Janus
Subject: Draft Response - Sean Brennan

Hi Mark,

Something like this.

Friday, 1 February 2019

Sean Brennan
Frederick Jordan Chambers
53 Martin Place
Sydney NSW 2000

Dear Mr Brennan

Reference: Your letter dated 24.01.2019

I can confirm that we have received your letter on 1 February 2019 and we thank you for taking the time to contact us with your concerns.

Having read your letter, we note you have raised a number of serious allegations against a number of City Ford Sydney staff members.

We consider all feedback valuable, and as you can appreciate, we will endeavour to have these matters investigated accordingly.

Once our investigations are complete, we will keep you apprised of the outcome.

Please note our postal address is 60 O'Riordan Street, Alexandria, NSW, 2015.

Once again, we thank you for taking the time to contact us and we will get back to you in due course.

Regards.

David Berlusconi
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