

ANALYSIS OF 4/2/2012 LETTER TO GLEN TAN

When my warranty claim was denied, I sent a letter straight to the top (which based on my research was a Gentleman named Glen Tan) to see if the denial of my valid warranty claim was company policy, and not just the mistake of one employee. I wanted to make it very clear that there would be consequences if the denial was not reversed. I handed the letter to the Branch Manager in person, and made sure that another employee was there to avoid confusion about my intent. I gave a rather long and impassioned speech about how this was unacceptable, the consequences of their actions, and I received a “guarantee” that Glen Tan would receive this letter before Wednesday (when I stated I was going to meet with my lawyer). I had no intention of driving 3 hours to Manila to meet with my attorney, as I assumed that before Wednesday I would receive a reversal of the denial, or at least an invitation to talk and work out some type of solution to this dispute. Instead, Wednesday came and went without as much as a text message. Therefore, I had no option but to retain my attorney, with a retainer of 200,000 pesos.

It should be noted that Glen Tan later claimed that he was out of town and did not receive this letter before Wednesday. I have no reason to doubt his claim, but it has little relevance for the following reasons:

- The Manager personally guaranteed that he would receive the letter before my deadline
- The deadline was not arbitrary. I had only one car at the time, and needed it fixed.
- The Manager knew very well how important it was for me to hear from SOMEONE before Wednesday.
- At the end of the day, the manager of the dealership is the highest ranking person I can properly communicate with. If he ignores me, then it follows that the company is also ignoring me, and going to Subaru in Japan is the next logical step.

Julian Cohen
Triboa Bay, Villa 6
Subic Freeport, 2222

April 2, 2012

Mr. Glenn Tan
Executive Director, Tan Chong International

Dear Mr. Tan,

The turbo Charger on my 2009 Subaru Forester 2.5XT recently failed. Unfortunately, it failed 2 days before my warranty expired. I say "unfortunately", because if it had happened a couple of days later, I would merely have to pay to have it replaced. However, fate, or 命运, as some would say, dictates otherwise.

This is a car that was purchased from a 3-time Subaru owner, personally known to me. It was meticulously maintained by him, and serviced at Subaru Greenhills. For the most recent oil change, I went to Subaru Pampanga. Not only did they not have a brand of oil that I consider to be of sufficient quality for the car, but they did not even have the oil weight that is recommended in the owner manual, 5W-30. Even a comparable weight such as 10W-30 was not available. For this reason, and also for performance and fuel economy, I wanted the correct oil for my car. So I purchased the oil filter at this dealer (with records), purchased the correct oil at Ace Hardware, and had the oil changed by a qualified mechanic. It should be noted that this is a car with about 37,000km.

When I visited the dealer, I did not know that the turbo charger was at fault. But from the moment I walked in the door, the service manager made it a point of telling me that my car was not under warranty because there was no service stamp in the warranty booklet. Clearly, denying warranty claims was something that they are trained to do. Pesos first, customer service second (if at all) was the policy here, regardless of the car or the customer.

I then received a report from Motor Image that said because of poor maintenance and contaminated lubrication, the required repair was not warrantable. The contaminated lubrication, if that was indeed the case, would have been due to the turbo charger failure. But it was an outright lie that the car was poorly maintained. I think you would be hard pressed to find a better maintained Subaru in the country. This was clearly a lie for the purpose of a false claim that the repair was not warrantable, but more importantly, an insult to me. Well, I plan on returning the favor. Not by insulting you, but by proving your dishonest and illegal policies in a court of law

I do not take insults lightly. And I certainly do not appreciate companies refusing to honor their responsibilities. Such policies could only come from the top, and that means you, Mr Tan. You likely do this because the vast majority of customers will not have the time or money to meet you in a court of law. And if a problem comes along, I am sure that that Motor Image would make an exception. However, It was decided that I would not be an exception to your fraudulent policies. Your staff, for whatever reason, seemed to take me for the type of person that would roll over. Be assured, I am not that type of person. I am the type of person that puts 100% into every endeavor, who builds relationships necessary to ensure success, and whom others will often "help", even without request. Following is one such example.

I posted my experience in a Subaru forum, and a member was so outraged, he started the website MOTOR-IMAGE.COM. While it is a little "over the top", it is an example of how people react when a brand that they love, such as Subaru, is sold and serviced by a company without honor, such as Motor Image.

While I would love, at this point, to copy this letter to all the individuals and companies in the CC list, libel laws prevent me from doing so. However, once I have filed a lawsuit and made these claims in a complaint prepared by my attorneys, I would be free to do so, and I certainly will. This is because truth is an absolute defense for libel, and everything in this letter is the truth, and will be proven in court.

Please note, and this is VERY important; I am meeting with my attorneys at 3:00 pm Wednesday, April 4. At that meeting, they will be instructed to file a lawsuit as fast as is technically possible so that I may freely distribute this letter, and use all legal means possible to bring my story to all Filipinos. Since a large retainer would be paid at this

meeting, I fear that if this is not resolved by Wednesday, a resolution before trial would not be possible. And with the current backlog of court cases in the Philippines, it would likely be years away. Under no circumstances would I drop a lawsuit unless all my attorney fees are paid, and since I use one of the finest firms in the country, that would not be cheap. In short, this will be settled by Wednesday, or it will be settled by a judge.

Sincerely,



Julian Cohen



WSC
advisor

Note: Delivered in person 04/02/12 to Pampanga Subaru Service manager and Branch Manager

CC List: For distribution 04/05/12

Ikuo Mori
Fuji Heavy Industries, Chairman and CEO
Subaru Bldg.,
1-7-2 Nishi-Shinjuku, Shinjuku-Ku
Tokyo 160-8316
JAPAN

Yasuyuki Yoshinaga
Fuji Heavy Industries, Chief Operating Officer
Subaru Bldg.,
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Tomohiko Ikeda, Executive VP
Subaru Bldg.,
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Naoto Muto, Executive VP
Fuji Heavy Industries
3-9-6, Osawa, Mitaka-shi,
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CC List: For distribution upon the filing of a lawsuit against Motor Image

Botchi Santos, Motoring Department
Philippine Inquirer
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Makati City, Manila, 1231

James H. Deakin
C! Magazine
88 Corporate Center, Unit 2104
141 Valero corner Sedeño St
Makati City, 1227

Ray Butch Gamboa
Philstar.com. Motoring Today
13th Corner Railroad St.
Port Area, Manila, 1016

Iñigo S. Roces
Manila Bulletin, Motoring
Muralla corner Recoletos
Intramuros, Manila 1002

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265 Tomas Morato Avenue, Quezon City

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Top Gear Philippines
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