

**FLORIDA RECREATIONAL VEHICLE
MEDIATION/ARBITRATION PROGRAM**

**Collins Center for Public Policy, Inc.
DECISION OF THE ARBITRATOR
(DISMISSAL)**

In the Matter of the Arbitration Between:

Steven and Stephanie Mazzearella
1464 Stallion Dr.
Loxahatchee, FL 33470

Consumers

vs.

Damon Corporation (Thor)
701 C.R. 15
P.O. Box 2888
Elkhart, IN 46515

Workhorse Custom Chassis
850 Stephenson Hwy, Ste 510
Troy, MI 48083

Manufacturers

FILE NUMBER: 201109
DATE CLAIM RECEIVED BY COLLINS CENTER: 8/8/11
MEDIATOR: Meah Tell

FINDINGS OF THE ARBITRATOR

Pursuant to notice to all parties, an arbitration hearing was held in this case on DECEMBER 13, 2011, in WEST PALM BEACH, Florida. Upon consideration of all testimony and evidence presented, including matters stipulated by the parties, the following factual findings are made:

1. Identification of subject vehicle: Year: 2009; Make: DAMON/THOR
; Model: DAYBREAK 3276;
Vehicle Identification Number: SB4MP67G5B3431B25;
Date of delivery of the vehicle to the Consumer: 6/19/2009;
Vehicle sold in Florida? Yes; No.
Mileage on odometer at the time of deliver: 1299

2. Name/Address of Selling Dealer: LAZY DAYS R.V. SUPERCENTER
6130 LAZY DAYS BLVD.
SEFFNER, FL. 33584-2968.

3. Facts supporting dismissal of the claim: _____
SEE EXHIBIT A

CONCLUSIONS

It is concluded that the Consumer's Year: 2009; Make: DAMON/THOR
; Model: DAYBREAK 3276;
Vehicle Identification Number: 5B4MP6765B3431825 is:

SEE EXHIBIT A

The request for relief filed by the Consumer(s) is hereby denied and the case is hereby DISMISSED.

SIGNED:
12/19/11
Date

Bruce E. G.
Arbitrator

Manufacturer by registered mail on this date: _____

Collins Center Case Manager

NOTICE TO THE PARTIES:

Effective **July 1, 2001**, either party may request that the program arbitrator make a technical correction to the decision by filing a written request with the Collins Center within 10 days after receipt of the written decisions. Technical corrections shall be limited to computational errors, corrections of a party's name or information regarding the recreational vehicle, and typographical or spelling errors. Technical corrections of a decision shall not toll the time for filing a notice of appeal or for manufacturer compliance.

A decision of the Arbitrator is binding unless appealed by either party by filing a petition with the circuit court within the time and in the manner prescribed by ss. 681.1095(10) and (12). Sections 681.1095(13) and (14) apply to appeals filed under this section. Such application must be filed within 30 days of the moving party's receipt of this Decision or the Decision becomes final. Upon filing such application, the moving party must mail a copy to the Collins Center for Public Policy, 2600 Centennial Place, Suite 201, Tallahassee, FL 32308.

Exhibit A

The issue for determination is whether a repair effort, conducted jointly, by Workhorse and Damon, was successful in fixing the dash air-conditioning system on the consumer's motor home.

The system is composed of parts and elements from both manufacturers. The motor vehicle defect notice, to which the manufacturers were responding, was dated April 8, 2011, was sent from the consumer's counsel and stated:

"Dash air conditioning system defect which causes the air conditioner, to not produce cold air."

An extensive, and fully documented repair report was made setting forth the steps taken, including full refrigerant charging, the enhancements provided, parts provided, as well as, the results achieved by the repair, which was conducted commencing on May 17, 2011. Those results easily exceeded industry standards for cooling capacity performance, and the production of cold air.

Several weeks later, Mrs. Mazzarella, and her two daughters, started an extensive trip of some six thousand miles, in the coach. In the midst of that trip, on or about July 18, 2011, after a full day's drive, she was overcome by heat in the driver's cab area, and had to pull over for the day. She photographed a thermometer held to the dash air conditioning outlet showing a high temperature of 88 degrees. Industry standards call for cool air to be somewhere between 15 degrees and 20 degrees cooler than outside air.

There were no outside temperatures provided. There was evidence submitted, by the manufacturers, that the state of Illinois issued a dangerous heat and humidity warning that was in effect in the area and at the time, Mrs. Mazzarella experienced her difficulty. That report focused upon temperatures in the upper 90's combined with high humidity.

A heat index chart showed that an upper 90's temperature of 96 degrees, when combined with a high humidity level of 70% would create an equivalent temperature of 126 degrees. In that setting, as an example the best cooling that might be expected, under industry standards would be a difference of 20 degrees or 106 degrees. The documented temperature of 88 degrees, although certainly warm, would still be exceeding the industry standard by 18 degrees ($126 - 20 = 106 - 18 = 88$), despite what was an extraordinarily hot and humid day.

The following day she drove, out of her way, an hour and a half, to seek help from an RV repair center that added .3 lbs. of refrigerant to the system, for which she was charged \$3.63. She and her daughters then continued their trip, with no recurrent experiences, arriving home on August 14, 2011.

Pre-arbitration inspections and tests were performed by both manufacturers on November 10, 2011. A report by each was well documented, and showed that the system continued to meet and exceed all industry cooling standards. On November 30, 2011, the consumers had tests on the system performed by Robert Richardson. He prepared a written report dated December 6,

2011, which was made available to the manufacturers only minutes prior to his testimony at the final hearing. The written report established the outside temperature to be 78-80 degrees. It did not state the temperature of the air being discharged by the system. On cross-examination, he stated that the temperature of the cool air being created by the system was 42 to 43 degrees. This differential of 35 degrees ($78-43=35$) is approximately twice that called for in the 20 degree industry standard.

Based on the greater weight of all the evidence, I find that the repair commencing on May 17, 2011, was fully successful, and by all objective post repair inspections and reports remains so. The dash air conditioning system does in fact produce cold air, meeting all industry standards, and is not a nonconformity that substantially impairs the use value or safety of the consumers' recreational motor vehicle.