



**DOT Auto Safety Hotline**  
**Vehicle Owner's Questionnaire**  
 To Report Vehicle Safety Defects  
 1-888-DASH-2-DOT  
 (1-888-327-4236)  
 INTERNET: www.nhtsa.dot.gov/hotline

**FOR AGENCY USE ONLY** 100148

Date Received: 17-AUG-2011  
 OCT 8 2011

Repository:

Reference No.: 10419903

Daytime Telephone Number: [REDACTED]

Evening Telephone Number: [REDACTED]

E-mail Address: [REDACTED]

**OWNER INFORMATION (Type or Print)**

Name: [REDACTED]

Address: [REDACTED] State: VA Zip Code: [REDACTED]

City: HAMPTON

The information you provide will be used to identify potential safety-related defects. We may share your information with the applicable vehicle manufacturer during an investigation or recall in accordance with the routine uses described in the agency's Privacy Act notice. See 49 FR 53973 (Sep. 3, 2004).

**VEHICLE INFORMATION**

17 digit Vehicle Identification Number Located at bottom of windshield on driver's side: KMHDN36D05U [REDACTED]

Make: HYUNDAI Model: ELANTRA Model Year: 2005

Engine: No. Cylinders: 4 Fuel Type: GASOLINE

Date Purchased: 7-19-05 Dealer's Name and Telephone Number: PRIORITY HYUNDAI (757) 877-9995

Original Owner:  Dealer's City: NEWPORT NEWS State: VA Zip Code: 23608

Transmission Type: AUTOMATIC  Antilock Brakes Powertrain  Cruise Control

Multiple Failure: Incident Date(s): 29-JUL-2011

**FAILED COMPONENT(S)/PART(S) INFORMATION**

Vehicle Component Code: 140000 AIR BAGS

Failure Mileage: 50000 Failure Speed: 55

**ADDITIONAL ITEMS TO BE COMPLETED WHEN REPORTING A TIRE FAILURE**

Tire Make: [REDACTED] Tire Model (Name or Number): [REDACTED] Tire Size (Example P215/65R15): [REDACTED]

DOT No. (Example: DOTM19ABC036): [REDACTED]  Original Equipment  Prior Repair

Tire Component Code: [REDACTED] Failure Location: [REDACTED] Tire Failure Type: [REDACTED]

**ADDITIONAL ITEMS TO BE COMPLETED WHEN REPORTING A CHILD SEAT FAILURE**

Make: [REDACTED] Date Manufactured: [REDACTED] Model No./Name: [REDACTED]

Seat Type: [REDACTED] Installation System: [REDACTED]

Child Seat Component Code: [REDACTED] Failed Part: [REDACTED]

**APPLICABLE INCIDENT INFORMATION**

(Please describe in detail the incident(s), failure(s), crash(es), and injury(ies).)

Crash:  Yes  No Fire:  Yes  No

Number of Persons Injured: 1 Number of Deaths: 0 Reported to Police: Y

Narrative Description of Incident(s), Crash(es), and Injury(ies). Please describe (1) events leading up to the failure, (2) failure and its consequences, and (3) what was done to correct the failure; i.e. parts repaired or replaced (and if old part is available).

TL\* THE CONTACT OWNS A 2005 HYUNDAI ELANTRA. THE CONTACT STATED THAT THE DRIVER OF THE VEHICLE WAS TRAVELING 55 MPH WHEN ANOTHER VEHICLE FAILED TO YIELD THE RIGHT-OF-WAY. AS A RESULT, A MULTIPLE CAR CRASH ENSUED AND CAUSED THE DRIVER TO CRASH INTO THE REAR OF A BUS. THE FRONT AIR BAGS DID NOT DEPLOY AND AS A RESULT, THE CONTACT SUSTAINED INJURIES TO THE HEAD, NECK AND BACK. THE VEHICLE WAS DESTROYED. A POLICE REPORT WAS FILED FOR THE INCIDENT. THE MANUFACTURER WAS MADE AWARE OF THE FAILURE. THE FAILURE MILEAGE WAS 50,000.

Include, if available: Police/Fire Department Report, Photos, and Repair Invoice. **ATTACH ADDITIONAL SHEETS IF NECESSARY.**

The Privacy Act of 1974 (Public Law 93-579) This information is requested pursuant to authority vested in the National Highway Traffic Safety Act and subsequent amendments. You are under no obligation to respond to this questionnaire. Your response may be used to assist the NHTSA in determining whether a manufacturer should take appropriate action to correct a safety defect. If the NHTSA proceeds with administrative enforcement or litigation against a manufacturer, your response, or a statistical summary thereof, may be used in support of the agency's action.

Hampton, Virginia  
9-13-11

Randy Reid, Chief  
Correspondence Research Division  
Office of Defects Investigation Enforcement  
National Highway Traffic Safety Administration  
U.S. Department of Transportation  
1200 New Jersey Avenue SE  
Washington, DC 20590

Reference #: 10419903

Dear Mr. Reid:

Following my transmission to you of the enclosed report of the failure of the airbag in my 2005 Hyundai Elantra, VIN KHMDN56DO5U [REDACTED] to deploy in a 7-29-11 front end collision in which the vehicle was declared to be totally destroyed, I telefaxed the enclosed 9-13-11 letter to Hyundai. Because I have little confidence in Hyundai's integrity to perform and report on an accurate investigation into the airbag failure to deploy, and because other such vehicles may represent a hazard to drivers, I would be grateful if your agency could have performed, an inspection of the vehicle which is located at Tidewater Express, Inc., 1749 West Pembroke Avenue, Hampton, Virginia 23670 Telephone: (757) 723-1214 or 596-2067; Telefax: (757) 723-3784. Please let me know:

1. if you will be able to have that accomplished
2. if you need additional information
3. your telefax number

I am telefaxing a letter to Tidewater Express requesting them to retain, and allow your agency access to, the vehicle. Thank you for your consideration.

[REDACTED]

enc: my letters to Hyundai of:  
9-12-11  
9-13-11

Telefax to (714) 965-3837, (801) 736-3561, (386) 582-5840

Hampton, Virginia  
10-10-11

Kissany Craighead, Hyundai National Consumer Affairs  
Carolyn Case, Hyundai Customer Connect  
Post Office Box 20850  
Fountain Valley, California 92728-0850  
Mark King, Director  
Engineering Analysis Association (EAA)  
28635 Mount Road  
Warren, Michigan 48902

VIN KMHDN56D05U  
Hyundai Case #: 4503939

Dear Madams & Sirs:

Following my teletaxed 9-19-11 letter:

1. re-requesting a number of items of not yet received previously requested information including
  - A. that about previously reported failures of airbags in Hyundai Elantra vehicles to deploy
  - B. the identity, address, and telefax number of the:
    - 1) Virginia Commonwealth agency which regulates the safety of Hyundai vehicles sold in Virginia
    - 2) Federal agencies other than NHTSA which regulates the safety of Hyundai vehicles sold in the U.S.
2. expressing concern about the integrity of Hyundai's:
  - A. responses to my concern about Ms. Craighead's conclusion:
    - 1) prior to receiving information about its inspection of the airbag deployment system, i.e., "an inspection would have confirmed the proper operation of the vehicle's airbag system"
    - 2) after receiving information about its inspection of the airbag deployment system, i.e., "given the nature of the accident, the frontal component to the collision simply was not sufficient to merit airbag deployment", when, in fact, the frontal component of the collision was sufficient to "total" the vehicle because of the major front end damage as clearly evidenced by photographs
  - B. refusal to provide requested information about recalls due to other reported failures of Hyundai Elantra airbags to deploy
3. requesting Hyundai to provide to me and to Randy Reid, Chief, Correspondence Research Division, Office of Defects Investigation, National Highway Traffic Safety Administration, U.S. Department of Transportation, the report of Hyundai's engineers regarding their investigation of the failure of the airbag of my 2005 Hyundai Elantra to deploy

I have received Ms. Craighead's 9-22-11 letter in which she fails to provide the requested information and states, "please be advised that such information is considered proprietary and confidential". Because some of that information already has been made public by Hyundai's dealerships, Ms. Craighead's denial of that information is somewhat disingenuous, evidence of bad faith, and further impugns the integrity of Hyundai and Ms. Craighead. Again, I request the not yet received previously requested information. Thank you for your consideration of my requests and concerns.

Sincerely,  
[Redacted Signature]



Hyundai Motor America  
P.O. Box 20850, Fountain Valley, CA 92728-0850  
TEL: 800-633-6151 EMAIL: consumeraffairs@hmausa.com  
WEB: www.Hyundai.com

September 22, 2011

[REDACTED]  
Hampton, VA [REDACTED]

Re: HMA File# 4503939

Dear [REDACTED]

With respect to your request that we provide you and Mr. Randy Reid with the inspection report of your vehicle and information regarding other reported failures of airbags in 2005 Hyundai Elantra vehicles, please be advised that such information is considered proprietary and confidential, but also to suppliers who developed and/or manufactured various airbag components. Accordingly, as a matter of policy, we do not voluntarily produce such reports in the ordinary course of business. We trust you understand our position with respect to these materials. Also for contact information for Virginia Commonwealth Agency and other Federal Agencies which regulates the safety of vehicles sold in the US, you will need to contact your State Government for further assistance.

If you should have any other concerns that you want to discuss with us, please feel free to write or call our Consumer Assistance Center at 1 (800) 633-5151.

Sincerely,

  
Kissany Craighhead  
National Consumer Affairs

Telex to (386) 582-5840, (714) 965-3837, (801) 736-3561

Hampton, Virginia  
9-19-11

Kissany Craighead  
Hyundai National Consumer Affairs  
Carolyn, Case Manager  
Hyundai Customer Connect  
Post Office Box 20850  
Fountain Valley, California 92728-0850  
Mark King, Director  
Engineering Analysis Association (EAA)  
28635 Mount Road  
Warren, Michigan 48902

VIN KMHDN56DO5U  
Hyundai Case #: 4503939

Dear Madams & Sirs:

Following my telefaxed 9-13-11 letter requesting:

1. not yet received previously requested information
  2. that Hyundai and its contracted agent (EAA) provide:
    - A. all information, written and electronic, including that contained in the 9-8-11 downloading of the above cited vehicle's computerized airbag information, and the report from your engineers regarding the conclusions of Hyundai's investigation, to Randy Reid, Chief, Correspondence Research Division, Office of Defects Investigation Enforcement, National Highway Traffic Safety Administration (NHTSA), U.S. Department of Transportation
    - B. information regarding other reported failures of airbags in 2005 Hyundai Elantra vehicles to have deployed in front end collisions, to:
      - 1) Mr. Reid
      - 2) me
    - C. to me, the identity, address, and telefax number of the:
      - 1) Virginia Commonwealth agency which regulates the safety of Hyundai vehicles sold in Virginia
      - 2) Federal agencies other than NHTSA which regulate the safety of Hyundai vehicles sold in the U
- in today's mail I received Ms. Craighead's 9-16-11 letter in which she confirmed the conclusion she had reached in her 9-8-11 letter without the benefit of the inspection which she had attempted to thwart, i.e., that, "an inspection would have confirmed the proper operation of the vehicle's airbag system".

Please have me provided with the not yet received previously requested information, including that requested about Ms. Craighead's administrative superior, "Darla", who she said had requested her to telephone me. Thank you for your consideration of my requests and concerns about the integrity of Hyundai's responses.



Hyundai Motor America  
P.O. Box 20850, Fountain Valley, CA 92728-0850  
TEL: 800-633-6151 EMAIL: consumeraffairs@hniausa.com  
WEB: www.hyundai.com

September 16, 2011

[REDACTED]  
Hampton, VA [REDACTED]

Re: HMA File# 4503939

Dear [REDACTED]

Thank you for your recent correspondence. We have thoroughly reviewed your comments and regret the circumstances you have experienced.

Our inspection confirmed that your vehicle's airbag system operated according to its design in connection with your son's accident. The Elantra's frontal airbags are not intended to deploy during every impact that is generally directed against the vehicle's front end. Frontal airbags are designed to deploy when a vehicle has sustained a sufficient forward deceleration to trigger the airbag sensor. The airbag sensor reacts to extreme deceleration of the vehicle's forward movement. Here, given the nature of the accident, the frontal component to the collision simply was not sufficient to merit airbag deployment.

Indeed, the proper operation of the airbag system was validated by other inspection findings. The airbag system in your Elantra has a different threshold for deployment of the frontal airbags and activation of the seatbelt pretensioners. That is, the seatbelt pretensioners will be activated at a lower threshold deceleration rate than the frontal airbags. In this accident, the seatbelt pretensioner on the occupied, driver's side activated. This not only prevented more substantial injuries to your son, but also confirms that the airbag threshold system performed as it was designed in connection with this type of collision.

The conclusion that airbag deployment was not merited in this accident was additionally verified when the integrity and operational readiness of the airbag systems of the vehicle were checked. The airbag system was found to contain no operational deficiencies. Thus, while we sympathize with your son about his accident, we believe your vehicle's airbag system operated according to its design in connection with the accident.

Should you have any further questions, please do not hesitate to contact us.

Sincerely,

  
Kissany Craighhead

National Consumer Affairs

Telefax to (386) 582-5840; (714) 965-3837; (801) 736-3561

Hampton, Virginia  
9-13-11

Kissany Craighead, Hyundai National Consumer Affairs  
Carolyn, Case Manager, Hyundai Customer Connect  
Post Office Box 20850  
Fountain Valley, California 92728-0850  
Mark King, Director  
Engineering Analysis Association (EAA)  
28635 Mount Road  
Warren, Michigan 48902

VIN KMHDN56DO5U  
Hyundai Case #: 4503939

Dear Madams & Sirs:

Following my telefaxed 9-12-11 letter to you:

1. expressing concern over Ms. Craighead's:
    - A. misrepresentation of my requests
    - B. apparent eagerness to cancel an investigation of the failure of the driver's airbag to deploy in a 7-29-11 MVA of the above cited vehicle
  2. correcting misinformation Ms. Craighead provided to me
  3. re-requesting a number of clearly specified items of not yet received previously requested information
- I have reviewed the message of Ms. Craighead's telephone call this morning to my non-published telephone number, which call awakend from needed sleep a member of my family who is painfully disabled with life threatening illnesses. That is the reason we try to restrict all incoming calls to only those that are medically temporally urgent.

Ms. Craghead was said to have stated that she:

1. needed clarification of the requests in my letter about which she needed to talk with me
  2. had discussed my letter with her administrative superior, Darla, who instructed her to telephone me
- I have reviewed my cited letter and find it to be clear, precise, and specific. Please mail me the not yet received previously requested information, a response to my concerns, and communicate with me via regular U. S. Postal Service First Class Mail rather than by telephone. Following that, if necessary, I will telephone Ms. Craighead or Darla. Please also mail me Darla's full name and Hyundai title.

Please have all information, written and electronic, including that contained in the 9-8-11 downloading by Hyundai's contracted engineer (EAA) of the vehicle's computerized airbag information, retained and provide it to Randy Reid, Chief, Correspondence Research Division, Office of Defects Investigation Enforcement, National Highway Traffic Safety Administration, (NHTSA), U. S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590, to whom you should also provide a copy of the report from your contracted engineers regarding the conclusions of Hyundai's investigation of the failure of the driver's airbag in my vehicle to have deployed. As requested in my 9-12-11 letter, please also provide to me and Mr. Reid, information regarding other reported failures of airbags in 2005 Hyundai Elantra vehicles to deploy in front end collisions where they should have deployed.

Finally, please provide me with the identity, address, and telefax number of the:

1. Registered Agent of your Company in Virginia
2. Virginia Commonwealth agency which regulates the safety of Hyundai vehicles sold in Virginia
3. Federal agencies other than NHTSA which regulate the safety of Hyundai vehicles sold in the U.S.A

Thank you for your consideration.

Sincerely,

c: Randy Reid

Telefax to (202) 366-1767

Hampton, Virginia  
10-28-11

Richard Long  
Safety Defect Specialist  
NHTSA  
U. S. Department of Transportation  
100 New Jersey Avenue, SE  
Washington, DC 20590

Dear Mr. Long:

Thank you for the information you provided during my telephone call this afternoon following the kind referral from Michael Coston of the Virginia Office of Consumer Affairs. Enclosed is the following information about my 2005 Hyundai Elantra, VIN KMHDN56DO5U [REDACTED], that was "totaled" in a 7-29-11 MVA in which my son was injured while driving on the interstate at about 55 mph when he was involved in a motor vehicle accident in which the front end was demolished when the vehicle was thrust into a bus, following which the vehicle was towed to Tidewater Express, 1749 West Pembroke Avenue, Hampton, Virginia 23661, Telephone: (757) 723-1214, Telefax: (757) 723-3784:

1. a photograph of my vehicle
2. correspondence with Hyundai
3. correspondence with Tidewater Express
4. my report to your agency

My son was found by Hampton District Court to be not guilty of any violation because the accident was precipitated by another vehicle swerving in front of him without signaling and then slowing down causing the multi-vehicle accident in which my son sustained the following injuries:

1. cerebral concussion with aggravation of pre-existing closed head injuries, resulting in significant increase in memory and cognitive loss
2. cervical spine whiplash superimposed upon a 12-16-09 cervical spine discectomy and fusion for spinal stenosis, with motor and sensory neurological loss contributed to by a known pre-existing connective tissue disorder known as Ehlers-Danlos Type II which had resulted in incomplete spinal fusion all of which has necessitated extensive medical evaluation and care.

I plan to telephone you at (202) 366-6281 or (877) 536-8368, Extension 66281, on 11-1-11 at 11 a.m. to speak with you and your colleague, Jessica, who you said deals with airbag failures. Thank you for your consideration.

Sincerely,  
[REDACTED]

enc: cited enclosures

IMMEDIATE ATTENTION PLEASE

Telefax to (801) 736-3561

[REDACTED]  
Hampton, Virginia [REDACTED]  
8-11-11

Brittany  
Extension 54289  
Hyundai Customer Connect Services  
995 West LeVoy Drive  
Taylorville, Utah 84123

Case ID #: 4503939

Dear Brittany:

I was unable to stay on the telephone when you were attempting to connect me with a manager during my telephone call earlier today when I had requested that your company investigate the failure of the passenger side airbag in my 2005 Hyundai Elantra, VIN: KMHDN56D05U [REDACTED] to inflate at the time my son who was driving it on 7-29-11 was involved in an accident in which the front end of the vehicle was severely damaged to the extent that it has been said to be not repairable. Accordingly, I am writing to request that as soon as possible Hyundai inspect and evaluate the vehicle which as of the late afternoon of 8-10-11 was still at Tidewater Express, 1749 West Pembroke Avenue, Hampton, Virginia, 23661, Telephone (757) 723-1214, Telefax (757) 723-3784. I would like to suggest that upon your receipt of this letter, Hyundai telephone Tidewater Express to notify them that it is going to have the vehicle inspected.

Enclosed are photographs of the vehicle taken on 8-5-11 by my insurer, USAA. I would like to know if Hyundai can determine the reason the driver's airbag did not deploy. Please expedite transmission to me of any forms that Hyundai wishes me to complete. Thank you for your consideration.

Sincerely,  
[REDACTED]

enc: cited documents

Telefax to (757) 723-3784

[REDACTED]  
Hampton, Virginia [REDACTED]  
10-25-11

Michael Pelfrey  
President  
Tidewater Express, Inc.  
1749 West Pembroke Avenue  
Hampton, Virginia 23670

2005 Hyundai Elantra  
VIN KMHDN56DO5U [REDACTED]  
MVA: 7-29-11

Dear Mr. Pelfrey:

Neither a reply to, nor the information requested in, my telefaxed 9-14-11 letter to you has been received. Please let me know if, as your:

1. employee, Deborah Bishop, on 9-14-11
2. 8-25-11 Certified Mail #: 70030500000149898163 notice received 9-2-11 had informed me, would be done, you disposed of the vehicle at public auction on 9-23-11. If the vehicle was not disposed of, please let me know its present location. Thank you for your consideration.

Sincerely,  
[REDACTED]

Telefax to (757) 723-3784

Hampton, Virginia  
9-14-11

Michael Pelfrey  
President  
Tidewater Express, Inc.  
1749 West Pembroke Avenue  
Hampton, Virginia 23670

2005 Hyundai Elantra  
VIN KMHDN56DO5U  
MVA 7-29-11

Dear Mr. Pelfrey:

Following my telefaxed 9-13-11 letter to you requesting your continued cooperation in order to effect an amicable resolution of issues about which I had notified you in my telefaxed 9-2-11 letter, this afternoon I received a telephone call from your employee, Deborah Bishop, who said that you had received my 9-13-11 letter and instructed her to telephone me to inform me that the above cited vehicle would be auctioned off on 9-23-11. Because your doing so would:

1. be contrary to my requests
2. not in accord with my offer to attempt to amicably resolve the issues I had brought to your attention which had caused harm to me
3. jeopardize the investigation of the failure of the vehicle's airbag to deploy at the time of the 7-29-11 front end MVA, which would put in jeopardy any efforts I might be able to make to seek recovery from the vehicle manufacturer for the injuries to my son who was driving the vehicle at the time of the MVA

I asked to speak with you. Ms. Bishop said that you were not available. Accordingly, I requested her to ask you not to dispose of the vehicle. She interrupted me by saying that the Department of Motor Vehicles required my car to be auctioned on 9-23-11. At all times I had been appropriate in language and demeanor and requested her to let me finish what I was saying, despite which she disconnected me.

Again, I urge you not to compound the harm already done to me, and that will be done to me and my son, by your auctioning, or otherwise disposing of, the vehicle. By return mail, please let me know if you will or will not work with me in attempting an amicable resolution. Thank you for your anticipated reply and consideration of my requests and concerns.

Sincerely,

Telefax to (757) 723-3784

Hampton, Virginia  
9-13-11

Michael Pelfrey  
President  
Tidewater Express, Inc.  
1749 West Pembroke Avenue  
Hampton, Virginia 23666

2005 Hyundai Elantra  
VIN KMHDN56DO5U  
MVA 7-29-11

Dear Mr. Pelfrey:

Following my telefaxed letter to you in which I had requested a number of items, including that your facility allow access to my above cited vehicle for inspection, I was informed that access was allowed to an engineer, David Kingsbury, who was contracted by Hyundai's contracted Engineering Analysis Association (EAA), to download information from the vehicles computer system which controlled the airbag. I thank you for allowing that to be done. I have not received the requested apology from your employee, William Caplan, for the assault, and what I have been informed was kidnapping when he tried to prevent me from leaving your premises after he had told me to leave because he said I was trespassing.

I have also not heard from you as to whether or not you have removed, or will remove, the lien you had requested the DMV to place on the vehicle so that I will not have to take legal action, including the filing of a Warrant in Detinue, and if you will agree to not dispose of the vehicle until I let you know that all inspections have been completed. The failure of the airbag to deploy has been reported to the Office of Defects Investigation Enforcement of the National Highway Traffic Safety Administration which has been requested to perform its own investigation. If you will retain the vehicle, I would be glad to request, and demand, as part of my claim against Hyundai, that they reimburse you for the storage fees required until the vehicle inspection has been completed.

I note that your company does auto repairs. On 8-1-11 I had been informed by your employee, to my surprise, that the vehicle was repairable. If so, please let me know your estimate for repair and if your company would make the repairs, following which I would be able to make a decision as to whether or not I would:

1. have it repaired
2. keep it as is

and donate it to Heritage for the Blind, as I had done last year with a 1987 Volvo 240 DL.

I look forward to hearing from you and thank you for your cooperation to date.

Sincerely,

Telefax to (757) 723-3784

[REDACTED]  
Hampton, Virginia [REDACTED]  
9-2-11

Michael Pelfrey  
resident  
Tidewater Express  
749 West Pembroke Avenue  
Hampton, Virginia 23666

2005 Hyunda Elantra  
VIN KMHDN56D05U [REDACTED]  
Virginia License Plate #: [REDACTED]  
MVA: 7-29-11

Dear Mr. Pelfrey:

Following my telefaxed 8-8-11 letter to you, a copy of which is enclosed, and having been informed by:

1. my insurance company that because my above cited vehicle carried no collision insurance
  2. the Virginia State Police that because they had not impounded the vehicle
- contrary to what:

- A. I had been informed on 8-1-11 when, with difficulty, I had gone to your facility to retrieve the garage door opener from my car, i.e., that I could not remove the car, or my belongings from it, until the police released the vehicle
- B. James Pucci of Pucci's Body & Repair had been informed on 8-5-11 after he had been authorized by me to pay you the towing and storage fees, for which I would reimburse him,, i.e., that he had been informed that your company would not allow him to remove it until the insurance company released it

there was no need for either to "release" the vehicle, on 8-10-11 when I went to your facility to remove some needed confidential medical documents, my license plates, and the spare emergency tire from the vehicle, following which I was going to your office to pay the towing and storage fees by charge to my VISA card or by my check, after removing the medical documents and my license plates, I was informed that I could not remove the spare tire. One of your employees with a name tag of "Billy", later identified to me by the Hampton Police as William Caplan, told me that I was trespassing and had to leave. Because it was very hot and I was in increased pain due to my painfully disabling service connected disability for which I receive medical care at the Hampton VA Medical Center, I went to my adjacent 1997 Ford Escor wagon in which I had driven to your facility, sat down, and turned on the ignition so that I could utilize the air conditioner because the outside temperature was in the 90s. Billy had been informed that I had taken my license plates which were on the passenger seat of my Ford. To my astonishment he reached through the open window of my Ford, grabbed the keys on my key ring which contained the keys to my home and other vehicles, turned off the ignition to my car, bending the key while doing so, and attempted to remove the keys. Because he had bent the key he was unable to remove it from the ignition. However, he continued in his attempt to remove the key, with my attached key ring with other keys and, in doing so he injured my right hand which had been on the key ring. He kept up his tight grasp for at least 15-20

seconds making further extreme twisting and pulling movements that further injured my hand. Realizing that he could not extract the key, he finally released his grip and removed his arm from my vehicle. Because the key had been bent, I could not turn it in the ignition to re-start the engine. However, from my vantage point I was able to remove the bent key from the ignition. Fortunately, I had a spare key with which I was able to re-start the engine. During the unfortunate encounter with Billy he had utilized his cellphone to call others, following which I saw two or three large men coming from the office towards my Ford. I was in pain, frightened by what had transpired and by seeing the other men coming towards my car. Accordingly, I rolled up my window, and carefully drove out of Tidewater Express without stopping to pay the towing and storage costs for the Hyundai Elantra.

In addition to injuring my right hand, which had pre-existing degenerative arthritis, upon arriving home I checked my blood pressure, for which I take anti-hypertensive medication for pre-existing hypertension with coronary artery disease for which I had undergone quadruple coronary artery bypass grafts, and found it to be markedly elevated at 190/100. Because I was experiencing angina, I had to take additional anti-hypertensive and anti-angina medication. I have had to seek medical evaluation of my right hand injury and am still experiencing increased pain and dysfunction as well as increased hypertension and angina for which I am still taking additional cardiac and pain medication. Because of the anxiety contributed to by the 8-10-11 assault, I have been referred for medical evaluation of that condition.

I was informed on:

- 9-1-11 by Hyundai's engineer, David Kingsbury, that when he came to inspect the vehicle because of the failure of the driver's airbag to deploy at the time of the 7-29-11 front end collision, he was denied access to it
- 9-2-11 by Kisani Craigshead of Hyundai that your company had said that unless it receives payment of the amount owed to you by this afternoon, it will dispose of my vehicle

This afternoon, I telephoned your company, speaking with Deborah Bishop who informed me that unless I make payment the vehicle will be auctioned on 9-23-11. I had never received a bill from your company. Ms. Bishop said that a notice had been sent to me by Registered Mail on 8-25-11. Up to the time of speaking with her, I had not received that mail although on 8-26-11 I had received a US Postal Service form notifying me that an attempt had been made to deliver via Certified Mail #: 70030500000149898163, from a sender whose identity was not provided in the space on the form, which mail required a signature upon delivery.

I correctly informed Ms. Bishop, who was appropriate in language and demeanor, and who confirmed that I had been appropriate in language and demeanor, that I had:

1. spoken with legal counsel
2. been advised to:
  - A. request that charges be filed against your employee, William Caplan, for assault and kidnapping
  - B. file a complaint against Tidewater Express for the:
    - 1) physical and emotional harm caused to me by the 8-10-11 action of its employee, William Caplan
    - 2) misrepresentation by Tidewater Express in informing:
      - a. me on 8-1-11 when I wished to remove items from my vehicle, and to possibly move it from your facility that I could not do so because it had to be released by the police
      - b. James Pucci of Pucci Body & Repair on 8-5-11 that he could not access the vehicle because it had to be released by the insurance company

Ms. Bishop said that she could not locate in her file, a copy of my 8-8-11 letter to your company advising you that it was holding hostage my vehicle despite my having authorized Mr. Pucci to pay you the towing and storage fees, for which I would reimburse him. The 9-1-11 refusal of your company to allow access of Hyundai's engineer to inspect my car to determine the reason for the failure of the driver's airbag to deploy is compounding the harm done to me. She was requested to inform you to authorize Hyundai to inspect the vehicle, and not to dispose of it.

Although your company had requested the Virginia Department of Motor Vehicles to issue a lien on the vehicle, about which I first received notice on 8-17-11, I have notified the DMV that I disputed that request. Legal counsel has advised me to file a Warrant in Detinue. However, I asked Ms. Bishop to convey to you the information that, if you wish, I would be glad to arrange for an amicable solution so that legal proceedings would not have to be undertaken, in which I would seek recovery for the harm your company has caused me, if you will:

1. allow Hyundai to inspect the referenced vehicle
2. cancel any charges you have made, or will make, for towing and storage
3. apologize for the harm caused to me on 8-10-11 by your employee, William Caplan

Because of my disability and injuries, I will be unable to come to your facility and hope to hear from you or your representative at your earliest convenience, hopefully by 9-9-11 or sooner. Thank you for your consideration.

Sincerely,

enc: cited:

- 7-29-11 police report of assault by your employee, William Caplan
- 8- 8-11 letter to your company
- 8-30-11 letter to DMV

Ms. Craighead's:

1. misrepresentation of:

A. my initial request for information

B. the reason for my request for Hyundai's investigation of the failure of the airbag to deploy  
2. belief, in the absence of the report of an airbag investigation, that the airbag system operated properly  
3. apparent eagerness to cancel an airbag inspection  
appears to represent bad faith and irresponsibility on the part of Hyundai in an attempt to prevent a proper investigation of an apparent safety defect. Hyundai should do everything in its power to properly and thoroughly investigate possible safety defects.

In addition to the previously requested information, including the report of the investigation of my vehicle, which Hyundai should not thwart, please have me provided with information regarding any other reported failures of airbags to deploy in front end collisions of 2005 Hyundai Elantra vehicles.

Finally, please provide to the National Highway Traffic Safety Administration, a copy of the report of your investigation of my vehicle, and let me know when you have done so. Thank you for your consideration of my requests and concerns.



Hyundai Motor America  
P.O. Box 20850, Fountain Valley, CA 92728-0850  
TEL: 800-833-8151 EMAIL: consumeraffairs@hmasusa.com  
WEB: www.Hyundai.com

September 8, 2011

[REDACTED]  
Hampton, VA [REDACTED]

Re: HMA File# 4503939

Dear [REDACTED]

Thank you for your recent correspondence. We have thoroughly reviewed your comments and regret the circumstances you have experienced.

As you may know, in light of your accident, we attempted to inspect your vehicle and believed that an inspection would have confirmed the proper operation of the vehicle's airbag system. Unfortunately, however, we were prevented by your insurance carrier from performing an inspection of the vehicle. Accordingly, based on the information available to us, we must respectfully deny any liability in connection with your accident. We appreciate your bringing the matter to our attention.

Should you have any further question, please do not hesitate to contact us.

Sincerely,

Kissany Craighead  
National Consumer Affairs

Telefax to (586) 582-5840; (714) 965-3837; (801) 736-3561

[REDACTED]  
Hampton, Virginia [REDACTED]  
9-8-11

Mark King, Director  
Engineering Analysis Associates (EAA)  
28635 Mount Road  
Warren, Michigan 48902  
Carolyn, Case Manager  
Hyundai Customer Connect  
Post Office Box 20850  
Fountain Valley, California 92728-0850

VIN KMHDN56D05U [REDACTED]  
Hyundai Case #: 4503939

Dear Sirs & Madams:

Following my telefaxed 9-2-11 letter to you, on 9-7-11 I received a message that your contracted engineer David Kingsbury, had telephoned to let me know that he would be inspecting the above cited vehicle 9-8-11 at Tidewater Express, Inc. Hopefully, this has been accomplished. Please let me know if the inspection was carried out and, if so, provide me with the report of the inspection.

Thank you for your consideration.

Sincerely,  
[REDACTED]

Telefax to (586) 582-5840; (714) 965-3837; (801) 736-3561

Hampton, Virginia  
9-2-11

Mark King, Director  
Engineering Analysis Associates (EAA)  
28635 Mount Road  
Warren, Michigan 48902  
Carolyn, Case Manager  
Hyundai Customer Connect  
Post Office Box 20850  
Fountain Valley, California 92728-0850

VIN KMHDN56DO5U  
Hyundai Case #: 4503939

Dear Sirs & Madams:

Following my telefaxed 8-27-11 letter to you, on:

9-1-11 I was informed by the contracted engineer, David Kingsbury, of Hyundai's agent EAA, that when he went to Tidewater Express to inspect my 2005 Hyundai Elantra, he was refused access to the vehicle

9-2-11 I received a 8-29-11 letter from Kissany Craighead of Hyundai's National Consumer Affairs office said to be in response to my 8-27-11 letter, in which she states, "With respect to your request that we provide you with technical and engineering specifications for your Elantra's airbag system, be advised that such information is considered proprietary and confidential, but also to suppliers who developed and/or manufactured various airbag components."

9-2-11 I received a telephone call from Ms. Craighead who said that because Tidewater Express had denied to Hyundai's contracted engineer, access to my 2005 Hyundai Elantra, the investigation of its airbag's failure to deploy, would be cancelled, at which time I requested her to see to it that the investigation was not cancelled

I have spoken and written to the president of Tidewater Express informing him that they are to allow your engineer to inspect the vehicle. Please do not cancel the investigation of Case #: 4503939, but keep it open until I notify you that Tidewater Express has:

1. complied with
2. denied

my request to allow the vehicle to be inspected by your engineer.

Following my notification of the National Highway Traffic Safety Administration of the failure of the airbag to deploy, in today's mail I received a letter from Randy Reid, Chief, Correspondence Research Division, Office of Defects Investigation Enforcement in which they request further information to determine if they will initiate an investigation. That is another reason for you not to cancel your investigation. Thank you for your consideration.

Sincerely,



Hyundai Motor America  
P.O. Box 20850, Fountain Valley, CA 92728-0850  
TEL: 800-633-5151 EMAIL: consumeraffairs@hmasua.com  
WEB: www.hyundai.com

August 29, 2011

[REDACTED]  
Hampton, VA [REDACTED]

Re: HMA File# 4503939

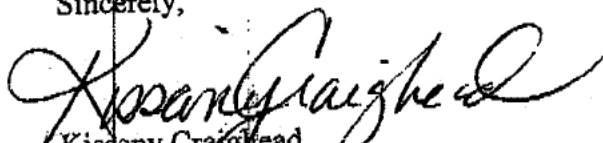
Dear [REDACTED]

Thank you for your recent correspondence dated August 27, 2011.

With respect to your request that we provide you with technical and engineering specifications for your Elantra's airbag system, please be advised that such information is considered proprietary and confidential, but also to suppliers who developed and/or manufactured various airbag components. Accordingly, as a matter of policy, we do not voluntarily produce such reports in the ordinary course of business. We trust you understand our position with respect to these materials.

If you should have any other concerns that you want to discuss with us, please feel free to write or call our Consumer Assistance Center at 1 (800) 633-5151.

Sincerely,

  
Kissany Craighead  
National Consumer Affairs

Telefax to (586) 582-5840 , (714) 965-3837, (801) 736-3561

Hampton, Virginia  
8-27-11

Mark King, Director  
Engineering Analysis Associates  
28635 Mount Road  
Warren, Michigan 48902  
Carolyn , Case Manager  
Hyundai Customer Connect  
Post Office Box 20850  
Fountain Valley, California 92728-0850

VIN KMHDN56D05U  
Hyundai Care #: 4503939

Dear Sirs & Madams:

Following my telefaxed 8-25-11 letter addressed to the Field Coordinator of Hyundai's agent, Engineering Analysis Associates, which is having performed, the inspection of my above cited 2005 Hyundai Elantra in an attempt to determine the reason the driver's side airbag failed to deploy at the time of a 7-29-11 MVA in which the front end was demolished, in which letter I had requested a copy of the report by the engineer who was to inspect the vehicle, on 8-26-11 I received a telephone call from Sue who informed me that engineer David Kingsbury would be inspecting the vehicle within 24 hours. I requested that a copy of the report be mailed to me. Sue said that would have to be requested from Hyundai. Accordingly, by copy of this letter to Hyundai and Engineering Associates, I am requesting that a copy of the report be mailed to me. Today I spoke with Mr. Kingsbury who said that he would not be able to perform the inspection until he received some requested equipment from Hyundai, which he did not expect to receive until Wednesday, 8-31-11.

Thank you for your consideration.

Sincerely,

Telefax to (586) 582-5840

[REDACTED]  
Hampton, Virginia [REDACTED]  
8-25-11

Field Coordinator  
Inspections for Hyundai  
28635 Mount Road  
Warren, Michigan 48092

VIN KMHDN56D05U [REDACTED]  
Hyundai Case ID #: 4503939

Dear Sir or Madam:

Today I received a telephone call from your office informing me that an inspection of my above cited 2005 Hyundai Elantra, which was said to be at Tidewater Express, Inc. in Hampton, Virginia, according to your telephone call today to that company, was going to be carried out within 24 hours by one of your inspectors for an investigation into the reason the driver's side airbag did not deploy at the time of a front end collision on 7-29-11. Please provide me with copies of:

1. the report of the investigation
2. any photographs that you may obtain.

Thank you for your consideration.

Sincerely,  
[REDACTED]

Telefax to (714) 965-3837, (801) 736-3561

Hampton, Virginia  
8-16-11

Carolyn, Case Manager  
Hyundai Customer Connect  
Post Office Box 20850  
Fountain Valley, California 92728-0850

File #: 4503939

Dear Carolyn:

Thank you for your 8-12-11 letter with which was enclosed the OWNER AUTHORIZATION FORM which I have signed and am returning to you with this letter. In answer to your lettered requests:

- A. Enclosed are photographs of the vehicle exterior. I am unable to access the vehicle's interior and hope that Hyundai will be able to do so at the time it inspects the vehicle.
  - B. No payments have been made to me by my insurance company because I had no collision insurance.
  - C. I am seeking information as to the reason the driver's front airbag failed to deploy.
  - D. The following is the description of my Hyundai vehicle, most of which previously has been provided:  
VIN KMHDN56D05U [REDACTED]  
Mileage about 50000  
Virginia Registration License Plate #: [REDACTED] Expires 7-31-13, copy enclosed
  - E. Virginia Police Department Reports enclosed.
  - F. MVA 7-29-11, GPS Lat. 37.192360, GPS Long. -76.221880, going west in middle lane second from the left lane of I 64 just past LaSalle exit when my son, who was driving alone in my vehicle at about 55 mph returning home from work during lunch hour, had to swerve to the left in order to avoid a car which, without signaling, suddenly veered from the right lane into my son's lane causing my vehicle to impact the right side of a vehicle in the left lane thereby resulting in my vehicle being deflected to the right where another vehicle impacted it causing my vehicle to impact a bus in the right lane.
  - G. Purchase Agreement/Bill of Sale enclosed.
  - H. Repair maintenance invoices I have been able to locate.
  - I. Signed Owner Authorization Request enclosed.
  - J. Hyundai file number assigned to my case: 4503939.
  - K. Current daytime telephone number [REDACTED] (non-published), please communicate via regular U. S. Postal Service First Class Mail.
- Also enclosed are copies of my 3-15-07, 6-3-07, and 6-21-07 letters to Hall Hyundai.

Today, I spoke with Hyundai Case Manager, Chris, ID #: 54313 and provided him the above information. I would like to request that as soon as possible Hyundai communicate with Tidewater Express, 1749 West Pembroke Avenue, Hampton, Virginia 23661, Telephone: (757) 723-1214, Telefax (757) 723-2788 to arrange for its inspection of the vehicle and to obtain the necessary and sufficient information in an attempt to determine the reason that the driver airbag failed to inflate. Thank you for your consideration.

Sincerely,  
[REDACTED]

enc: cited documents



Hyundai Motor America  
10550 Talbert Ave., P.O. Box 20660, Fountain Valley, CA 92728-0660  
TEL: 714-985-3493 FAX: 714-985-3637  
WEB: HyundaiUSA.com

### OWNER AUTHORIZATION REQUEST

HYUNDAI MOTOR AMERICA HAS BEEN ASKED TO INSPECT THE FOLLOWING:

Customer [REDACTED]

VIN # KMHDN56D05U

Model ELANTRA

Year 2005

HMA File # 4503939

Vehicle Location TIDEWATER EXPRESS  
1749 WEST PEMBROKE AVENUE HAMPTON, VIRGINIA 230  
TELEPHONE (757) 723-1214 TELEFAX (757) 723-3784

The vehicle is located in your insurance/salvage yard. Please authorize a representative from Hyundai Motor America to perform the necessary interior/exterior inspection of the vehicle. Thank you in advance for your cooperation.

Present Owner:

I [REDACTED] authorize and consent the inspection of the  
[Printed Name]

following vehicle, (VIN) KMHDN56D05U including the retrieval of any  
[Vehicle Identification Number]

electronically-stored data in the vehicle (if applicable), at our insurance/salvage yard.

[REDACTED]  
[Signature]

8-16-11  
[Date]



Hyundai Motor America  
P.O. Box 20850, Fountain Valley, CA 92728-0850  
TEL: 800-633-6151 EMAIL: consumeraffairs@hmmausa.com  
WEB: www.Hyundai.com

August 12, 2011

[REDACTED]  
Hampton, VA [REDACTED]

File Number: 4503939

Dear [REDACTED]

This notice is sent to you in response to your recent inquiry. To assist us in our investigation, please send the following information or documents listed below that applies only to your incident/Accident:

- A. Color photographs of the damage to your Hyundai, including the front end, side and rear, engine compartment, front and rear interior, Vehicle Identification Number (VIN) plate, located on the top left side of the dashboard.
- B. Documentation reflecting payments made to you by your insurance company.
- C. An itemized list of what you are seeking. Attach any supporting documents you may have in your possession.
- D. A description of the Hyundai vehicle, including VIN, mileage and a copy of the current registration. (If you have not done so already, please ensure to preserve the vehicle in its current condition for possible inspection.)
- E. All reports indicating the cause of the incident.
- F. The date, location and details of the incident, including the usage of the vehicle prior to the incident.
- G. Purchase Agreement/Bill of Sale.
- H. Repair/maintenance invoices in your possession.
- I. Signed Owner Authorization Request.
- J. The Hyundai file number assigned to your case.
- K. Current daytime telephone number.

Providing this information will expedite our investigation and ensure a prompt response to your inquiry. Providing authorization alone will not be sufficient. We need all relevant information and documentation in your possession as request above. We will contact you once the documents have been received and reviewed. Please be advised that any documents and/or photographs you provide will be disposed of within thirty (30) days of our receipt of them. Thus, we recommend you provide copies rather than originals.

If we do not receive all the information/documentation requested within 30 days from the date of this letter, we will presume that you no longer wish to have Hyundai review your matter.

Please direct all correspondence to:

Hyundai National Customer Connect  
P.O. Box 20850  
Fountain Valley, CA 92728

Sincerely,

Carolyn  
Hyundai Customer Connect



0901119