

CL-10567264-6810

THE ATTORNEY GENERAL
STATE OF ARKANSAS
DUSTIN McDANIEL

February 7, 2014

NHTSA Headquarters
1200 New Jersey Ave, SE
West Building
Washington, DC 20590

FEB 26 2014

RE: Consumer Complaints-107842-[REDACTED]

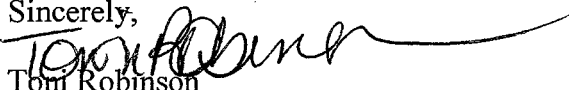
To whom it may concern:

The Consumer Protection Division of the Office of the Attorney General has received the enclosed complaint.

We are forwarding this information for your review in the hopes that you may be able to assist this consumer. You may contact the consumer directly for any additional information you may need.

We appreciate you taking the time to review this matter.

Sincerely,


Tom Robinson

Investigator

Consumer Protection Division

NM
22814
SMD



CONSUMER COMPLAINT

Please type or print with ink. A copy of this complaint will be sent to the party complained against.

[Redacted]

Your Address

Royal ar [Redacted]

City, State, Zip Code

Garland

Your County

[Redacted]

Your Home Telephone

[Redacted]

Your Work Telephone

same

Your Mobile Telephone

[Redacted]

Your Email Address

May we communicate with you via email?

☒ Yes ☐ No

Your Age 78 Date of Transaction _____

Hyundai Motor Co
Company/Individual Complained Against

10550 Talbert ave
Address Fountain Valley Ca 92728-8850

City, State, Zip Code

1800 633 5151 or Liz
Telephone 714-887-2437

www.hyundaiusa.com
Company Website or Email Address

Name of Salesperson Elizabeth or "Liz"

Account Number (if applicable) 6036606

Estimate of dollars involved \$5000 +

Product or Service Involved air Bag spontaneous deployment

Your view as to a fair resolution of this matter: _____

PLEASE EXPLAIN THE CIRCUMSTANCES SURROUNDING YOUR COMPLAINT. ENCLOSE COPIES (NOT ORIGINALS) OF ANY CONTRACTS, SALES SLIPS, CANCELLED CHECK, ADVERTISEMENTS, CORRESPONDENCE OR RELATED DOCUMENTS. Attach additional sheets if necessary.

The airbag spontaneously exploded while I was backing out of a parking space, injuring me, on Sept 13, 2013. Hyundai has acknowledged the faulty mechanics but have not made any attempt to fix the vehicle. They only offered me \$1500 for ~~the~~ good faith. This does not even begin to pay for everything this has caused me. I was told if I didn't accept it that the case would be closed.

The information contained here is true and accurate to the best of my knowledge. I understand that the Arkansas Attorney General's office does not represent individuals in matters involving private disputes. I am filing this complaint to notify the Attorney General's office of the activities of this party and for any other assistance which may be rendered, including attempted resolution of my complaint or referral to another appropriate entity. I understand that a copy of what I submit to the Attorney General's Office will be provided to the party I am complaining against in an effort to resolve the complaint. I authorize the party against which I have filed a complaint to communicate with and provide information to the Arkansas Attorney General's Office. I also understand that my complaint may be referred to other agencies. I acknowledge that the Attorney General will keep a record of this complaint and that it may be deemed a public record subject to disclosure under the Arkansas Freedom of Information Act.

Date 1-30-14

[Redacted Signature]

Signature of person filing complaint

[REDACTED]
Royal, AR [REDACTED]

September 21, 2013

Hyundai Motor America
Hyundai National Consumer Affairs
10550 Talbvert Ave.
Fountain Valley, CA 92728-0850

RE: Airbag Deployment w/out Accident
Case #6036606
Response to Document List A-K

Dear Hyundai,

In response to the forms you sent me regarding the airbag deployment in my 2006 Hyundai Elantra without accident, I will now address the items A-K on those forms:

- A. There was no damage except for airbag deployment. The vehical was not on the road. It was in a parking lot . The car was not in motion. I have included photos of the VIN, mileage, and a copy of the current registration. Please see attached photos.
- B. My insurance has not paid out any monies at this time. I am seeking restitution from you, Hyndai Motor America.
- C. Itemized list: Please see attached three page estimate record from Auto Club Enterprises.
- D. The vehical is a 2006 Hyundai Elantra, VIN #KMHDN46D06U [REDACTED] mileage: 120,483; see attached copy of registration.
- E. There is no report on cause because the airbag deployed without cause. There was no accident. I touched the brake and the airbag deployed.
- F. This incident occured on September 12, 2013, at 9:30 am. I was in the parking lot of the AARP office in Hot Springs, AR. I touched the brake and the airbag deployed.
- G. I do not have in my posession the origional bill of sale
- H. I do not have documents of maintenance in my possession.
- I. see form
- J. Hyundai File Number: 6036606



HYUNDAI
NEW THINKING.
NEW POSSIBILITIES

Hyundai Motor America
10550 Talbert Ave. P.O. Box 20850
Fountain Valley, CA 92728-0850
www.hyundaiusa.com

September 17, 2013

[REDACTED]
Royal, AR

Case Number: **6036606**

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: *NO Damage*

- 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. *Sept 12. 930 AM Parking area approx. Back seat of PerK-2002*
- 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:

Post Office Box:

Hyundai National Consumer Affairs
P.O. Box 20850
Fountain Valley, CA 92728

Physical Mailing Address:

Hyundai National Consumer Affairs
10550 Talbert Ave.
Fountain Valley, CA 92728-0850

Sincerely,

Hyundai National Consumer Affairs



CONSUMER COMPLAINT

Please type or print with ink. A copy of this complaint will be sent to the party complained against.

[Redacted Address]

Your Address

Royal ar [Redacted]

City, State, Zip Code

Garkand [Redacted]

Your County

Your Home Telephone

[Redacted] same

Your Work Telephone

Your Mobile Telephone

[Redacted]

Your Email Address

May we communicate with you via email? ☒ Yes ☐ No

Your Age 78 Date of Transaction

Hyundai Motor Co
Company/Individual Complained Against

10550 Talbert ave
Address Fountain Valley Ca 92728-8850

City, State, Zip Code

1800 633 5151 or Liz
Telephone 714-887-2437

www.hyundaiusa.com
Company Website or Email Address

Name of Salesperson Elizabeth or "Liz"

Account Number (if applicable) 6036606

Estimate of dollars involved \$5000 +

Product or Service Involved air Bag spontaneous deployment

Your view as to a fair resolution of this matter:

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Date 1-30-14

[Redacted Signature]

Last Transaction

Date	Time	Type	Station ID	Duration	Pages	Result
Dec 17	5:39PM	Fax Sent	16025882599	8:26 N/A	18	OK

Digital Fax

*T.J. Maxwell
(314) 523-1735
AAA Claims
6945*

*Hyundai Claims Center
800-633-5151*

FAX

To: Hyundai

ATTN:

From: Michael A. Raith

Fax: 602-588-2599

Pages: 22 (inc Cover)

Phone

Date: 12/17/2013

Re: Claim # 6036606

Comments:

Please find the attached requested information. If you have any additional requirements or questions, please feel free to contact me.

Thank you

Notice of Confidentiality

The document accompanying this facsimile transmission contains confidential information belonging to the sender, which is legally and/or medically privileged. If you are not the intended recipient, you are hereby notified that any disclosures, copying, distribution or taking of any action on the contents of this facsimile transmission in error, please notify us by telephone and destroy information received.

[REDACTED]
[REDACTED]
Royal, AR [REDACTED]
[REDACTED]

November 6, 2013

Attention:

Hyundai Motor America
Hyundai National Consumer Affairs
10550 Talbvert Ave
Fountain Valley, CA 92728-0850
Fax# 714-965-5031

Re: Case # 6036606 - Spontaneous deployment of airbag in 2006 Hyundai Elantra

To whom it may concern,

I am writing this letter in response to our phone conversation on November 4, 2013. During that conversation your representative stated that they were unaware of any injury during this accident, when in fact I have told your company from the start that there was injury from this incident. Please see the attached picture, on this page it was noted that there was injury. I also have stated that I have other witnesses, besides my wife that will testify to the fact that I was injured.

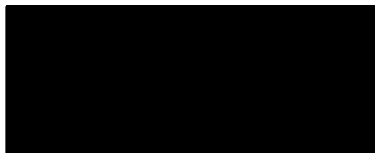
List of things that I am seeking:

1. I need to have my vehicle fixed as soon as possible. This has gone on for over 7 weeks, and that's entirely too long. I am not be responsible for this bill.
2. Assurance that this will not happen again in this car. I fear for the safety of both me and my family while operating this car. No one can seem to tell me what caused this incident in the first place. I will have trouble ever selling this vehicle. Is it going to happen again? My wife and I could have both been killed this time if surrounding circumstances had been different! Is the new airbag going to be covered under some sort of warranty?
3. All Hospital ER medical bills paid. I have Medicare & Secondary insurance but they are not responsible for paying for this injury.
4. I need compensation for everything this has cause me and my family. I feel that \$5,000.00 would be an adequate amount to compensate me for my pain & suffering, and time handling this mess. Remember this wasn't my fault, and I did nothing to cause

this. I spent the entire day in the emergency room, worrying that I may have to endure more surgery because of this incident causing a brain bleed again. In January 2012 I had brain surgery for a subdural hematoma. The doctors told me that I would have to be very careful not to have any trauma to my head again as this could cause bleeding very easily. It was an entire year and a half before I was released from my doctor's care. My neurologist insisted that I needed to get to Little Rock for monitoring as soon as possible. My daughter had to leave work when this incident occurred. My wife and I are elderly, and she sees to our day to day needs. According to those witnesses at the scene I was visibly disoriented for a short period of time. Can you imagine having that kind of force to your face/head for no reason? I had a headache for at least 3 days after, and I had burn marks on my face, neck, and arms from the powder used in the airbag. Not to mention the fear of knowing my previous medical conditions could be aggravated by this event. This was truly a nightmare for all of us.

I would appreciate your prompt attention to these requests. This is the only vehicle that I have, and it has been a big inconvenience to have it not running properly for over 7 weeks now. I am sure that in your compassion for all this has caused me you will see that my demands are not over exaggerated.

Thank You,



[REDACTED]
Hot Springs, AR [REDACTED]
[REDACTED]

November 6, 2013

Re: Case# 6036606 [REDACTED]

To whom it may concern,

I was working at Leo's Automotive on September 13, 2013 when [REDACTED] incident occurred in the parking lot next door around 9:30 am.

I heard the loud blast and assisted [REDACTED] immediately after the airbag spontaneously opened.

I noted that he was visibly shaken and somewhat disoriented afterwards. I suggested that he seek medical attention as he had redness of the face, nose, forehead, neck, and both arms and complained of a headache.

If you have any additional questions, please feel free to contact me for assistance.

Thank You, [REDACTED]

[REDACTED]

[REDACTED]
Hot Springs, AR [REDACTED]
[REDACTED]

November 6, 2013

Re: Case# 6036606 - [REDACTED]

To whom it may concern,

I received a phone call around 9:30am on the morning of Friday September 13, 2013 that my mother and father had been in their 2006 Hyundai Elantra and were backing out of a parking space when the driver's airbag deployed hurting my father.

I have to say that I was immediately panicked because my father had just a month before been released from his neurologist after having brain surgery on January 20, 2012 for a Subdermal Hematoma. His physicians had told us that he cannot ever take blood thinners, or risk any other possibility of hitting his head because he is already prone to brain bleeding & with this surgery they had to cut his skull open half way around his head. I knew what he had endured over the previous year and a half including being told that if he ever had any headaches, nosebleeds, & accidental bumps on the head that he needed to seek immediate attention especially since he is also a diabetic.

That being said, even if he had not had this previous medical history, this was a scary ordeal! Can you imagine barely moving in a vehicle & having the airbag explode on you? What if he had been traveling in traffic?

While I was enroute to him I called his neurosurgeons office & I was advised to get him directly to UAMS if possible where they could examine him. When I arrived I noted that he was visibly shaken, had a headache, and multiple burns to his hands, face, neck, and arms. The only reason we did not transport via ambulance because the nearest hospital is not equipped to handle his situation if it were necessary to operate. I realized that it would be faster for me to drive him emergently to the UAMS ER than to get stuck in another hospital waiting for transport.

The physicians noted all symptoms as previously stated, and additionally noted that he had blood clots at the bridge of his nose from the trauma.

I was present the entire day while the physicians examined, did CT scan & monitored him. His medical records will confirm all that I have stated.

Thank You,

[REDACTED]

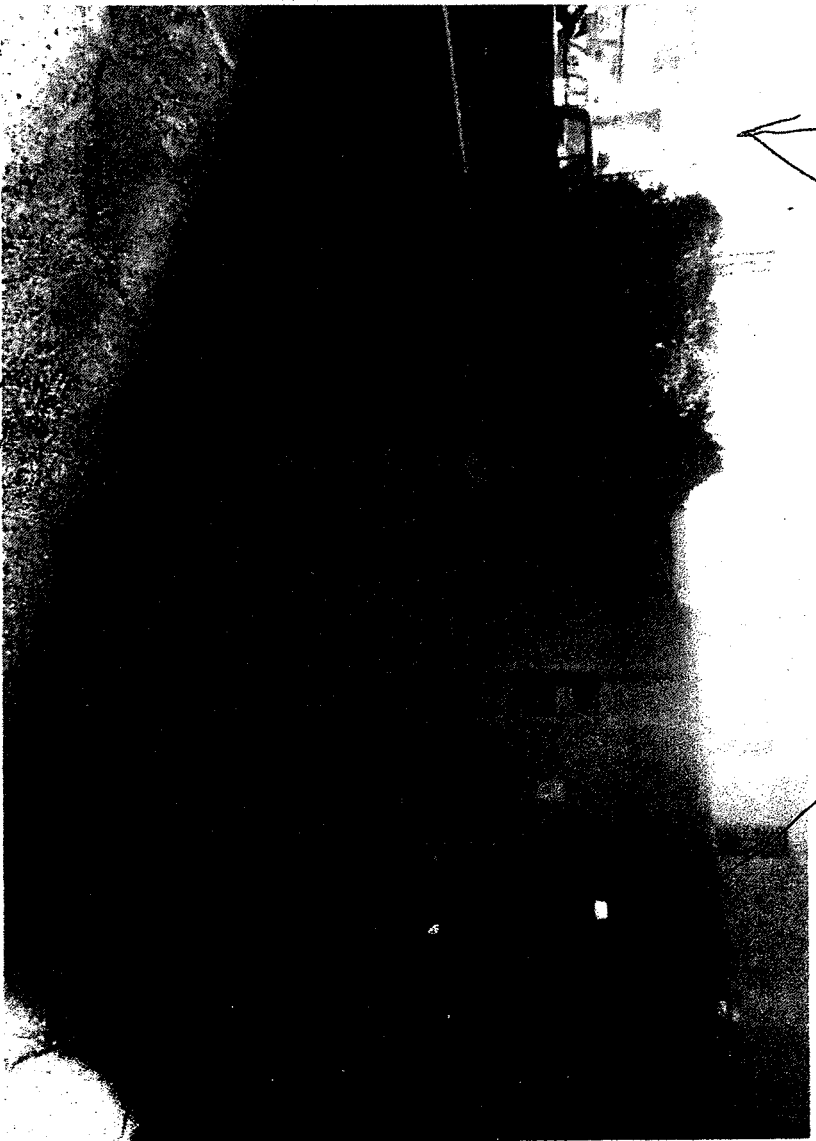
Brd Street
One Way

Joe's automotive

Wife was

AAFP foundation, work search office

with me in passenger seat



615 west Grand.

Was carefully Backing out of this parking
space when air Bag deployed, Leo sheets
automotive shop next door, [redacted] machine
Heard the Blast, cut of air Bag did diagnostic with
Plug in 'coder' found no codes Suggest I go to emergency for
check up Redness, face, nose, forehead, Both arms and under neck
He called daughter [redacted] she transported me to uams
emergency for ct scan to alleviate concern over previous
Brain surgery 2, 20, 2012. all of this can Be documented!

To protect the privacy of individuals, NHTSA does not make medical records available to the public without authorization. For this reason, documents falling into this category have not been included in this complaint record.



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

January 31, 2014

[REDACTED]
Royal, AR [REDACTED]

File: 6036606, 2006 Hyundai Elantra, VIN: KMHDN46D06U [REDACTED]

Dear [REDACTED]

This letter confirms our conversation of January 30, 2014 where we discussed the signing of the attached release form. This release form is for a complimentary one-time repair of your vehicle's air bag components and interior damage along with \$1500 as a gesture of good will.

In exchange for the repair, we would ask that you review and sign the enclosed Settlement Agreement in the presence of a Notary Public. Among other things, the Agreement acknowledges the confidential nature of this settlement.

You can send a copy of the agreement by fax to 714-965-5031 and mail the original signed copy. The mailing address is P.O. Box 20850, Fountain Valley, CA 92728. After we receive a copy of the signed Agreement, we will contact Cavanaugh Hyundai to arrange the repair.

If you have any questions, please do not hesitate to contact me at 714-887-2437, Monday through Friday, 8 AM to 5 PM Pacific Standard time.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Elizabeth'.

Elizabeth
National Customer Connect
Hyundai Motor America

Attachment:

SETTLEMENT AGREEMENT AND RELEASE

1. I, [REDACTED] (hereinafter referred to as "Releasor"), as owner and user of a certain 2006 Hyundai Elantra (hereinafter referred to as "subject vehicle"), bearing VIN# KMHDN46D06U [REDACTED], and in consideration of payment by Hyundai Motor America, does for herself and each and all of her representatives, employees, successors and assigns, hereby release and discharge Hyundai Motor America, its subsidiaries, divisions, officers, representatives, employees, stockholders, dealers, successors and assigns, and all other persons, firms or corporations, who are or might be claimed to be liable, of and from any claim, demand, right or cause of action for the recovery of damages for personal injury, pain and suffering, emotional distress, diminution of value, repair costs or any other economic or non-economic losses including, but not limited to, any claims for consequential or incidental damages, costs of suit and attorneys' fees, resulting or alleged to have resulted from the promotion or sale of or any nonconformity and/or defect in design, manufacture or assembly of the aforesaid subject vehicle.

2. In consideration for this release, Hyundai Motor America agrees to the following conditions:

(a) Hyundai Motor America agrees to repair the vehicle's air bag components and interior damage, along with \$1500 as a gesture of good will.

3. As consideration for the payment described in paragraph (2) above, it is also expressly agreed:

(a) That Releasor fully understands that this is a final settlement and disposition of all disputes as to the legal liability for and as to the nature and extent of any damages claimed from Hyundai Motor America;

(b) That neither Hyundai Motor America's payment of the consideration recited in paragraph (2), nor the negotiations preliminary to the execution of this Release, shall be considered an admission of liability or wrongdoing by Hyundai Motor America to any of the claims or causes of actions alleged in or to be inferred

from allegations set forth in the matter indicated in paragraph (1) above;

- (c) That Releasor and the attorneys of her choice have reviewed the provisions and the contents of the Release and the contents of this Release have been explained to Releasor by counsel prior to its execution;
- (d) That Releasor represents and warrants that she is entitled to give a full and complete release of the claims that are the subject hereof;
- (e) That Releasor has not assigned or otherwise transferred any interest in any claims that are the subject hereof;
- (f) That if any action or proceeding is brought by any third-party based in whole or in part upon or arising out of or in any way connected with any other matters released herein, Releasor shall indemnify and hold Hyundai Motor America harmless from any and all such claims, demands, causes of action, damages and liabilities, including court costs and attorney's fees arising in connection therewith;
- (g) Except as required by law, Releasor shall maintain the terms and content of this Settlement Agreement and Release, including any consideration received by Releasor in connection herewith, completely confidential;
- (h) That Releasor shall not at any time hereafter commence, maintain or prosecute, or cause, encourage or advise to be commenced, maintained or prosecuted any action, suit, proceeding or claim based in whole or in part upon or arising out of or in any way connected with any of the matters released herein;
- (i) That no promise, agreement, statement or representation except as expressed in this Release has been made to or been relied upon by Releasor and that this document of two pages contains the entire agreement between Releasor and Hyundai Motor America.

Intending to be legally bound by the terms of this Release, the undersigned has affixed
his signature this _____ day of _____, 2014.

Sworn to and subscribed before me this _____ day of _____, 2014.

Notary Public