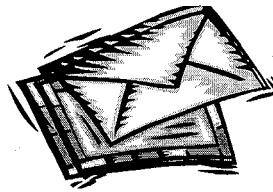


NHTSA ccmMercury Routing Slip



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INFORMATION ACT (FOIA), 5 U.S.C. 552(B)(6)

NHTSA #: ES16-000111

XREF #:

Delivery: EML

Rec'd Date: 1/11/2016

Doc Type: GEN

Address To: NOA001

Referred By: NAD-200

Doc Date: 1/11/2016

Due Date: 2/8/2016

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RMP #:

**Subject: EMAIL LETTER FROM [REDACTED] TO THE ADMINISTRATOR RE HYUNDAI'S FLOUTING
OF THEIR AGREEMENT WITH NHTSA BY REFUSING TO HONOR THE SONATA RECALL FOR SUDDEN
UNINTENDED ACCERLATION**

Ack Date:

**Sign Office: AA FOR
ENFORCEMENT**

Cleared Date:

File Loc:

Added By: CBUTLER x60180

Ack By:

Signature: FRANK S. BORRIS

Cleared By:

XREF File:

Modified By: Chris.Butler

Signed For:

Cleared For:

Closed Date:

Most Recent Comment:

Author:

Tel: [REDACTED] **Fax:** [REDACTED] **E-mail:** [REDACTED]

JAN 13 2016

Tel: [REDACTED] **Fax:** [REDACTED] **E-mail:** [REDACTED]

Assigned To	Task	Asgn Date	Deadline	Returned Date
NEF-010	REPLY	1/11/2016	2/8/2016	

NAM
11316
SMD

Butler, Chris CTR (NHTSA)

From: Korkor, Julie (NHTSA)
Sent: Monday, January 11, 2016 10:24 AM
To: Butler, Chris CTR (NHTSA)
Subject: FW: HYUNDAI'S FLOUTING OF THEIR AGREEMENT WITH NHTSA BY REFUSING TO HONOR THE SONATA RECALL FOR SUDDEN UNINTENDED ACCELERATION

EXECUTIVE SECRETARIAT
RECEIVED-NHTSA

2016 JAN 11 P 12:05

Please control to NEF – due date on February 8.

Thank you!

Julie

From: Administrator, NHTSA <NHTSA>
Sent: Monday, January 11, 2016 9:45 AM
To: Korkor, Julie (NHTSA)
Subject: FW: HYUNDAI'S FLOUTING OF THEIR AGREEMENT WITH NHTSA BY REFUSING TO HONOR THE SONATA RECALL FOR SUDDEN UNINTENDED ACCELERATION

Hi Julie –

Please have this controlled.

Thanks!
Pei

From: [REDACTED]
Sent: Monday, January 11, 2016 8:57 AM
To: Administrator, NHTSA <NHTSA>
Subject: HYUNDAI'S FLOUTING OF THEIR AGREEMENT WITH NHTSA BY REFUSING TO HONOR THE SONATA RECALL FOR SUDDEN UNINTENDED ACCELERATION

Dear Mr. Rosekind

Knowing your reputation for integrity and independence, we are desperately seeking your help in righting a grievous wrong that Hyundai has perpetrated on us. In so doing, they have made a mockery of NHTSA's pressure on Hyundai to recall 883,000 2012-2014 Sonatas because of sudden unintended acceleration problems. Despite the joint NHTSA/Hyundai announcement in July, 2014, to recall those Sonatas for s.u.a., in practice they have arrogantly stonewalled and lied and refused to accept responsibility for [REDACTED] accident (to be described below) for s.u.a. in January, 2014. If they can get away with this with us, a pretty savvy (and stubborn) couple who have been willing to expend the hundreds of hours (to date) it has already taken to try to fight back (without success yet) to try to achieve justice, imagine how many other s.u.a. victims became disheartened and simply gave up and took their losses, however unfair they may have been. In our opinion, our "n of one" is so sufficiently compelling and representative of Hyundai's bad intentions that it would hopefully influence you to push Hyundai to re-recall all rejected recall claims at their expense. Further, Hyundai should be fined big-time for their deceit. Danielle Ivory of the New York Times has told us that there are rare times that NHTSA has pushed for a Hyundai recall on the basis of a single complaint. This, we would hope, is one of those instances since their behavior has been so, so transparent and deceitful.

Now to the details of [REDACTED] accident: [REDACTED] had put our 2012 Sonata Turbo into "park" and her foot was firmly on the brake. Notwithstanding this, the car violently lurched forward at significant speed and hit and broke a split-rail fence and post else it would have hurtled onto pedestrians on the sidewalk and then into oncoming traffic. We insisted that the car be towed at significant expense to a Hyundai dealer and repair shop for examination: how could this have ever occurred? We knew that it was not driver error. Since then, Hyundai has continually refused to accept responsibility for the s.u.a. We were very fortunate that the so-called "independent" inspector from a company chosen by Hyundai was not initially able to do his inspection because of too much snow on the car. He did tell us PRIOR TO HIS INSPECTION that anyone who sues Hyundai or Toyota was simply trying to scam the companies and cover up for driver error. We have faxes and call records to both Hyundai and to the "independent" company prior to his evaluation where we protested that he was in Hyundai's back pocket and, from what he told us, would be prone to provide a biased, non-independent evaluation. However, our pleas fell on deaf ears and we were rebuffed in our attempts to effect a change. We then rejoiced upon hearing in July, 2014, that NHTSA had pushed Hyundai to announce a recall of 883, 000 Sonatas for the very same s.u.a. that had caused [REDACTED] accident: "Finally, finally(!!!) justice will prevail!. We were utterly dismayed when the Hyundai "Customer Connect" (an oxymoron) representative finally told us that Hyundai would continue to refuse our claim. When we asked how that could be, she mockingly told us that there was a difference between the car "hurtling forward" and the recall for the car "moving forward." Amazing!!! Too, she said that our car had been found "free of mechanical defect" by that so-called "independent investigator" she had referred us to earlier (even though we had pleaded with her to get us an unbiased investigator instead).

Hyundai has continued to shamelessly refuse to accept responsibility. One acclaimed T.V. investigative reporter for one of NYC's preeminent news stations clearly believed our tale of woe but told us that we needed to get some written statement from Hyundai as to why they continued to deny our claim. Without that, they would undoubtedly deny anything we had been told verbally, such as their rationale for denying our claim being based on the difference between the car rolling forward and our claim that the car "hurtled" forward (which of course it did to incur \$2500. in damages in an instant).

We indeed got a statement from them in writing (to be discussed below) but were not successful in our many subsequent attempts to get them to clarify their "techno-garbage-speak." Ultimately, the investigative reporter's station decided against using our case for reasons that the reporter said were "too complicated to discuss." Undoubtedly, one factor was that Hyundai/Kia is a major advertiser on the nightly news. However, we are greatly appreciative of that reporter for the sage advice given and we know that our tale of woe was believed especially with our documentation. Too, we were believed by others in the media field whom we had contacted. Among others, Danielle Ivory of the New York Times would have used our story as part of a bigger piece but she wound up being called to work on larger auto-related investigations. Later, this past summer, David Segal of "The Haggler" in the Sunday New York Times initially showed great interest but he then dropped the ball. He was not willing or able to expend the effort of a follow-up to his original letter. He seemed to be looking for low-hanging fruit; a genuine "haggler" he was not. But all- and others too whom we contacted- agreed that Hyundai's behavior was bullying and outrageous.

After that reporter's invaluable suggestion, we tried our very best-via faxes, calls and registered mail letters- to get a statement from Hyundai Customer Connect and from their director, Mr. David Ratzleff for them to document in writing why we were rebuffed in our attempt to be covered under the recall. We finally got this reply: "with respect to the automatic transaxle shift lever recall reference in your correspondence (recall 123) the condition that the recall seeks to address would not result in the condition [REDACTED] claims caused the accident." We were sure that this was "techno-garbage-speak" designed to throw us off the trail. So we asked them again, by faxes and phone calls, for them to document to us in writing how the recall differed from Dr. [REDACTED] experience. Many attempts on our part but no satisfaction, either from a member of their engineering department or from David Ratzleff, the director of HCC. The lower-level worker to whom we had talked told us that he had been directed to write the aforementioned line by higher-ups but that he was unable to get someone who would be qualified to talk or write back to us. Of course not!! They are obfuscating big-time! In closing, we would be happy to provide compelling paper-trail documentation of our efforts to achieve justice. And now Hyundai is brazenly trying to add insult to injury by coming after us for around \$4,000., an

amount they claim we owe them even though we had the car repaired to the tune of around \$2500. an amount paid by our insurer, USAA. (This \$2500. is an amount that should rightfully be paid by Hyundai to USAA. While USAA originally thought perhaps driver error, after they got our documentation they changed their determination to auto malfunction.

{note: after the accident, we never drove the car again, even after it was repaired. (and the repair shop felt sure that s.u.a. was a reality, not an artifact constructed by lying victims.) We would not drive that "death trap" car again, no matter how much of a loss we had to swallow. And the sales management at the Hyundai dealership suggested that instead of grounding the now-repaired car, we sell it to a(n unsuspecting) buyer. Instead, we insisted that the car was a death-trap and repeatedly asked Hyundai via Customer Connect to have one of their crackerjack experts thoroughly break down the car so as to find the cause of the s.u.a. Fat chance!

Mr. Rosekind, thanks so much for your patience in reviewing this e-mail and hopefully taking action. (We are thoroughly committed to publicizing our situation with the hope of getting Hyundai to end their onerous practices, though we have become sadly aware of how hard it is to effect change, even when the cause is just. Hopefully, you can help us in our quest for justice.)

Mr. Rosekind, we would really appreciate your getting back to us to let us know whether you can help. Thank you so much for your attention.

Sincerely yours,