

INFORMATION Redacted PURSUANT TO THE FREEDOM OF
INFORMATION ACT (FOIA), 5 U.S.C . 552(B)(6)

Subject: FW: Case Escalation
Attachments: [REDACTED]
Conclusion.pdf; Partial Solution.docx;
Conclusion Part 2.pdf
Importance: High

From: NHTSAHotline@ [mailto:telesishq.com NHTSAHotline@telesishq.com]
Sent: Tuesday, October 04, 2016 4:38 PM
To: hotline-inquiries, NHTSA (NHTSA)
Subject: Case Escalation
Importance: High

Notification of Case Escalation (All times are GMT-0400)

Workspace ID:12
Case: 2012 Hyundai Elantra Safety Issue
Case Number: [REDACTED]

Escalation: NHTSA **Status:** Closed
Date: 2016-10-04 **Time:** 16:37:33
Creation Date:2016-05-03 **Creation Time:**20:25:43

Symptom:
Entered on 10/04/2016 at 4:37:33 PM EDT (GMT-0400) by April Knight:
ESCALATION: THE CONTACT WOULD LIKE TO CHECK ON TH STAU OF A PETITION FILED
WITH ODL.I ADVISED THE CONTACT THAT WE COULD NOT PROVIDE A STATUS UPDATE AT

THIS DEPARTMENT, AND THAT THERE WERE CURRENTLY NO INVESTIGATIONS OPENED REGARDING THE ISSUE. THE PETITION WAS FILED MAY 2016 AND HE HAS YET TO RECEIVE A RESPONSE.

Entered on 05/13/2016 at 2:53:13 PM EDT (GMT-0400) by mfrye:

THE CONTACT FILED A COMPLAINT ONLINE AND WANTED TO SUBMIT SUPPORTING DOCUMENTATION FOR ODI NUMBER: 10854049. I ADVISED THAT HE COULD MAIL IN THE DOCUMENTS HOWEVER, HE WOULD LIKE TO SUBMIT THE DOCUMENTATION VIA EMAIL. PLEASE ADD THE ATTACHED DOCUMENTS TO THE COMPLAINT FILED UNDER ODI 10854049, FILED ON 04/07/2016. THE VEHICLE WAS INCLUDED IN **NHTSA Campaign Number: 15v871000** (ELECTRINIC STABILITY CONTROL). KMJ

Entered on 05/12/2016 at 3:07:38 PM EDT (GMT-0400) by [REDACTED]
Attached to this email is Hyundai's Conclusion Part 2.

Here's the link to Hyundai's statement.

[REDACTED]

Yet on March 26, 2016, Southern States Hyundai of Raleigh replaced the yaw-rate sensor of my Elantra. According to various websites, including

[REDACTED]

this was the remedy.

On Wed, May 4, 2016 at 1:10 PM, NHTSAHotline@telesishq.com <NHTSAHotline@telesishq.com> wrote:

> [Duplicate message snipped]

Entered on 05/04/2016 at 1:10:09 PM EDT (GMT-0400) by [REDACTED]
Hi,

Nearly four months removed from issuing the safety recall for my 2012 Hyundai Elantra's electronic stability control system, the company still has not provided a remedy.

I contacted the North Carolina Department of Justice about my car accident and safety recall. The department sent two letters to Hyundai asking for its position on my issue.

HYUNDAI NEVER RESPONDED TO THE NORTH CAROLINA DEPARTMENT OF JUSTICE.

I was advised by the North Carolina Department of Justice that I could file a lawsuit against Hyundai to the district court or Supreme Court.

I attached the following to this email: my car accident and story under "[REDACTED] Car Story," Hyundai's partial solution to my case under "Partial Solution," and Hyundai's conclusion letter under "Conclusion,"

I am still seeking significant contribution from Hyundai. This safety issue has taken up an incredible amount of my time, the accident

has severely diminished the trade-in value of my car, and I have already lost plenty of money. Please contact me with any questions or updates by phone at [REDACTED] or via email at [REDACTED]

Warm Regards,
[REDACTED]

On Wed, May 4, 2016 at 9:58 AM, NHTSAHotline@telesishq.com <NHTSAHotline@telesishq.com> wrote:

> [Duplicate message snipped]

Entered on 05/04/2016 at 9:58:02 AM EDT (GMT-0400) by mlopez:

Thank you for contacting the U.S. Department of Transportation's Vehicle Safety Hotline Information Center.

If you are interested in filing a complaint you may call our Hotline at 1-888-327-4236 and a Customer Service Representative will be happy to assist you.

You may also visit our web site at www.safercar.gov for information pertaining to Recalls and Defects. The site will provide you with the following resource information:

- Compliance Testing Database
- How To File a Complaint
- Early Warning Reporting Assistance
- Questions and Answers on Recalls and Defects
- View Existing Defect Investigations
- Monthly Defect Investigation Reports
- Search Technical Service Bulletins

We hope that you find this information helpful. However, if you need additional information on our services please feel free to contact us at 1-888-327-4236.

Thank you,

NHTSA.dot.gov Response Team

Disclaimer: "This response is for information purposes only and does not constitute an official communication of the U.S. Department of Transportation. For an official response, please write U.S. Department of Transportation, National Highway Traffic Safety Administration, 1200 New Jersey Ave, SE, West Building, Washington, DC 20590.

Entered on 05/03/2016 at 8:25:43 PM EDT (GMT-0400) by nhtsa.webmaster@dot.gov:

Sender Name: [REDACTED]

Sender Email: [REDACTED]

Subject: 2012 Hyundai Elantra Safety Issue

Comments: Hi, I would like to speak to someone about my 2012 Hyundai Elantra safety issue. This is concerning a recall on the electronic stability control system. I am very disappointment in the responses I have received from Hyundai. I will provide detailed information. Please email me back at [REDACTED]

Thank you, [REDACTED]

Case Information:

Did you contact the manufacture:Yes

Contact Information:

Last Name: [REDACTED]

First Name: [REDACTED]

Address:
[REDACTED]

City: RALEIGH

State/Province:NC North Carolina

Zip: [REDACTED]

Country: United States

Phone: [REDACTED]

Email Address: [REDACTED]

Alt. Phone: [REDACTED]

Contact Source:Owner

ODI #: [REDACTED]

Attachments: [REDACTED] Car Story.docx Conclusion.pdf Partial Solution.docx Conclusion Part 2.pdf

My Contact Information

[REDACTED]
Raleigh, NC [REDACTED]

Cell Phone: [REDACTED]

Email: [REDACTED]

My Car Description

2012 Hyundai Elantra

Color: Indigo Blue

Mileage at the time of the accident: Approximately 43,645 miles

Usage: Normally 85-90 miles per week

My Car Accident

On the morning of February 15, 2016, I was in Raleigh, North Carolina carefully driving my 2012 Hyundai Elantra to work. As I approached a green light, I was in the right lane of the two left turning lanes. The intersection was icy, and I slowly turned left. I braked, but my brakes did not respond. I immediately slammed on the brakes, and they still did not respond. My hands were steering my car left throughout the turn. Finally my car skidded into the curb.

Since I was driving slow and wearing a seat belt, I did not have any injuries. I was completely fine. My front right tire and wheel were damaged among other parts.

If I was driving a little faster, I could have hit the curb at a greater impact, fall down the hill approximately six feet beyond the curb, and hit one of the trees. This would have caused significant harm to my car and myself.

Additionally, Hyundai sent me a safety recall letter, saying "Hyundai has decided that a defect which relates to motor vehicle safety exists in certain Model Year 2011 through 2012 Hyundai Elantra vehicles produced from October 29, 2010 through October 25, 2011. Our records indicate that your vehicle falls within this production date range."

The letter also says, "In the affected vehicles, the ESC system may inadvertently activate." The statement explains, "Inappropriate brake application to one or more wheels and/or reduced engine torque can increase the risk of a crash."

According to cars.about.com, "Electronic stability control (ESC) is a safety feature that detects and helps to prevent (or recover from) skids. ESC can help keep the driver from losing control of the car in a panic swerve or when driving on slippery roads." The article also states, "If the system senses that a skid is imminent or has already started -- in other words, that the car is not going in the direction the driver is telling it -- it will apply the brakes on individual wheels to bring the car back under control. Because the system can brake individual wheels, whereas the driver can only brake all four wheels at once, ESC can recover from skids that a human driver can't."

My car accident may have been caused by a defective electronic stability control system. The system certainly did not help me. I spoke with a business manager, body shop manager, body shop estimator, service advisor, and sales specialist from Southern States Hyundai of Raleigh, North Carolina, and none of them disputed this analysis. Fortunately I was not injured and no other cars were involved.

My Customer Service Experiences

My story took a turn. I had my worst customer service experiences ever, from Southern States Hyundai Collision Center of Raleigh, North Carolina and the Hyundai Customer Care Center.

My car was towed to Southern States Collision Center on February 15. On February 16, body shop estimator Janet Parks gave me an estimate of repairs and the target completion date of February 19 for when I would get my car back. I asked to replace the damaged tire with a new BF Goodrich tire. On February 17, Janet said she mistakenly ordered a new Hankook tire and needed to correct that. She also said she was waiting on the body parts to come in from the manufacturer. Then she added that she and the technician took another look at my suspension and were concerned it may need more work.

On February 18, at 5pm, I spoke with Janet. She said she had my file in front of her and started reading information. Then she said it was not my file and began looking for it. Roughly 15 seconds passed, and she said the file she first viewed was actually mine.

Janet said that day the technician tore down all affected body parts of my car that day and noticed substantial suspension damage. She said she knows when the front wheel is back like my wheel was, the suspension will be impacted. This is something she neglected to tell me during the previous two days.

Then Janet gave me the second estimate that was more than double the first estimate. She also did not tell me there would be a second estimate. When I asked her about the new projected timeframe on completing my car, she said five and a half business days. I replied, "So this means next Friday." She answered no. I said Friday the 19th is the first business day, and Monday the 22nd is the second business day. Then she interrupted me and said I was right, because she forgot what day it was.

On February 19, at 7:56am, Janet left me a voice message saying the technician noticed two scratches on the front right passenger door that were unrelated to the accident. She wanted to know if I wanted to pay an extra \$88 to have the technician paint the door. I have no idea why this was not observed earlier in the week.

The following week, I spoke with Janet's supervisor Tex Coghill. He is the Southern States Hyundai body shop's manager. Tex said, "Everything looked good" for the car to be completed by "the end of the week." Finally Friday the 26th came. When I called the collision center, I was informed by front desk rep Kenya Perez my vehicle would not be ready, and best-case scenario it would be available on the 29th.

On February 29, at 7:45am, I spoke with Tex. I said I had been getting rides from others and wanted to get a free rental car from the collision center since I would not be able to get a ride from work to home until after 9pm. He said he would know if I could get a rental car in an hour. I said I would call him back between 10:00-10:15am. I called the collision center at 10:07am and spoke with Kenya. She said Tex was not available and did not leave a message about my rental car. She added that she would ask Tex to call me back with an update. It was after 1pm, and I did not hear from them. I called the center at 1:05pm and did not receive an update from Kenya.

I received a voice message from Tex at 2:25pm, saying my car was finally ready for pickup, but he did not address my rental car concern. At 4:00pm, I called and spoke with Tex. He said I was not going to get a rental car, even though I had no car to get from work to the collision center to pick up my car. At 4:20pm, I was on the phone with Tex again, and he said he would try to get approval once more. At 4:40pm, an Enterprise Rent-A-Car rep called me and said an Enterprise driver will pick me up. After that, I received the rental car at Enterprise. Tex said I could bring back the rental car March 1.

On March 1, I visited the Southern States Collision Center and brought back the rental car. I waited approximately 25 minutes before receiving the keys to my car. Janet did not have an invoice ready and needed someone else to send her another one. After getting the keys, I drove my car, and the tire pressure light was on. After a minute or two, the light was still on. I drove back to the collision center and asked them to correct this error. My car was not ready

after all. Tex said the light was on, because new sensors were installed and needed to reset. After the correction was made, I drove my car. Picking up my car took roughly 45 minutes.

My customer service experience with the representatives at the Hyundai Customer Care Center was also horrible. I received the safety recall letter on February 23 and called the next day to put a case in. The customer service representative said I would hear back from someone in another department in two business days for further investigative purposes. Two business days passed, and I did not receive a phone call from anyone there.

On February 29, I called the care center again. I spoke with a different representative, who said I should have received a call back. She said the timeframe for this issue is two business days. She transferred me to a case manager. The case manager put me on hold a couple of times. Then she said this matter is with that other department, and the timeframe is actually 3-5 business days, not two. She said she could not assist me further and did not know the name of the other department or what was being evaluated. This phone call with the two reps took nearly twenty minutes for no action.

On March 1, I called the care center and asked that representative for a supervisor. One was not available, but the representative said a supervisor would contact me by the end of the day. I received two missed calls from the care center's phone number without any voice messages. When I called the care center back, another representative said those missed calls were from a supervisor but did not know why the supervisor did not leave a message or a callback phone number for me to get in contact with her. Per the notes on my file, the rep said the supervisor only indicated that two calls were made and did not indicate what she would discuss with me. The rep said she would contact the supervisor to have her contact me the next day. She also could not tell me what department was managing my issue or what was being reviewed. All she could say is that a man named Larry had my issue for a week. She also messaged him to give me a call back.

On March 2, I did not receive a call back from the supervisor, so I called again. I waited about 15 minutes to speak to a supervisor. The supervisor apologized for my issue and said he could not assist further since the issue was with the other department. He said the department was called tier three, and Larry had my issue. The supervisor added that there would be "light at the end of the tunnel" for me. Larry finally called me and said he would email me a list of questions I had to answer. I was never told why Larry took so long to contact me. I later received the email from Larry Bane, National Customer Care Representative.

What I Am Seeking

I am seeking **significant compensation** from Hyundai. I paid my \$500 deductible to the Southern States Collision Center of Raleigh, North Carolina. After speaking with the Southern States Hyundai pre-own sales manager, the accident caused the trade-in value of my Elantra to severely diminish. I have already lost plenty of money.

The accident brutally damages my auto insurance rates. A Progressive Insurance salesman said I would need to wait three years for me to earn back my safe driving discount and five years to earn back my accident-free discount, as long as I maintain a clean record. In the meantime, my auto insurance premiums will skyrocket. The accident also hurts shopping for other auto insurance companies. My record has been smeared. I have never had an accident before, and I can't get rid of this misfortune that will continue to cost me substantially.

Getting from place to place without a car was a major inconvenience for me and everyone else involved. Whether it was a family member or a friend, loved ones went out of their way for two weeks to drive me to where I needed to go. For most of that duration, I had to wait for them to pick me up and did not have the freedom to drive somewhere. I took countless hours out of my schedule to manage this situation, including preparing documents and making numerous phone calls to Southern States Hyundai Collision Center, Hyundai Customer Care Center, and Progressive Insurance. I kept some of the voice messages from the Southern States as evidence

My wife and I don't feel safe in the car. The ESC system recall provides uncertainty. At Southern States Hyundai, a sales specialist said the dealership gets recalls every day, and a service advisor said that a woman told him she thought the ESC system caused her accident, too. My 2012 Hyundai Elantra has a below average rating at only a two out of five for reliability and overall dependability according to usnews [REDACTED] We don't know if Hyundai will find another safety defect and cause more fear. We now lack confidence in all Hyundai products.

My mother and sister have Elantras. When my grandma was alive, she had an Elantra, too. I'm in a Hyundai family. I have been telling my family and friends about the accident, ESC system, and poor customer service experiences. We are all waiting for the results of this case, and I will advise them on whether or not their next vehicle should be a Hyundai. My advice will be contingent on how Hyundai will take care of me and compensate me for this disaster.

On March 26, I took my car to Southern States Hyundai of Raleigh for an oil change. A service representative offered to replace my Elantra's yaw-rate sensor with a new sensor as part of a safety recall Hyundai advised that month. I accepted and this item was installed free of charge.

According to [REDACTED] the yaw-rate sensor is a rotational speed sensor and "the key component" to the electronic stability control system. The website also says, "Yaw can be described as 'the movement of an object turning on its vertical axis'. The yaw-rate sensor determines how far off-axis a car is 'tilting' in a turn."

Additionally, Larry Bane said the company Bosch manufactured my car's electronic stability control system, and Bosch would allow a technician from Engineering Analysis Associates to perform tests on my car for further investigation. Larry assigned Engineering Analysis Associates technician John Hawranick to my case.

On April 2, John and I met at Southern States Hyundai where he performed tests on my car. John said he would send the results to Hyundai, and its engineering department would analyze those answers.

On April 22, I called Hyundai's Customer Care Center and was told by the representative that I was supposed receive the conclusion to my case on April 29. On April 29, Larry Bane emailed me saying that there has not been a conclusion yet. Today, May 3, Larry Bane emailed me with the attached conclusion letter.



PO Box 83835, Phoenix, AZ 85071
800-633-5151 Fax # 602-588-2599
ConsumerAffairs@hmmausa.com
www.hyundaiusa.com

May 3, 2016

[REDACTED]
Burlington, NC [REDACTED]

Case: [REDACTED]

Dear [REDACTED],

We have reviewed the materials provided and inspected your Elantra. Unfortunately, we were unable to inspect your vehicle in its post-accident condition since it had already been repaired. Nonetheless, the entire brake system was thoroughly reviewed and tested. We were unable to find any malfunctions or defects. Nor was our inspector able to duplicate the condition that you indicated caused your accident.

Thus, from the information available to us, while we sympathize with you about the accident, we believe your vehicle operated according to its design in the accident.

Sincerely,

Larry B
National Customer Care Representative

Hyundai Motor America



HYUNDAI
NEW THINKING.
NEW POSSIBILITIES.

Hyundai Motor America
P.O. Box 20850, Fountain Valley, CA 92728-0850
EMAIL: HyundaiNationalCustomerCare@hmasusa.com
WEB: HyundaiUSA.com

May 9, 2016

[REDACTED]

Raleigh, NC [REDACTED]

Case Number: [REDACTED]

Dear [REDACTED]

We have re-reviewed all of the available information regarding your accident, as well as the points raised in your most recent correspondence. Based on all of the available information, we continue to believe that our previous response is accurate and that your accident did not involve a product defect. With respect to the recall referenced in your correspondence (Recall 137), we do not believe that the condition that the recall seeks to address was present or caused your accident.

Thus, while we sympathize with you about the incident, we believe that your vehicle performed as designed.

Sincerely,

Larry B
Hyundai Motor America