

APR 09 2019

CL-11196311-4717

[REDACTED]

Suffern, NY

[REDACTED]

April 1, 2019

National Highway Traffic Safety Administration  
1200 New Jersey Avenue, SE  
West Building Washington, D.C. 20590

RE: [REDACTED] Complaint Against Kia Motors of America

Dear Sir or Madame:

At the recommendation of the New York State Attorney General's Office, I am formally submitting a complaint to you regarding the actions of Kia Motors America refusing to honor a claim for warranty. The AG is also looking into this matter.

My letter to the dealership outlines the series of events that are the base facts for my claim.

In short, my engine seized while driving in a snowstorm. It was eventually towed to the leasing dealership where the service technicians concocted an excuse for not repairing the GDI 2.4 L engine to my 2018 Sportage vehicle because they are blaming the action of another 3<sup>rd</sup> party thus refusing to repair my vehicle. This is fatuous.

I have since repaired my vehicle at my cost so I can get to work each day.

First, I ask that you review the facts and intervene and bring the dealer and Kia Motors America to make restitution.

Second, in reviewing the subject of GDI engine failures I find that the country (Google GDI engine failure) as well as local dealerships are backlogged with failed engine repairs. This sound like larger issues of a Kia engineering deficiency that NHTSA might investigate as it applies to Kia 2018/19 model 2.4 L GDI engines.

I ask for your help.

[REDACTED]

EA  
4-10-19  
LD



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES  
ATTORNEY GENERAL

DIVISION OF REGIONAL AFFAIRS  
WESTCHESTER REGIONAL OFFICE

March 28, 2019

[REDACTED]  
Airmont, NY [REDACTED]

Re: Our File Number: [REDACTED]  
Subject: Kia Motors America

Dear [REDACTED]

On behalf of Attorney General Letitia James, I am writing to notify you that we have received your correspondence.

We appreciate your alerting us to this matter. We believe the agency shown below may be able to assist you and we are forwarding your correspondence there.

If you do not receive a response in the near future, please follow up directly with that agency. I suggest you attach a copy of this letter or, if appropriate, mention that you are adding new information.

Thank you for writing to our office. We will keep your correspondence on file for future reference.

Very truly yours,

*John Katzenstein*

John Katzenstein  
Bureau of Consumer Frauds and Protection

cc:

National Highway Traffic Safety Admin.  
1200 New Jersey Ave., SE  
West Building Washington, D.C. 20590

[REDACTED]  
Suffern, NY  
[REDACTED]

March 22, 2019

Mr. Bryan Dennis  
Owner at Kia West Nyack  
Kia of West Nyack  
250 Route 303 North  
West Nyack, New York 10994

Jason La Londe  
General Manager  
Kia of West Nyack  
250 Route 303 North  
West Nyack, New York 10994

Hyundai Lease Titling Trust  
4000 Mack Arthur Boulevard  
New Port Beach CA 92660

Dear Sir or Madam:

Re: [REDACTED]  
[REDACTED]  
Suffern, New York [REDACTED]  
Customer Number: [REDACTED]  
Case Number [REDACTED]

Below are the basic facts of this Case:

- February 14, 2018 I leased a 2018 Kia Sportage from your dealership.
- January 29, 2019 the engine in the vehicle failed while I was driving.
- January 29, 2019 the vehicle was towed to Four Star Automotive where the mechanic found a catastrophically failed engine.
- January 30, 2019 the vehicle was towed to your service department in West Nyack. Your service department denied to have the vehicle repaired under the terms of the warranty because "someone installed an aftermarket oil plug in the vehicle."
- I contacted Kia Corporate personnel and a Kia Case Number [REDACTED] was established.
- I insisted that the cause of the failure was not the oil plug and I have a mechanic's opinion to refute these findings. See attached.

- February 19, 2019 in order to resolve this issue; Kia Corporate personnel arranged for the vehicle to be towed to Kia Liberty in Ramsey, New Jersey for an independent evaluation. The Service Manager spoke with my father (who was acting as my agent as I was not available) and he asked my father "Why was this vehicle towed here?" My father responded that Kia Corporate was trying to resolve an issue as to the failure of the engine in my vehicle. My father gave him the Case Number [REDACTED] and told him that the West Nyack dealer was denying this claim for warranty because they stated the oil plug was the cause of the failure. The Service Manager told my dad that this was nonsense and opened a "tech line" case # [REDACTED]
- February 22, 2019 in the morning, my father followed up with the Service Manager at Kia Liberty who stated that Kia "tech line" had approved the replacement of the engine and it was on order. He stated to my father that your daughter should come into his shop to arrange for a rental vehicle.
- February 22, in the afternoon, I received a call from Susan Torborg, Kia Corporate who asked me if the car was towed to Kia Liberty. I stated affirmatively and mentioned that according to the Kia Liberty Service Manager, the vehicle was scheduled for repair under the warranty.
- February 25, 2019 in the morning my father called the Liberty Kia Service Manager to arrange a rental vehicle for me. The Service Manager stated that the Kia Corporate personnel instructed him that the claim was denied because an aftermarket oil plug was the cause of the engine failure. This action overruled the Service Manager and precluded him from rendering an independent opinion, which would have repaired the engine under warranty.
- On March 1, 2019, I received e-mail from Susan Torborg, Kia Corporate stating that the claim was denied. And I quote from her e-mail:

"Hello [REDACTED]

I just spoke to your father in regards to the re-review on the engine replacement. Liberty Kia was not aware that you had already be denied the replacement of the engine from the Kia of West Nyack dealership. They notified our tech line engineers whom then requested pictures of the 3<sup>rd</sup> party oil plug and the under carriage of the engine. It was determined that there was oil splashed on the underside that had been partially cleaned off.

With that being said, the engine replacement will not be covered under warranty. I advised your dad to have you get with the 3<sup>rd</sup> party company that did the previous oil change and request that they cover the engine.

If you need further assistance on this or have any further questions, please feel free to contact me.

Thank you."

- The statements in the Susan Torborg note were not factual. My father responded to her about her conduct. The Kia Liberty Service Manager was fully aware of the reason that the vehicle was towed there.

I am a long-term client of your dealership and extremely disappointed in the way I have been treated.

In light of these facts, you have forced me to take corrective steps to repair the vehicle so I can use the vehicle.

Therefore and in light of these facts, I believe you are responsible for all direct, indirect, consequential and inconsequential damages, court costs, interest, contingency costs and disbursement, interest and possible legal fees.

Also, I am forwarding a copy of this letter on to a number of regulatory agencies in the hope that others will not be confronted with such inappropriate actions.

Thank you in advance for your consideration in this matter. It is very much appreciated.

Very truly yours,



CC:

Letitia James  
New York State Attorney General  
Office of the Attorney General  
The Capitol  
Albany, NY 12224-0341

Ed Day  
Rockland County Executive  
Office of the County Executive  
11 New Hempstead Road  
New City, New York 10956

James Elick, Director  
Rockland County Consumer Protection  
50 Sanatorium Road  
Building A - 8<sup>th</sup> Floor  
Pomona, NY 10907

New York State Department of Financial Services  
One State Street  
New York, New York 10004

New York State Insurance Department  
14 Reynolds Avenue  
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Better Business Bureau  
30 East 33 Street  
New York, New York 10016



Federal Trade Commission  
600 Pennsylvania Avenue, NW  
Washington, DC 20580

Mr. Gary L. Lipton P.C.  
55 Old Turnpike Road  
Suite 304  
Nanuet, New York 10954

Mr. Seungkyu (Sean) Yoon  
President and CEO  
Kia Motors America/Headquarters  
111 Peters Canyon Road  
Irvine, CA 92606

Mr. Michael Cole  
Chief Operating Officer and  
Executive Vice President  
Kia Motors America/Headquarters  
111 Peters Canyon Road  
Irvine, CA 92606

Mr. William Peffer  
Vice President - Sales Operations  
Kia Motors America/Headquarters  
111 Peters Canyon Road  
Irvine, CA 92606

  
Airmont, NY 

March 15, 2019

To Whom It May Concern

RE: [REDACTED] Claim # [REDACTED] Against Kia Motors

I am Ephraim Davidowicz, Proprietor of Four Star Automotive located in Tallman New York.

[REDACTED] leased 2018 Sportage was towed to my shop on January 29, 2019 and was found to have a catastrophically failed engine, due to metal shavings in the oil. The oil was drained and samples saved. As noted on the internet the metal shavings are due to a defect in 2.4 liter Kia and Hyundai GDI design engines.

[REDACTED]

Albion, NY



NATIONAL HIGHWAY TRAFFIC SAFETY ADMIN  
1200 NEW JERSEY AVENUE SE  
WEST BUILDING WASHINGTON DC

20590

