

National Highway Safety Administration  
1200 New Jersey Ave. S.E.  
Washington, DC, 20590

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

INCLUDED:

Who I Am

My Experiences with Hyundai

Copy of Safety Recall Notice – with notes I made in trying to get a service appointment at Kearny Mesa.

Copy of Hyundai repair – that was later found to be unsuccessful.

[REDACTED] --- as "Seniors" go, I'm an older one

[REDACTED] (for calls, text and voicemail) [REDACTED], San Diego, CA [REDACTED]

In decades of driving, I have no accidents. I've never sued anyone or any business – though I've had cause.

Here is some information about my personal and driving values that relate to my experience with Hyundai and the defective car they sold me:

First, I was raised with my family's ideals of honesty integrity, compassion, personal responsibility, and, when appropriate (and possible), a sense of humor. Am I the finest example of those ideals – of course not but they are my core and my goal. Whenever I meet people, until proven wrong, I expect that they share the same qualities. Throughout my experiences with Hyundai, I have been proven wrong in my expectations.

Second, About my driving attitude. Well, among things I enjoy is Sudoku. Driving for me, is like Sudoku on wheels. Both include patterns and require focus. While driving, I don't listen to music or any talk programs. I don't take or make calls. Focusing is what I enjoy – it's a pause from mind chatter. I respect the weight of the car I'm driving and the tons of weight in vehicles around me – 1-2K pounds for smaller cars and much more as vehicles get larger to vans and trucks – then there are the really big guys. And the length of time to stop depends on weight and speed - which is very important and it would be so useful if everyone could remember it. As well as watching ahead, I use my mirrors for what's going on behind me, and I'll check beside my car and the mirror's blind spots. We're all sharing the same roads and highways. Among the many variables to consider are pedestrians, bicyclists, motorcycles, weather, location and road conditions, plus the driving habits, attitudes and skills of the other drivers – which we get clues about by watching the driving patterns of those around us. So, driving for me is a consuming pleasure. The only places I don't enjoy driving are center city hubs, so in inner cities I park my car outside the congestion and walk or take public transportation (sometimes carrying a book of Sudoku puzzles).

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## Hyundai – Very Poor Car Experience with their 2023 Elantra Hybrid.

██████████ – in a difficult and dangerous journey with Hyundai.

BUYING EXPERIENCE: I purchased an Elantra Hybrid from a Hyundai dealer in Kearny Mesa, San Diego, on June 15<sup>th</sup> 2023. Manipulation and well, just lies, helped Hyundai make the sale. In order to drive my car away, I did have to have auto insurance. Hyundai and Allstate Insurance seem to have a close relationship. In the Hyundai dealer's offices, Allstate was the only insurance available. I was sold 12 months of Car insurance and had to have Renters insurance as well, or the car insurance would cost more. The Allstate's desk was 7-10 steps from the desk where I signed some of the myriads of paperwork required for me to buy the car. On that final sale day, the "buying" process took more than 6 hours – more than enough time to become brain dead.

In the early months after car purchase, everything was fine. The roll that electric cars have after taking the foot off the brake had been an easy adjustment. The car did sometimes accelerate the roll but I didn't know that was unusual and it wasn't difficult to deal with.

1<sup>st</sup> EXTREME ACCELERATION: However, after about 3 ½ months of ownership, I was at a stop light (red to me), coming from a street with one lane in each direction. I was going to make a right turn onto a street with two lanes in each direction. In the far lanes of the street with the green light, several cars were coming from my right into the intersection. In the lanes closest to me, coming from my left, was just one car which was close to crossing the street. There were no cars behind that one. My intention (done safely thousands of times before in my long driving experience) was to make a right turn after this last car had completely passed me. I took my foot off the brake while I was well back behind the crosswalk, with plenty of space for a car roll. BUT, instead, there was an instantaneous, extremely rapid acceleration that was frightening. My car, without my control, was heading, with speed, straight into the intersection; into all the cars. A truly horrible accident seemed inevitable. My immediate reaction was to turn the steering wheel as strongly as possible to the right so that the car, coming from my left, might pass my car safely in the left lane. In these few seconds, I felt the presence of my family and sensed the energy of the other drivers. During the car's momentum in the turn, my bumper and right front tire hit the outside corner of the curb but, the car did get around the curb into the right lane, and there was no multicar pileup. I was extremely shaken (actually shaking). In all my driving experiences, I had no preparation for a situation where the car I was driving, exploded forward on its own. My reactions saved not only me, but the other drivers as well, from what could have been very serious damage. No ambulances or tow trucks required.

SAFETY RECALL: Shortly after this disaster, a Safety Recall notice arrived from Hyundai, for the '21, '22 and 2023 models of the Elantra Hybrid. The Recall was for: "unintended vehicle acceleration after the release of the brake pedal. Unintended vehicle acceleration could increase the risk of a crash." At the Hyundai dealer, where I had purchased the car, they wouldn't give me a Safety Recall service appointment for about 5 weeks. I was amazed, that a Safety Recall would be put off that long, especially after the very frightening and very dangerous experience I'd had. I called Hyundai's main office and got two other dealers in San Diego that might do the work. The El Cajon dealer could get the car fixed within a few days – so there went my car. When I got my car back, I felt completely comfortable, and safe, since the acceleration defect had been corrected. ---- But It Was Not!!!!

2<sup>nd</sup> EXTREME ACCELERATION: Within three weeks after the 'Fix', I experienced another very frightening incident. In an underground parking garage, I was about to go into a parking space on the right side that was next to a load bearing wall. In the stall next to the space I wanted, a car was pulling out, with its tail end moving at a diagonal toward me, and another car was on the other side of it, facing me, waiting for the space

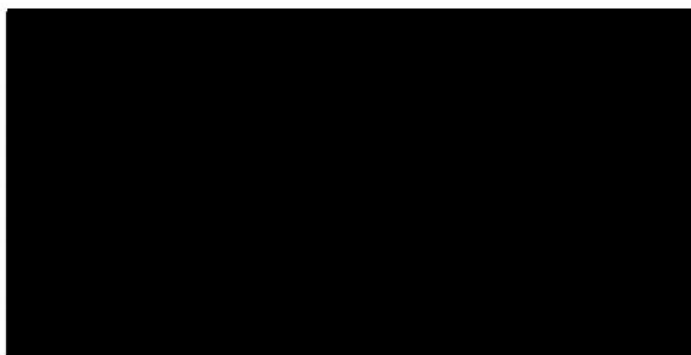
that was being vacated. I was well back from the parking space I wanted, and the wall beside it. There was again plenty of room for my car to "roll" but when I took my foot off the brake, the car plunged forward very, very rapidly - (my car - that I believed had had the acceleration issue fixed). This situation wasn't as dangerous as the one at the intersection since there were no cars moving at 20-35 mph. However, had my car continued forward at speed, it would have caused damage to cars and people. Again, I wrenched the steering wheel to the right and with the car's momentum, headed into the parking space. The right side of the car scraped the wall, but no other cars or people were involved. For me, there remained enormous stress because this defective car had been serviced by Hyundai for unexpected acceleration and I believed that it was safe. At this point, I had absolutely no trust in Hyundai or in the Hyundai car they had sold me.

HOPING TO RETURN THE CAR AND HAVE MY MONEY RETURNED: Lemon Law lawyer was mentioned to me – a profession I didn't know existed. Stricter laws made and upheld for Automobile manufacturers might be a better solution than litigation after dangerous issues with defective cars. But, as is, in December, I made a contract with a Lemon Lawyer; a good, knowledgeable man. He filed the lawsuit against Hyundai in the middle of December, 2023, only for the full return of the money I have spent on the car. No civil penalty was added that would include all the fear and stress that the experiences with the Hyundai car have caused me – only the monetary value I have incurred. I've never sued anyone or any business before and I'm certainly not doing it now for riches. At this time, however, my nerves are still shot and I am anxious whenever I have to use the car. After owning the car for 13 ½ months, the car still had a little less than 1,000 miles of use on it.

My Lemon Lawyer drove my car in early December, AFTER my car was supposed to have been fixed, yet after which, another furious acceleration and near accident had occurred. As he drove it, the car did not fly out like a jet after he took his foot off the brake but it did have acceleration after the normal roll. On a long incline, the car moved itself up hill, a long way. The Safety Recall work, had definitely not repaired Any acceleration problems of any kind, just left me with an unsafe car.

HYUNDAI LAWYERS: The lawyers of Theta Law firm (evidently hired by Hyundai to deal with customer problems) have been putting up one obstacle after another through all the months since the Lawsuit was filed by my Lemon Lawyer. The Theta lawyers are unwilling to give me a simple pay back for a defective car that Hyundai sold me for top price. (And, as said, no Civil Penalty for any personal stress, was included in the lawsuit, just my car costs). It may be that the lawyers are increasing their billable hours month by month at my expense. During their delays, I'm required to continue to make full monthly payments for an unsafe car; an unsafe car that brings back my stress and anxiety, even when I just approach it.

\*I've gotten myself and other motorists out of what could have been two serious accidents; both caused by a defective car. My Fear: Would I be able to succeed a third time?





Hyundai Motor America  
P.O. Box 20839  
Fountain Valley, CA 92728-9937

NHTSA Recall Number: 23V-589

Hyundai Recall Number: 248

*earliest available date for recall repair*

*11-21-23 9:30 am*

*more than 5 weeks after recall notice*

# IMPORTANT SAFETY RECALL

Motor Control Unit

This notice applies to your 2023 Hyundai Elantra Hybrid vehicle, VIN: KMHLM4AJ4PU [REDACTED]

*5th week of recall*  
*RECALL*  
*by the dealer*  
*Notable*

This is an important Safety Recall.

- The recall remedy is available. The recall procedure will be performed on your vehicle at **NO CHARGE** to you.
- Failure to complete this recall repair could lead to unintended acceleration increasing the risk of a crash.
- Hyundai recommends contacting your preferred dealer and scheduling an appointment in advance to avoid any inconvenience. To locate your nearest Hyundai dealer and schedule your appointment please visit:

[www.hyundaiusa.com/campaign248](http://www.hyundaiusa.com/campaign248)



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Dear [REDACTED],

This notice is sent to you in accordance with the National Traffic and Motor Vehicle Safety Act. Hyundai has decided that a defect, which relates to motor vehicle safety, exists in **certain 2021-2023 model year Elantra Hybrid vehicles**. Hyundai is initiating Safety Recall 248 to repair a condition involving the motor control unit on these vehicles in the U.S. Our records indicate that your vehicle is affected by this recall.

### What is the problem?

The motor control unit ("MCU") software may detect a transmission/drive motor synchronization fault while driving, triggering a "fail-safe" condition, that results in unintended vehicle acceleration after release of the brake pedal. Unintended vehicle acceleration could increase the risk of a crash. Service brake function is unaffected.

### What will Hyundai do?

Your Hyundai dealer will update the software in the motor control unit ("MCU"). This procedure will be performed at **NO CHARGE** to you.

### What should you do?

**Please contact your nearest Hyundai dealer to schedule this procedure.**

The actual time required to perform this procedure on your vehicle will take less than one hour, however, your vehicle may be needed longer. To find your Hyundai dealer to schedule an appointment:

- Visit [www.hyundaiusa.com/dealer-locator](http://www.hyundaiusa.com/dealer-locator) and enter your zip code to locate a nearby Hyundai dealer.
- Contact Hyundai Motor America at 1-855-371-9460 and select Option 2 for the Dealer Locator.
  - When calling, please have available the last 8 characters of your VIN (written in bold characters at the top of this notice).

### Additional information

If you believe that the dealer or Hyundai has failed or is unable to remedy the defect without charge, or within a reasonable time, you may submit a complaint to the Administrator, National Highway Traffic Safety Administration, 1200 New Jersey Avenue S.E., Washington, D.C. 20590, or call the toll-free Vehicle Safety Hot Line at 1-888-327-4236 (TTY: 1-800-424-9153), or go to [www.safercar.gov](http://www.safercar.gov).

Thank you for your attention to this important safety matter. We apologize for any inconvenience this may have caused you.

Hyundai Motor America

# HYUNDAI of El Cajon

1385 E Main St El Cajon, CA 92021  
Phone: (619) 387-9020

**SERVICE DEPARTMENT HOURS**  
7:30 a.m. to 5:30 p.m.  
Monday - Friday  
7:30 a.m. to 3:00 p.m.  
Saturday  
Closed Sunday

|                         |                |             |
|-------------------------|----------------|-------------|
| 10/26/23                | R/O Close Date | Status      |
| 10/28/23                | Mileage In     | Mileage Out |
| 379                     | 381            |             |
| Service Advisor / Tag # |                |             |
| Salvador Belmon/2415*W* |                |             |
| Vehicle Identification  |                |             |
| KMHLM4AJ4PU             |                |             |
| Delivery Date           |                |             |
| 10/26/23                |                |             |
| License Number          |                |             |

|            |         |               |
|------------|---------|---------------|
| Work Phone |         |               |
| Year       |         |               |
| 2023       | Make    | Model         |
|            | HYUNDAI | ELANTRA HYBRI |

| D   | AND PARTS | AMOUNT   |
|---|-----------|----------|
| Cell  | Email:    |          |
| <p>#1 - UCI2: RECALL / SAFETY / CAMPAIGN CHECKVERIFY NO OUTSTANDING OR OPEN CAMPAIGNS<br/>C/S: 248 -MCU SOFTWARE UPDATE (23-01-070H-1)<br/>Caused by<br/>CHECKED FOR APPLICABLE CAMPAIGNS AND TECHNICAL SERVICE BULLETINS FOUND APPLICABLE CAMPAIGN DOCUMENT 248 WHICH IS RELATED TO THE VEHICLE'S CONCERN. PERFORMED A VIN INQUIRY TO FIND AN OPEN CAMPAIGN. THE MCU SOFTWARE MAY DETECT A TRANSMISSION / DRIVE MOTOR SYNCHRONIZATION FAULT TRIGGERING A FAIL-SAFE CONDITION THAT TEMPORARILY RESULTS IN SLOW, UNINTENDED ACCELERATION ?<br/>FOLLOWING BRAKE PEDAL RELEASE WHILE DRIVING.<br/>Tech: JON BANKSTON (JEB)<br/>CONNECTED THE GDS, PERFORMED A MOTOR CONTROL UNIT SOFTWARE UPDATE AS PER CAMPAIGN 23 01 070H 1 INSTRUCTIONS. SUBMIT THE STUI PHOTO OF COMPLETED UPDATE. CLEARED ALL DTCS. THE SYSTEM IS OPERATING AS DESIGNED.<br/>31D097R0 MCU Upgrade 0.3 M/H</p> |           | Warranty |
| <p>#2 - DIAG1: CUSTOMER STATES<br/>DIAG1 - C/S: PASSENGER SIDE SIDE MIRROR DAMAGED AND TAPPED UPON ARRIVAL.<br/>Caused by</p>   |           |          |

TERMS: STRICTLY CASH UNLESS ARRANGEMENTS ARE MADE. I hereby authorize the repair work hereinafter to be done along with the necessary material and agree that you are not responsible for loss or damage to vehicle or articles left in the vehicle in case of fire, theft, or any other cause beyond your control or for any delays caused by unavailability of parts or delays in parts shipments by the supplier or transporter. I hereby grant you or your employees permission to operate the vehicle herein described on streets, highways, or elsewhere for the purpose of testing and/or inspection. An express mechanic's lien is hereby acknowledged on above vehicle to secure the amount of repairs thereto.

DISCLAIMER OF WARRANTIES. Any warranties on the products sold hereby are those made by the manufacturer. The seller hereby expressly disclaims all warranties either express or implied, including any implied warranty of merchantability or fitness for a particular purpose, and the seller neither assumes nor authorizes any other person to assume for it any liability in connection with the sale of said products. Any limitation contained herein does not apply where prohibited by law.

|                       |  |
|-----------------------|--|
| LABOR                 |  |
| PARTS                 |  |
| DEDUCTIBLE            |  |
| SUBLET                |  |
| SHOP SUPPLIES         |  |
| HAZARDOUS MATERIALS   |  |
| SALES TAX OR TAX I.D. |  |
| SPECIAL ORDER DEPOSIT |  |
| DISCOUNTS             |  |
| TOTAL DUE             |  |

NO RETURN ON ELECTRICAL OR SAFETY ITEMS OR SPECIAL ORDERS.

X

San Diego, CA

NEF



National Highway Safety  
Administration  
1200 New Jersey Ave. SE  
Washington DC 20590