

[REDACTED]
[REDACTED]
Cedar Hill, TX [REDACTED]
Ph: [REDACTED]
Fax: [REDACTED]
Email: [REDACTED]

March 12, 2024

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

Re: Hyundai 2021>2024 Stallings, Oil Consumption due to Defective Engine with a Lifetime Warranty

Dear NHTSA Administrator,

First, thank you for the opportunity to submit this complaint to you. The following is a narrative of how Hyundai Customer Care/Hyundai Motor America and Hyundai's Vandergriff Dealer has collaboratively refused to fix &/or replace the engine that Hyundai **acknowledged to be defective** in August 2020 via Class-Action Lawsuit Settlement Notice Document (copy attached).

Here is the background info with evidence/exhibits regarding the parties (Hyundai & Vandergriff) this cases is against. We purchase the 2018 Hyundai Santa Fe in Nov 2019. In Aug 2020 received HMA Class Action Settlement document telling us the Manufactured Defective Engine has a Lifetime Warranty stating (see image 2660, 4th para lines 1 & 2, paraphrased) "***The Settlement Extends the Powertrain Warranty to a Lifetime Warranty***" due to the defect causing ***Engine Stalling, Engine Fire, Engine Failure, Engine Seizing Etc.***

The **1st Stalling** event (at 57,4454 miles) occurred Oct 15, 2021, while in the middle of a turn w/50 miles per hour traffic coming. The stalled engine stopped the Ability to Steer. [REDACTED], with the kids in the car ran up on the curve to avoid a Catastrophic Accident Seriously Scaring the 2 Children and [REDACTED]. SUV was taken to Bob Stallings Hyundai. Because they could not duplicate the problem no diagnoses were issued (documented via text messages).

Re: Hyundai Motor America
Address Hyundai Engine 2 Settlement, PO Box 54067, Hurst Tx 76054, Ph: 866-944-7620.

HMA was notified about the 10/15/21 stalling event. On Nov 24, 2021, HMA was notified about the **2nd** (58,136 miles) & **3rd Stalling** (59,532 miles) events. HMA assigned Case # [REDACTED] and Case Manager Akiba. Ms. Akiba, contacted Vandergriff Service Manager Anible Aragon, and requested Vandergriff to do ALL of the testing including the "Bearing Test" for Engine replacement Prior to 60,000 Mile Warranty Expiring. Vandergriff didn't do it (detailed below).

RA

From Nov 2021 > Dec 2023, HMA &/or Vandergriff Did Not Fix the Engine Stalling Problems (via case #'s [REDACTED] caused by the Manufacture Defective Engine issues. From 12/22 > 2/23, the **unrepaired** stalling engine problems caused the engine to start using 2-3 quarts of oil every 1000 Miles and Tailpipe Smoking problems. HMA assigned case #'s [REDACTED] and Case Managers Mr. Ashes and Ms. Sandra. On Sep 27, 2023, **4th & 5th Stallings** (occurred we returned to Vandergriff who diagnosed Catalytic Converter replacement needed due to exhaust system being damaged by Engine Burning Oil & Tailpipe Smoke problems. HMA paid to replace Catalytic Converter. Jan 25, 2024, HMA declined the Engine Replacement stating (see image 2830) "HMA is Declining to Provide Assistance Due To the Malfunction Being out of Warranty Caused by the Time In-Service and Miles of the Vehicle."

Why Is HMA Liable:

- *HMA lawsuit settlement stated "The Settlement Extends the Powertrain Warranty to a Lifetime Warranty" due to the defect causing **Engine Stalling, Engine Fire, Engine Failure, Engine Seizing.**
- *HMA ordered/directed us to Vandergriff (via case #'s [REDACTED] for ALL work.
- *HMA requested us to stay with Vandergriff despite being 4-5 wks on testing & 4-6 mos on repairs
- *Court Order does not say repairs can be declined due to "Being out of Warranty, Time In-Service & Miles

Note: At HMA request we provided the Vandergriff email threads Promising & Assuring us that the Vandergriff delays causing us to go past the 60,000 mile warranty would not impede &/or interfere with Vandergriff doing the testing and the repairs. Moreover, Vandergriff reiterated the fact that the Engine Has a Lifetime Warranty per the Class Action Settlement guarantees Vandergriff will do the repairs.

Re: Vandergriff Service Manager, **Address** 1120 I-20 W-Arlington, TX 76017, Ph: 817-557-6700
Per HMA request (from 10/21 > 3/22) Vandergriff Service Manager Anible Aragon **promised** to do the "Bearing Test" but we had to leave the vehicle **4 to 5 weeks** to get the Bearing Test done and engine replacement would take **4 to 6 months**. Mr. Aragon, requested (see images 2045, 2060, 2655, 2657, 2658) us to wait 6 to 7 months to do the testing because they were **so far behind** and we agreed to wait. Mr. Aragon advised Vandergriff would provided NO Transportation Assistance during the 4-5 weeks &/or 4-6 months that Vandergriff would have the SUV tied up. He said in writing. **1st**. No scheduled drop off & pickup time. **2nd**. No loaner vehicle. **3rd**. No rental reimbursement. **4th**. No rental vouchers. Likewise, HMA provided No transportation assistance either. NO transportation for 4-5 wks or 4-6 mos compounded all of these problems.

While waiting (from 3/22>11/22) to return the vehicle to Vandergriff we tried to get (in writing) HMA to provide transportation assistance To No Avail. In Feb and Mar 2023 the unrepaired Defective Engine began Using A Lot More Oil. We reported it to HMA and they advised us to take it to an ASE mechanic. Rising Sun Automotive (for \$650) worked on it To No Avail. In June 2023, took the SUV to Clay Cooley Hyundai and testing was done. HMA advised us to take it back to Vandergriff. Sep 30, 2023 the SUV was delivered to Vandergriff for Oil Consumption, Engine Replacement evaluation. From Sept 2023 > Feb 2024 the vehicle was that Vandergriff for evaluation and testing. On Jan 25, 2024 HMA declined (see image 2830) the Engine Replacement stating "HMA is Declining to Provide Assistance Due To the Malfunction Being out of Warranty Caused by the Time In-Service and Miles of the Vehicle."

Cost to replace the engine \$11-\$13,000, per Vandergriff's service advisor Fabian Garcia !

Cost to replace the engine \$11-\$13,000, per Vandergriff's service advisor Fabian Garcia !
Out-Of-Pocket cost to date (includes SAI consultation) \$16-\$17,000

Vandergriff Service Department Representatives are blatantly refusing to take ANY responsibility for Vandergriff's Service Manager (Mr. Anibal Aragon) Directives and Promises to Us (via emails cited above sent to Vandergriff) **Because He Is No Longer with Vandergriff.**

Why Is Vandergriff Liable:

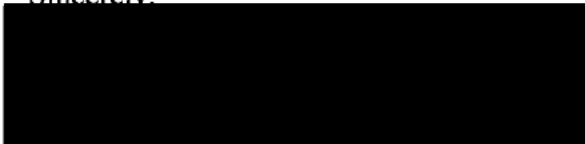
- *Vandergriff's service manager **Promised** (in writing) to do repairs if we waited 4-5 wks & 6-7 mos
- *Vandergriff service manager is responsible for exceeding 60,000 mile warranty due to his **Promises.**
- *Vandergriff service manager guaranteed the repairs citing the Lifetime Warranty as his backup guarantee.
- *Vandergriff refusing to honor Service Managers **Promises** because he is no longer with Vandergriff.

On Feb 13, 2024, the Engine claim was filed to Car Shield/American Auto Shield-AAS. On Feb 28, AAS denied the claim stating "The Claim Is Being Denied Based on the Fact That the Oil Consumption Problem Was a **Pre-Existing Manufacturer Defect** Issue and There Would Be No Coverage." Per AAS adjuster James Vinebel.

These cases are well documented. Additional details and evidence are available.

Please allow us to thank you in advance for your reply.

Sincerely,



Cc: Transportation Sec. Pete Buttigieg
US Sen. John Corning
State Sen. Royce West
Congresswoman Jasmine Crockett
Representative Carl Sherman
Hyundai Motor America
Vandergriff Managing Partner Ryan Rios

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

2660

If you bought or leased a 2011–2019 model year Hyundai Sonata, 2013–2019 Hyundai Santa Fe Sport, or a 2014–2015 or 2018–2019 Hyundai Tucson equipped with a 2.0L or 2.4L Gasoline Direct Injection engine you may benefit from a class action settlement.

A federal court has authorized this notice. This is not a solicitation from a lawyer.

Your rights are affected whether you act or don't act. Read this notice carefully.

- The purpose of this Notice is to inform you of a proposed settlement of a class action lawsuit known as *In re: Hyundai and Kia Engine Litigation*, No. 8:17-cv-00838-JLS-JDE and *Flaherty v. Hyundai Motor Company, et al.*, No. 18-cv-02223 (C.D. Cal.). You are receiving this Notice because Hyundai Motor America, Inc.'s ("HMA") and Hyundai Motor Company ("HMC") records indicate that you may be entitled to claim certain financial benefits offered by this Settlement.
- These lawsuits allege that the Class Vehicles suffer from a defect that can cause engine seizure, stalling, engine failure, and engine fire, that engine seizure or stalling can be dangerous if experienced and that some owners and lessees have been improperly denied repairs under the vehicle's warranty. Neither HMA or HMC have been found liable for any of the claims alleged in these lawsuits. The parties have instead reached a voluntary settlement in order to avoid a lengthy litigation. The individuals who owned or leased Class Vehicles are known as "Class Members." Settlement Class Members may be entitled to compensation if they submit valid and timely claims that are approved pursuant to the review process described in this Notice and approved by the Court.
- Under the proposed settlement, and subject to proof, HMA and HMC will provide financial and other benefits for certain engine related repairs.
- The settlement extends the Powertrain Warranty to a Lifetime Warranty for the engine short block assembly, upon completion of the Knock Sensor Detection System Update. It also provides a free recall inspection for any recalled vehicles not yet inspected, regardless of current mileage or prior repairs, and rental car reimbursement or loaner vehicles for any vehicles that undergo engine replacement.
- The settlement provides cash reimbursements for qualifying past out-of-pocket repairs and repair-related expenses, such as rental cars and towing, and cash reimbursements for certain trade-ins and sales of unrepaired vehicles.
- The settlement provides compensation for inconvenience due to repair delays while the vehicle was serviced by Hyundai dealers.
- The settlement provides compensation for vehicles lost due to certain engine fires. In some instances, the settlement also provides a cash rebate if you lost faith in the vehicle after experiencing engine troubles related to the defect and you purchased another Hyundai vehicle within a specified timeframe.
- To qualify you must have bought or leased a "Class Vehicle," which are 2011–2018 and certain 2019 Hyundai Sonata, 2013–2018 and certain 2019 Hyundai Santa Fe Sport, and 2014–2015, 2018, and certain 2019 Hyundai Tucson vehicles equipped with or replaced with a genuine Theta II 2.0 liter or 2.4 liter gasoline direct injection engine within OEM specifications. For 2019 model year vehicles, the Class shall include those vehicles that were manufactured before the Knock Sensor Detection System technology was incorporated into their production.

Prior Approval Response

2830

Garcia, Fabian <FGarcia@vtaig.com>

Thu 1/25/2024 8:22 AM

To: [REDACTED]

Cc: Zidane, Moaad <MZidane@vtaig.com>; Martinez, Efrain <EMartinez02@vtaig.com>

1 attachments (49 KB)

Pa-Rof [REDACTED] ng;

PA Detail

Customer Concern: CUSTOMER STATES VEHICLE IS CONSUMING OIL. PLEASE CHECK AND ADVISE

PA Request Reason: EXCESSIVE OIL CONSUMPTION

Remark from PWA CTR: THIS PRIOR APPROVAL REQUEST WAS REVIEWED AND BASED ON THE INFORMATION PROVIDED; HMA IS DECLINING TO PROVIDE ASSISTANCE DUE TO THE MALFUNCTION BEING OUT OF WARRANTY CAUSED BY THE TIME IN SERVICE AND MILEAGE OF THE VEHICLE. NO GOODWILL ASSISTANCE IS BEING OFFERED AT THIS TIME, THANK YOU.

Claim Type: GOODWILL HMA %

Estimate: Requesting Rental Y

Status: DECLINED Labor Hours

History: ROGELIO RODRIGUEZ 01/24/2024 THIS PRIOR APPROVAL REQUEST WAS REVIEWED AND BASED ON THE INFORMATION PROVIDED; HMA IS DECLINING TO PROVIDE ASSISTANCE DUE TO THE MALFUNCTION BEING OUT OF WARRANTY CAUSED BY THE TIME IN SERVICE AND MILEAGE OF THE VEHICLE. NO GOODWILL ASSISTANCE IS BEING OFFERED AT THIS TIME, THANK YOU.

MARTINEZ, EFRAIN (PARTS & SERVICE DIRECTOR) 01/24/2024 EXCESSIVE OIL CONSUMPTION

[REDACTED]
Cedar Hill, TX
Tel: [REDACTED]
Fax: [REDACTED]
Email: [REDACTED]

2045

12-17-21
TO: Anible-MANAGER
C SUV

December 4, 2021

Vandergriff Hyundai
1120 West I 20 Hwy
Arlington, TX 76017
Ph: 682-284-1004
Attn: Anible- Service Manager

Dear Mr. Anible,

[REDACTED] is just a follow-up to the conversation we had about why the 2018 Hyundai Santa Fe Sport is being in brought in to be checked out for the following reasons. Note: Advised, HMA [REDACTED] primary driver.

- *This SUV (Vin # 5XYW3LB4JG [REDACTED]) is in the Hyundai Class-Action Settlement case 18-CV-02223.
- *Hyundai Consumer Affairs Case Manager Akiba (case # [REDACTED]) told us to get the vehicle in for diagnostic evaluation before the 60,000 mile warranty runs out.

Recent Experiences:

- *On 10/15/21, with my kids in car the SUV (at 57,453 miles) **Stalled** while turning and had to be restarted.
- *On 11/15/21, the SUV (at 58,136 miles) **Stalled** a 2nd time and had to be restarted.
- *On 12/15/21, the SUV (at 59,532 miles) the engine **Semi-Stalled**.

Continuing issues with this SUV

- *Engine makes a **Knocking** sounds
- *Engine **Stalled** twice
- *Excessive engine **Noise**
- *Engine making a **Clack-Clunk, Clack-Clunk** sounds after turning it off. Video available.

Medical & Other Inconveniences/Problems

In part this vehicle was purchased for the Heated/Therapeutic Seats after I [REDACTED] w/2 kids) was rear-ended by truck causing back injuries. FYI, dropping off of the SUV for testing was delayed until I was able to get Pain Medication because not being able to sit on the Heated Seat 5-6 times daily without Pain Medication is Unbearable. Also, not being able to schedule a Drop-Off Appointment and No Loaner Cars available has compounded the Out-Of-Pocket expenses & Inconveniences. Please Complete Your Testing ASAP !.

Hopefully, the information above helps to evaluate and diagnose the problem.

Thank you
[REDACTED]

Sent: Monday, January 3, 2022 7:16 AM
Subject: RE: [EXTERNAL] invoice # [REDACTED] 2018 Santa Fe

2060

Morning,

Thank you for reaching out and explaining your concern. Do you have time to drop off vehicle this time around?

When was the last time vehicle died on you while driving?

Anibal Aragon
Vandergriff Hyundai
817 557 6700

From: [REDACTED]
Sent: Friday, December 31, 2021 1:25 PM
To: Aragon, Anibal <AAragon@vtaig.com>
Cc: [REDACTED]
Subject: [EXTERNAL] invoice # [REDACTED] 2018 Santa Fe

Hello Mr. Anible-Service Manager

First, thank you for putting forth the extra effort to do the Code testing that you had not had a chance to do when we came to pick up the SUV Dec 20, 2021. Also, thank you for explaining how the computer scan Code Reader testing is not a reliable/definitive way to determine the existence of the defects/problems cited in the Hyundai Class-Action Settlement case 18-CV-02223, because sometimes the computer does not catch issues/events when the car is acting up. You mentioned the more definitive way to determine the existence of the problem is via a "Bearing Test."

Because of the Stalling Issues cited in Dec 10, 2021 letter (see image2045) that we left with you when we drop the SUV off on Dec 17. And, because the Bearing Test will come closest to diagnosing the existence of the problem or not. We would like to get the Bearing Test done. However, because the Hyundai Consumer Affairs Case Manager Akiba, told us that the testing should be done before the 60,000 mile warranty expires. Please let us know if the warranty mileage issue is a problem.

We are trying to regain trust in the SUV !

This time we would like to coordinate a schedule drop-off of the SUV and a schedule pickup, if possible. Please reply ASAP.

Thank you

[REDACTED]

[REDACTED]
Cedar Hill, T [REDACTED]

Tel: [REDACTED]

Fax [REDACTED]
[REDACTED]

12-17-21
To Anible-MANAGE
w/ 10 of
Spec

2653

2018

December 10, 2021

Vandergriff Hyundai
1120 West I 20 Hwy
Arlington, TX 76017
Ph: 682-284-1004
Attn: Anible- Service Manager

Dear Mr. Anible,

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Medical & Other Inconveniences/Problems

In part this vehicle was purchased for the Heated/Therapeutic Seats after I (Christin w/2 kids) was rear-ended by truck causing back injuries. FYI, dropping off of the SUV for testing was delayed until I was able to get Pain Medication because not being able to sit on the Heated Seat 5-6 times daily without Pain Medication is Unbearable. Also, not being able to schedule a Drop-Off Appointment and No Loaner Cars available has compounded the Out-Of-Pocket expenses & Inconveniences. Please Complete Your Testing ASAP !.

Hopefully, the information above helps to evaluate and diagnose the problem.

Thank you
[REDACTED]

From [REDACTED]
[REDACTED]@com.
Sent: Friday, December 31, 2021 1:25 PM
Subject: invoice # [REDACTED] 2018 Santa Fe

~~2057~~
2657

Hello Mr. Anible-Service Manager

First, thank you for putting forth the extra effort to do the Code testing that you had not had a chance to do when we came to pick up the SUV Dec 20, 2021. Also, thank you for explaining how the computer scan Code Reader testing is not a reliable/definitive way to determine the existence of the defects/problems cited in the Hyundai Class-Action Settlement case 18-CV-02223, because sometimes the computer does not catch issues/events when the car is acting up. You mentioned the more definitive way to determine the existence of the problem is via a "Bearing Test."

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We are trying to regain trust in the SUV !

This time we would like to coordinate a schedule drop-off of the SUV and a schedule pickup, if possible. Please reply ASAP.

Thank you

[REDACTED]

Original Message

From: Aragon, Anibal
To: [REDACTED]
Sent: Friday, January 7, 2022 11:08 AM
Subject: RE: [EXTERNAL] invoice # [REDACTED] 2018 Santa Fe

2067

Hello, [REDACTED]

For us to perform a correct diagnosis we need to keep vehicle. Unfortunately we do not have any loan cars to give out. We are 4 weeks out for any diagnoses at this time.

Thank You

Anibal Aragon

2658

From: [REDACTED]
Sent: Wednesday, January 5, 2022 12:16 PM
To: Aragon, Anibal <AAragon@vtaig.com>
Cc: [REDACTED]
Subject: Re: [EXTERNAL] [REDACTED] 18 Santa Fe

Hello Mr. Anible,

Thanks for the reply. The issue is that (for medical reasons) she cannot be without the SUV (if a loner is not provided) for more than 2 to 3 days. With that in mind, please see our reply to each of your questions below.

Your 1st question: Do you have time to drop off vehicle this time around? Reply: If possible, please provide an appointment drop-off date that works for you to be able to complete the testing in 2 to 3 days.

Your 2nd question: When was the last time vehicle died on you while driving? Reply:

- *On 10/15/21, with my kids in car the SUV (at 57,453 miles) **Stalled** while turning and had to be restarted.
- *On 11/15/21, the SUV (at 58,136 miles) **Stalled** a 2nd time and had to be restarted.
- *On 12/15/21, the SUV (at 59,532 miles) the engine **Semi-Stalled**.

Currently, the alternative transportation (while the vehicle is in the shop) will be something comparable to Uber (as opposed to a rental vehicle) and billed to Hyundai. If you know how this billing to Hyundai can be done, please explain?

Also, because the Hyundai case manager strongly recommended getting the testing done before the 60,000 mile warranty expired, and it is about to expire. As it relates to your testing what difference does it make?

Thanks in advance for your reply.

[REDACTED]

Original Message
From: Aragon, Anibal

[REDACTED]

Cedar Hill, TX

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

CERTIFIED MAIL®



W41-306

Retail



20590

RDC 99

U.S. POSTAGE PAID
FCM LG ENV
CEDAR HILL, TX 7510
MAR 13, 2024

\$6.27

R2305M147641-04

Administrator
NHTSA
1200 New Jersey Ave.
S. E., Washington DC 20590

Department of Transportation

To: W41-306

Building: DOT

Mailstop: 4 West

Rtg Symbol: NEC, NOA, NIA

External Carrier: PRIORITY

Carrier: