

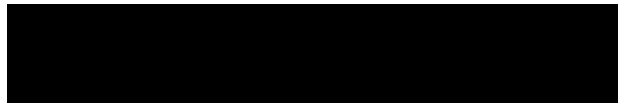
PE19-004

KIA

DEFECT D

LAWSUITS_ARBITRATION

SPORTAGE



Law Offices of Theresa J. Puleo

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July 9, 2018

RECEIVED

VIA CERTIFIED MAIL

JUL 18 2018

Kenmore/Sears Holdings Corporation
3333 Beverly Road
Hoffman Estates, Illinois, 60179

Kia Motors America
111 Peters Canyon Road
Irvine, California 92606

CONSUMER AFFAIRS

Sears Roebuck & Co.
3412 Demetropolis Road
Mobile, Alabama 36693

Two Guys Auto Service, LLC
1601 Lemoyne Avenue
Syracuse, New York 13208

RE: Insured:

Claim No.:

Policy No.:

Date of Loss: 2018

Loss Location: Liverpool, New York

To Whom It May Concern:

Please be advised that I have been retained to represent Travco Insurance Company, as the insurer for [REDACTED] in the above referenced investigation. Please be advised that Travco's insured, [REDACTED] sustained significant property damage on [REDACTED] 2018 as the result of a fire that originated in her garage. Based upon our investigation to date, we have determined you may be responsible for the damages resulting from the fire. Our investigation remains ongoing.

Please forward this letter to your insurance carrier as soon as possible and request that your carrier contact me. Failure to notify your carrier may jeopardize your coverage under your policy.

Travco intends on conducting a final inspection of the garage scene, prior to the moving the Kia Sportage and Mazda Miata from the garage to be preserved and stored at an off-site location for destructive testing at a later date. **The final garage site inspection is scheduled to take place on July 26, 2018. The garage will not be available for a site inspection after this date.** If you or your liability carrier is interested in inspecting the scene in its current condition, please contact me prior to July 26, 2018 to confirm your attendance.

Thank you for your attention to this matter.

Very truly yours,

Michelle M. Davoli

cc: Stephen G. Pesarchick, Esq. (Sugarman Law Firm)
Utica National (*via email*, K.Doremus-Green@uticanational.com)
Fucillo Kia (3885 State Route 31, Liverpool, New York 13090)
Mazda North American Operations (*via email*, jfraust1@mazdausa.com)

PE19-004

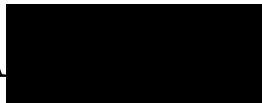
KIA

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**BBB AUTO LINE
Customer Claim Form**

Case number: KIA [REDACTED]
Contact date: 03/16/17
Start date: 03/17/17

Please make any necessary corrections to the information below, print or verify your VIN number and lienholder/leasing company information at the bottom of this page, and complete the missing information in Section 4 on the next page (attach additional sheets as needed).

SECTION 1: CUSTOMER INFORMATION

Titled owner: [REDACTED]		
Mailing address: [REDACTED]		
City: NORWALK	State: CA	Zip code: [REDACTED]
Day phone: [REDACTED]	Evening phone: [REDACTED]	Cell phone:
Fax:	E-mail address: [REDACTED]	

SECTION 2: VEHICLE INFORMATION

Make: Kia	Model: Sportage	Year: 2017	Current mileage: 15133
Name(s) that appears on the vehicle title: [REDACTED]			
Selling dealer/city/state: , CA			
Primary Servicing dealer/city/state: Kia of Huntington Beach,			
Acquired as ☒ new ☐ used ☐ demo ☐ leased	Is the vehicle in your possession? ☒ yes ☐ no		
Date of sale or termination of lease:			
Purchase/lease date: 07/21/16	Mileage at purchase/lease:		
First repair attempt date: 01/20/17	First repair attempt mileage: 14000		
How often is the vehicle used for business purposes (percentage): 0 %	Number of vehicles registered in California by vehicle owner/lessee:	Transmission type: ☒ Automatic ☐ Manual	
Has the vehicle been in an accident/had body damage? ☐ yes ☒ no		Date of accident:	
Description of damage:			

SECTION 3: DESIRED OUTCOME (Describe what you want done to resolve your concern)

I would like Kia to compensate me for the lost vehicle.

Please complete the missing information in the box below and on page 2.

VEHICLE IDENTIFICATION NUMBER KNDPM3AC9H7 [REDACTED]

Lienholder/Leasing Company _____ **Phone Number** _____

SECTION 4: VEHICLE PROBLEMS (List primary problem first)

Problem	Servicing dealer(s)	# of repair attempts	List the date, mileage, and days out of service for each repair attempt	Does the problem exist now?
Example:				
A/C won't cool properly	Any Dealer, Inc.	2	4/23/06 3,500 miles 5 days 6/10/07 12,700 miles 1 day	yes
car caught on fire				yes

Total days out of service for all problems: _____

Signature of Titled Owner(s) _____ Date _____
 I am submitting this dispute for resolution in the BBB AUTO LINE program, and I agree to arbitrate the dispute under the BBB AUTO LINE Arbitration Rules.

Please mail or fax this completed form with copies of all available repair orders, your vehicle registration, your sales agreement or lease agreement, and any other relevant documents (e.g., written correspondence with the manufacturer, etc.) to:

**BBB AUTO LINE
 3033 Wilson Blvd., Suite 600
 Arlington VA, 22201
 Fax: 703-247-9700**



BBB AUTO LINE

March 22, 2017

[REDACTED]
[REDACTED]
NORWALK CA [REDACTED]

Re: KIA [REDACTED] vs Kia Motors America kndpm3ac9h7 [REDACTED]

Dear Mr [REDACTED]

We have received your *Customer Claim Form* and supporting documentation concerning your complaint against the manufacturer of your vehicle.

After careful review of your case, we have determined that your complaint is not within the jurisdiction of the BBB AUTO LINE program. We have made this determination for the following reasons:

Claims involving a vehicle where the consumer alleges defect caused property damage are not eligible for arbitration in the Auto Line program.

Please refer to the booklet *How BBB AUTO LINE Works* for further explanation of jurisdictional requirements.

If you disagree with this finding, you may appeal it by sending us a written statement indicating why you think your claim is within the jurisdiction of the BBB AUTO LINE program. This statement must be mailed to the following address within 30 days from the date of this letter:

BBB AUTO LINE
3033 Wilson Blvd
Suite 600
Arlington, VA 22201

You may fax your appeal to our office at 1.703.247.9700

When your appeal is received in our office it will be forwarded to the manufacturer representative who will be given five days to submit a written position on the appeal. If a written position is received it will be shared with you, and you will be given five days to submit written comments. A BBB AUTO LINE arbitrator will review your *Customer Claim Form*, your appeal letter, this *Out of Jurisdiction Notice*, any written position from the manufacturer, any comments, and the *Arbitration Rules*. The arbitrator will then make a decision as to whether your allegations are potentially within the jurisdiction of BBB AUTO LINE arbitration. If this review determines

Council of Better Business Bureaus, Inc.

3033 Wilson Boulevard, Suite 600 · Arlington, VA · 22201 · Phone 800.955.5100 · Fax: 703.247.9700

that you may proceed to arbitration, your complaint will proceed to a hearing before a different arbitrator in accordance with the BBB AUTO LINE Rules for Arbitration.

Please note the arbitrator ruling on your appeal will only decide whether your claim may be heard in arbitration. Even if this arbitrator decides that your claim is potentially within the program's jurisdiction, the arbitrator who presides over your hearing will examine all the facts in your case and may decide that the evidence presented at the hearing does not establish that the claim is within the jurisdiction of BBB AUTO LINE or that any award should be made in your case.

Thank you for bringing your complaint to our attention.

Sincerely,

Mary Ann Khalifeh at Extension 527

PE19-004

KIA

DEFECT D
TECHLINES
SOUL













PE19-004

KIA

DEFECT D

TECHLINES

SOUL

PE19-004_Expanded
Scope_Soul_Alleged Defect D



Kia Motors America Technical Assistance Center

Case Number: [REDACTED]

Vehicle Data

Model/Year: 2018 SOUL !

Engine: 1.6L TURBO

Model Code: B4542

VIN: KNDJX3AA0J7 [REDACTED]

Mileage: 12,695

Prod Date: 04/28/2017

Warranty Start Date: 12/15/2017

Dealer/Contact Data:

Dealer: FL075 Napleton Northlake KIA

Phone: 5614292061

FAX: 5612968291

Contact: Anthony Rhoades

Contact Title: Exclusive Kia Technician

Service District: SO02

Case Details:

Case Title: InstrCluster-Warning light on# shift lock inop - thermal event

Symptom: Damage (General)

DTC:

System: Body Electrical

Component: Please Specify

Resolution:

Case History

*** 10/08/2018 06:16:47 ***

Contact = Anthony Rhoades, Priority = Standard, Sub Status = Dispatched

*** 10/08/2018 06:16:47 ***

Web - Problem Description created on 10/08/2018 05:47:54 and created by Anthony Rhoades

C/S vehicle would not come out of park. Started vehicle and verified shifter could not be moved out of park. Multiple warning lights were on dash, (MIL, brake light, TPMS light, etc.) Moved shifter to drive using shift interlock. The P on the console stayed illuminated even when shifter was moved into another selection. When brake pedal was released, vehicle did not move. Excessive accelerator pedal input was needed to move vehicle due to commanded third gear, limp mode. All vehicle modules were scanned for codes. The only module that I was able to communicate with was the HVAC control module even after several attempts. Four codes were stored, B1685, B1687, B1672, and B1685.

*** 10/08/2018 06:16:48 ***

Web - Diagnostics created on 10/08/2018 05:47:55 and created by Anthony Rhoades

I swapped a known-good HVAC controller into the vehicle and there were no changes. Then, a known-good PCM was swapped into the vehicle. Again, no changes to the vehicle. As I unplugged the VCI from the vehicle, I noticed there were wires protruding from the inside of the knee bolster that were unfamiliar to me. I removed the OBD connector and found that the wires were going to an unknown module, hidden in the vehicle, with a second aftermarket OBD connector inline with the factory connector. When the VCI was plugged in, it was this aftermarket OBD connector that I was unknowingly plugging into. I unplugged this connector and reconnected the VCI to the factory connector and rescanned, but to no avail. KDS could not read any other module but HVAC. Vehicle was parked outside of my bay for the weekend, as I was going to be off. At around 6:41 A.M. on October 7, 2018, the vehicle caught on fire and burned until approximately 7:02 A.M. I've attached pictures of the vehicle.

*** 10/08/2018 06:20:59 ***

[REDACTED].jpg added by Anthony Rhoades on 10/08/2018 06:20:59

*** 10/08/2018 06:21:04 ***

20181007_[REDACTED].jpg added by Anthony Rhoades on 10/08/2018 06:21:00

*** 10/08/2018 06:21:10 ***

20181007_████████.jpg added by Anthony Rhoades on 10/08/2018 06:21:04

*** 10/08/2018 06:21:14 ***

20181007_████████.jpg added by Anthony Rhoades on 10/08/2018 06:21:10

*** 10/08/2018 06:21:19 ***

20181007_████████.jpg added by Anthony Rhoades on 10/08/2018 06:21:15

*** 10/08/2018 07:06:35 ***

Accepted, from Queue = TL_Rio_Soul_Forte_Niro_Stinger_Sedona_Amanti_Cadenza to WIPBin default

*** Web - Advice created on 10/08/2018 07:13:09 and created by Steven Okimura ***

1: Anthony, please have your manager notify your DPSM, park the vehicle and wait for a representative from Kia Consumer Affairs to contact your dealership regarding this vehicle. Thank you

*** Case ██████████ is sent on 10/8/2018 7:16:40 by Steven Okimura

To: SOkimura@kiausa.com

Cc:

Title: ██████████

*** 10/08/2018 10:17:02 ***

Web - Note created on 10/08/2018 10:17:02 and created by Rachael Belville
DPSM has been contacted as well as Samuel Kim

*** Research - Advice created on 10/08/2018 10:59:48 and created by Steven Okimura ***

1: Thank you for the update

*** Case has been auto closed by the system on 11/08/2018 01:08:46 (PST)

PE19-004

KIA

DEFECT D

TECHLINES

SPORTAGE

PE19-004_Expanded

Scope_Sportage_Alleged Defect D



Kia Motors America Technical Assistance Center

Case Number: [REDACTED]

Vehicle Data

Model/Year: 2018 SPORTAGE LX AWD AUTO

Engine: 2.4L GDI

Model Code: 42422

VIN: KNDPMCAC8J7 [REDACTED]

Mileage: 1

Prod Date: 05/08/2017

Warranty Start Date: 06/23/2017

Dealer/Contact Data:

Dealer: CO037 Medved KIA

Phone: 3034210100

FAX: 3034631249

Contact: Lea Rhinehart

Contact Title: Exclusive Kia Technician **Service District:** SW08

Case Details:

Case Title: Engine - Overheats # Then Thermal Event

Symptom: Damage (General)

DTC:

System: Engine Mechanical

Component: Engine (General)

Resolution:

Case History

*** 11/09/2018 11:40:04 ***

Contact = Lea Rhinehart, Priority = Standard, Sub Status = Dispatched

*** 11/09/2018 11:40:04 ***

Web - Problem Description created on 11/09/2018 11:40:04 and created by Lea Rhinehart
vehicle overheated and cust dropped off vehicle to get diag. and minutes later it was engulfed in flames. dpsm said to open techline case as service alert, dpsm has pics of vehicle

*** 11/09/2018 11:40:04 ***

Web - Diagnostics created on 11/09/2018 11:40:04 and created by Lea Rhinehart
none

*** 11/09/2018 12:11:25 ***

Accepted, from Queue = TL_Sorento_Sportage to WIPBin default

*** Web - Advice created on 11/09/2018 12:12:49 and created by Brian Lall ***

1: Thanks for letting me know. Due to the type of concern, I have submitted this case for NCA review. Please do not perform any repairs until you or your service manager has been contacted by someone from KMA regarding this vehicle.

*** Service Alert Escalated to CA as: [REDACTED] on 11/10/2018 01:04:47 (PST)

*** 11/24/2018 12:05:56 ***

Web - Note created on 11/24/2018 12:05:56 and created by Lea Rhinehart
Field engineer Leo was at my facility last week. Leo took pictures and started another case as well. Waiting a word from Kia on what to do next. Thanks and have a good weekend.

*** 11/24/2018 12:06:41 ***

Web - Note created on 11/24/2018 12:06:40 and created by Lea Rhinehart
Leaving for [REDACTED] school in California on the 27 to the 29th.

*** Research - Advice created on 11/26/2018 10:52:24 and created by Brian Lall ***
1: Thanks for the update.

*** Case has been auto closed by the system on 12/27/2018 01:09:15 (PST)