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13 *Attorneys for Plaintiff*

14  
15 UNITED STATES DISTRICT COURT  
16 CENTRAL DISTRICT OF CALIFORNIA – SOUTHERN DIVISION

17 ANDRE DAMICO, Individually and  
18 On Behalf of All Others Similarly  
19 Situated,

20 Plaintiff,

21 v.

22 HYUNDAI MOTOR AMERICA, a  
23 California corporation,

24 Defendant.  
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Case No.:

**CLASS ACTION COMPLAINT  
FOR:**

(1) Violations of California  
Consumers Legal Remedies Act (Cal.  
Civ. Code

§ 1750, *et seq.*);

(2) Violations of Unfair Competition  
Law (Cal. Bus. & Prof. Code §  
17200, *et. seq.*);

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(3) Breach of Implied Warranty Pursuant to California Song-Beverly Consumer Warranty Act (Cal. Civ. Code §§ 1792 and 1791.1, *et seq.*) and Cal. Comm. Code § 2314;

(4) Breach of Express Warranty (Cal. Com. Code § 2313);

(5) Violations of the Magnuson-Moss Warranty Act (15 U.S.C. § 2301);  
and

(6) Fraudulent Omission.

**DEMAND FOR JURY TRIAL**

1 **INTRODUCTION**

2 1. Plaintiff Andre Damico (“Plaintiff”) brings this action individually  
3 and on behalf of all similarly situated persons in the United States (“Class  
4 Members”) who purchased or leased 2017 Hyundai Santa Fe vehicles (“Class  
5 Vehicles”) that were designed, manufactured, distributed, marketed, sold and  
6 leased by Defendant Hyundai Motor America (“Defendant” or “Hyundai”).  
7

8 2. Beginning in 2016, if not before, Defendant knew that the Class  
9 Vehicles contain one or more defects that cause, among other problems,  
10 significantly delayed acceleration, loss of power, or rough shifting (“Powertrain  
11 Defect”).

12 3. The Powertrain Defect has been documented to occur without  
13 warning during vehicle operation and poses an extreme and unreasonable safety  
14 hazard to drivers, passengers and pedestrians. Numerous Class Vehicle owners  
15 have reported a significant delay in the Class Vehicle’s response while  
16 attempting to accelerate from a stop and/or while cruising in situations that  
17 require the ability to accelerate rapidly (*e.g.*, merging on to the highway,  
18 changing lanes, etc.). Other Class Vehicle owners have reported jerking,  
19 lurching, and/or engine revving associated with the delayed acceleration.

20 4. Plaintiff is informed and believes, and based thereon alleges, that  
21 Defendant knew the Class Vehicles were defective and not fit for their intended  
22 purpose of providing consumers with safe and reliable transportation at the time  
23 of the sale and thereafter. Defendant has actively concealed the true nature and  
24 extent of the Powertrain Defect from Plaintiff and the other Class Members, and  
25 failed to disclose it to them, at the time of purchase or lease and thereafter. Had  
26 Plaintiff and prospective Class Members known about the Powertrain Defect,  
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1 they would not have purchased the Class Vehicles or would have paid less for  
2 them.

3 5. Plaintiff is informed and believes, and based thereon alleges, that  
4 despite notice of the Powertrain Defect from, among other things, pre-production  
5 testing, numerous consumer complaints, warranty data, and dealership repair  
6 orders, Defendant has not recalled the Class Vehicles to repair the Defect, has  
7 not offered its customers a suitable repair or replacement free of charge, and has  
8 not offered to reimburse all Class Vehicle owners and leaseholders the costs they  
9 incurred relating to diagnosing and repairing the Powertrain Defect.

10 6. Hyundai knew of and concealed the Powertrain Defect that is  
11 contained in every Class Vehicle, along with the attendant dangerous safety  
12 problems and associated repair costs, from Plaintiff and the other Class Members  
13 both at the time of sale and repair and thereafter. As a result of their reliance on  
14 Defendant's omissions and/or misrepresentations, owners and/or lessees of the  
15 Class Vehicles have suffered ascertainable loss of money, property, and/or loss  
16 in value of their Class Vehicles.

17  
18 **PARTIES**

19 **Plaintiff Andre Damico**

20 7. Plaintiff Andre Damico is a California citizen who lives in  
21 Adelanto, California. Mr. Damico purchased a 2017 Hyundai Santa Fe from  
22 Victorville Hyundai in Victorville, California, at the end of May 2016. Prior to  
23 purchase, Mr. Damico researched his vehicle on the Internet, spoke with the  
24 dealer sales representative about the vehicle, inspected the sticker posted on the  
25 side of the vehicle and test drove the vehicle. Mr. Damico purchased his vehicle  
26 primarily for personal, family or household purposes. Mr. Damico's vehicle was  
27 designed, manufactured, sold, distributed, advertised, marketed and warranted by  
28 Hyundai.



1 members exceed the sum value of \$5,000,000, exclusive of interests and costs.  
2 This court also has federal question jurisdiction over this action under 28 U.S.C.  
3 §1331 because Plaintiff's claims under the Magnuson-Moss Act arise under  
4 federal law. This Court has personal jurisdiction over Defendant because it is  
5 registered to conduct business in California, has its principal place of business in  
6 California, and/or otherwise intentionally avails itself of the markets within  
7 California, through the promotion, sale, marketing and distribution of its  
8 vehicles in California, so as to render the exercise of jurisdiction by this Court  
9 proper and necessary.

10 **VENUE**

11 15. Venue is proper in this District because a substantial part of the acts  
12 and omissions alleged herein took place in this District, as Defendant has its  
13 principal place of business in this District, the Class Vehicles were and are  
14 regularly advertised, marketed, sold/leased and serviced in this District through  
15 Defendant's network of dealers. Plaintiff's counsel's Declaration of Venue, to  
16 the extent required under California Civil Code section 1780(d), is attached  
17 hereto as Exhibit 1.

18 **FACTUAL ALLEGATIONS**

19 20. Upon information and belief, Hyundai has sold, directly or  
20 indirectly through dealers and other retail outlets, many thousands of Class  
21 Vehicles in California and nationwide.

22 17. The Powertrain Defect causes the Class Vehicles' powertrains to  
23 unexpectedly malfunction by a delayed or failed acceleration response, loss of  
24 power, or rough shifting. The Powertrain Defect presents a safety hazard that  
25 renders the Class Vehicles unreasonably dangerous to consumers because the  
26 Defect severely impacts a driver's ability to accelerate as expected under normal  
27 driving conditions and maintain an appropriate speed based on traffic flow.  
28

1 18. Plaintiff is informed and believes, and based thereon alleges, that  
2 Hyundai became aware of the Powertrain Defect through sources not available to  
3 Plaintiff and Class Members, including, but not limited to: pre-production  
4 testing, pre-production design failure mode and analysis data, production design  
5 failure mode and analysis data, early consumer complaints made exclusively to  
6 Hyundai's network of dealers and directly to Hyundai, aggregate warranty data  
7 compiled from Hyundai's network of dealers, testing conducted by Hyundai in  
8 response to consumer complaints, and repair order and parts data received by  
9 Hyundai from Hyundai's network of dealers.

10 19. Hyundai had and has a duty to fully disclose the true nature of the  
11 Powertrain Defect and the associated repair costs to Class Vehicle owners,  
12 among other reasons, because the Defect poses an unreasonable safety hazard;  
13 because Hyundai had and has exclusive knowledge or access to material facts  
14 about the Class Vehicles' powertrains that were and are not known to or  
15 reasonably discoverable by Plaintiff and the other Class Members; and because  
16 Hyundai has actively concealed the Powertrain Defect from its customers.

17 20. Numerous purchasers and lessees of the Class Vehicles have  
18 experienced the Powertrain Defect. The following example complaints filed by  
19 consumers with the National Highway Transportation Safety Authority  
20 ("NHTSA") and posted on the Internet demonstrate that the Defect is widespread  
21 and dangerous:<sup>1</sup>

- 22  
23  
24 • NHTSA Complaint: PURCHASED NEW 7/172017 SANTA FE  
25 ULTIMATE 2.0T. THIS SUV DOES NOT ACCELERATE  
26 AND LAGS ON AN INTERMITTENT BASIS HAPPENS AT A  
27 LOWER SPEED AND FROM A STOP. VERY DANGEROUS

28 <sup>1</sup> Spelling and grammatical errors in consumer complaints reproduced herein remain as found in the original.

1 WHEN MAKING A TURNS AND ENTERING FREEWAY OR  
2 TRAFFIC CICLES (ROUNABOUTS) WHEN DEPRESSING  
3 ACCELERATOR AND YOUR VEHICLE SLOWLY MOVES  
4 FORWARD AND FAILS TO ACCELERATE TO THE  
5 REQUIRED SPEED YOU ARE REQUESTING FOR A  
6 SECOND OR MORE. NOW YOU HAVE PLACED  
7 YOURSELF IN A VERY DANGEROUS POSITION  
8 BECAUSE OFTHIS VEHICLES INABILITY TO RESPOND.  
9 THEN ALL OF A SUDDEN IT TAKES OFF. DOES NOT  
10 HAPPEN EVERY TIME BUT IS FREQUENT ENOUGH TO  
11 BE CONCERNED. HAS HAPPENED CONTINUALLY SINCE  
12 NEW. MY WIFE LOVES THE VEHICLE BUT IS AFRAID TO  
13 DRIVE IT..NO ONE SEEMS TO KNOW WHAT THE  
14 PROBLEM IS BUT THERE ARE CERTAINLY ENOUGH  
15 COMPLAINTS THAT SOMEONE SHOULD INVESTIGATE  
16 AND GET AFTER HYUNDAI TO FIX THE SITUATION  
17 BEFORE SOMEONE GOD FORBID IS KILLED.. OR THAT'S  
18 UNFORTUNATELY WHAT IT WILL TAKE TO RESOLVE  
19 THIS SERIOUS DEFECT. I LOVE THE VEHICLE  
20 ESPECIALLY THE TURBO BUT IT'S SCARY.

- 21 • NHTSA Complaint: I PURCHASED A BRAND NEW 2017  
22 HYUNDAI SANTA FE LIMITED ULTIMATE ON MAY 5 OF  
23 THIS YEAR, AND NOTICED A VERY HESITATION  
24 DURING THE DRIVE HOME FROM THE DEALERSHIP. I  
25 FIGURED IT WAS THE RESULT OF THE ENGINE  
26 BREAKING IN AND THAT I SHOULD JUST BE PATIENT.  
27 HOWEVER, IT CONTINUED...AND PROGRESSIVELY GOT  
28 WORSE. SPECIFICALLY, IT'S MOST PRONOUNCED  
WHEN I ACCELERATE FROM A DEAD STOP,  
ACCELERATE OUT OF A ROLLING STOP, ACCELERATE  
OUT OF A LEFT TURN, OR TRY TO MAKE A QUICK  
PASSING OR MERGING MANEUVER ON THE FREEWAY.  
IN ALL OF THESE CONDITIONS, THERE IS A 2 TO 3  
SECOND DELAY BEFORE THE TRANSMISSION WILL  
SUDDENLY DOWNSHIFT AND THE VEHICLE WILL  
BLAST OFF. THIS IS REALLY DANGEROUS, BECAUSE  
I'VE HAD NEARLY A DOZEN INSTANCES OF BEING  
NEARLY REAR ENDED BECAUSE THE VEHICLE WON'T  
ACCELERATE QUICKLY ENOUGH. THE BEST WAY TO



1 DESCRIBE IT IS TO SAY THAT IT'S LIKE TRYING TO  
2 ACCELERATE WITH A DIRTY, SEVERELY CLOGGED, 10-  
3 YEAR-OLD ENGINE AIR FILTER, AND THE INTAKE  
4 CAN'T GET ENOUGH AIR INTO THE ENGINE TO  
5 ACCELERATE AS IT SHOULD. I'VE BEEN TO OUR LOCAL  
6 DEALERSHIP SEVERAL TIMES ABOUT THIS ISSUE AND  
7 IN EVERY INSTANCE WE'RE TOLD THAT THERE IS  
8 NOTHING THEY CAN DO UNTIL HYUNDAI RELEASES  
9 AN UPDATE OR A RECALL. BUT IN THE MEANTIME, I  
10 GUESS I'M SUPPOSED TO CONTINUE PLAYING RUSSIAN  
11 ROULETTE WITH MY LIFE. I'M AT NEARLY 9,000 MILES  
12 AND THE HESITATION IS STILL AS PRONOUNCED AS IT  
13 WAS IN THE BEGINNING. I'M TRYING REALLY HARD TO  
14 BE PATIENT AND NOT KEEP COMPLAINING TO OUR  
15 LOCAL SERVICE CENTER...BUT WE'VE HAD QUITE A  
16 FEW CLOSE CALLS, EXTREMELY CLOSE, AND I'M  
17 REALLY HOPING THAT HYUNDAI WILL PLEASE FIX  
18 THIS SOON! IN FACT, I JUST READ AN ARTICLE ABOUT  
19 HYUNDAI REPLACING THE ENGINES IN THE '17 SANTA  
20 FE'S BECAUSE OF A MANUFACTURING ISSUE WITH THE  
21 CRANKSHAFT PIN CAUSING THE EXACT SAME  
22 SYMPTOMS I'VE EXPERIENCED. SO I HOPE THAT I CAN  
23 PLEASE GET MY VEHICLE REPAIRED BEFORE I END UP  
24 IN A TERRIBLE ACCIDENT. THANKS!!

- 18 • NHTSA Complaint: PURCHASED CAR IN JUNE 2017 AND  
19 CURRENTLY HAVE APPROX. 5100 MILES. WHEN GOING  
20 FROM A STANDSTILL STOP OR A SLOW ROLLING  
21 START (EXITING A DRIVEWAY) THE ACCELERATION IS  
22 LACKING. CAR WILL GO HIGH RPMS BUT NO SPEED.  
23 AND WHEN ATTEMPTING TO MERGE ONTO A ROAD  
24 WAY IT HAS BECOME A SAFETY CONCERN AS  
25 APPROACHING CARS FROM THE REAR CLOSE WHAT  
26 WAS A SAFE DISTANCE TO BEING ON TOP OF THE  
27 BUMPER IN NO TIME SINCE I CAN NOT ACCELERATE. 0-  
28 40 CAN TAKE UPWARDS OF 30 SECONDS WITH PEDAL  
DEPRESSED FULL. CAR WAS TAKEN IN FOR SERVICE  
AT DEALER IN DECEMBER 2017 AND WAS  
"CORRECTED". NOW THE PROBLEM HAS BECOME  
WORSE AND CAR WILL PRODUCE PROBLEM MORE

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FREQUENTLY AND IN ANY DRIVING CONDITION TO INCLUDE BEING IN TRAFFIC. THE ONLY WAY I CAN SOMEWHAT CORRECT THE ISSUES (AND FIGURED IT OUT DURING TRIAL AND ERROR) IS TO TURN THE DRIVE MODE TO SPORT AND TURN OFF TRACTION CONTROL. WHEN CAR IS IN ECO THE PROBLEM IS MUCH MORE SERVE AND IN NORMAL IT FREQUENTLY HAPPENS. I DO NOT FEEL I SHOULD HAVE TO ADJUST OR TURN OFF SYSTEMS IN A VEHICLE TO MAKE IT SAFE TO DRIVE NOR SHOULD I HAVE A VEHICLE I CAN NOT DRIVE AT SAFE SPEEDS.

- NHTSA Complaint: THERE IS A RECURRING ISSUE WITH THE TRANSMISSION WHERE IN LOW OR SLOW SPEED SITUATIONS WHEN YOU APPLY POWER THE TRANSMISSIONS STUTTERS OR STUMBLES. IT IS MOST PREVALENT WHEN TURNING IN AN INTERSECTION ACROSS ONCOMING TRAFFIC WHERE YOU NEVER QUITE STOP OR WHEN ROLLING AT STOP SIGN. WHEN YOU APPLY THROTTLE THE CAR SHIFT LOGIC SEEMS CONFUSED AT WHAT GEAR TO GO INTO SO IT JUST SITS THERE OR LURCHES, THEN TO GET GOING YOU HAVE TO APPLY FULL THROTTLE SO IT PICKS THE CORRECT GEAR TO ACCELERATE IN. THE CAUSES A HIGH SPEED REACTION IN THE VEHICLE, WHICH IS NOT SAFE EITHER. THIS VEHICILE HAS THREE DRIVING MODES. THE DEFAULT, NORMAL SETTING. ECON, AND SPORT. SPORT SETTING SEEMS TO CORRECT THIS SAFETY ISSUE, BUT IT HAS TO BE TURNED ON EACH TIME THE CAR IS RESTARTED. SPORT MODE THEN LOCKS OUT OVERDRIVE SO YOU MUST THEN PHYSICALLY RETURN THE CAR TO NORMAL MODE TO GET IT TO RETURN TO 6TH GEAR OR OVERDRIVE. I HAVE BEEN DRIVING MORE THAN 23 YEARS AND HAVE HAD PROBABLY 40 DIFFERENT VEHICLES, THIS TRANSMISSION RENDERS THE VEHICLE NEARLY UNDRIVABLE IN SOME SITUATIONS. IN CERTAIN SCENARIOS WHEN YOU REALLY NEED THE VEHICLE TO ACCELERATE IT MAY NOT AND YOU MAY BE HIT

1 BY ONCOMING TRAFFIC, A TRAIN ETC. THIS HAS BEEN  
2 AN ISSUE SINCE THE CAR WAS DRIVEN OFF THE LOT.

- 3 • NHTSA Complaint: WHILE IN SLOW SPEEDS, THE  
4 TRANSMISSION STRUGGLES TO SELECT THE PROPER  
5 GEAR. CAUSING THE VEHICLE TO ACCELERATE  
6 FASTER TAN NORMAL, SPECIALLY WHILE TURNING  
7 AFTER REDUCING SPEED. YOU HAVE TO CONTROL  
8 THE ACCELERATION USING YOUR DRIVING  
9 EXPERIENCE, HOWEVER THIS IS NOT SAFE AT ALL.  
10 TESTED USING, ECO, NORMAL AND SPORT DRIVING  
11 MODES, THE ONLY TIME I COULDNT REPRODUCE THE  
12 ISSUE WAS WHILE ON SPORT MODE (I WANT TO DRIVE  
13 ON ECO WHILE IN THE CITY) HOPEFULLY HYUNDAI  
14 WILL TACKLE THIS ISSUE.
  
- 15 • NHTSA Complaint: WHEN SLOWING DOWN THEN  
16 ACCELERATING TO A HIGHER SAY (SAY IN STOP AND  
17 GO TRAFFIC) THE TRANSMISSION FREQUENTLY LUGS  
18 AND STRUGGLES TO SELECT A GEAR, RESULTING IN A  
19 SIGNIFICANT ACCELERATION DELAY. THIS POSES A  
20 SAFETY ISSUE AS A DELAY IN ACCELERATION COULD  
21 LEAD TO A COLLISION. THIS HAS BEEN AN ISSUE  
22 SINCE THE CAR WAS NEW.
  
- 23 • NHTSA Complaint: PURCHASED NEW ON APRIL 17TH OF  
24 THIS YEAR. VEHICLE CONTINUALLY HAS A PROBLEM  
25 ACCELERATING FROM LOW SPEED....ROUGHLY  
26 BETWEEN 2 AND 10 MILES AN HOUR. IF YOU SLOW  
27 DOWN BUT DO NOT COME TO A COMPLETE STOP THE  
28 VEHICLE WILL HAVE A LONG PAUSE THEN LURCH  
INTO CORRECT GEAR. RENDERS CAR NEARLY  
UNDRIVEABLE AT LOW "PARKING LOT" TYPE SPEEDS.  
DEALER STATES THAT WITHOUT A CHECK ENGINE  
LIGHT THERE IS NO PROBLEM. CLEARLY THERE IS  
SOME SORT OF PROBLEM AS EVERY COMPLAINT I SEE  
IS REGARDING THIS EXACT SAME ISSUE. HYUNDAI  
NEEDS TO FIX THIS OR I WILL TERMINATE MY LEASE  
AND SEEK REIMBURSEMENT FOR MONEY SPENT ON  
THIS VEHICLE.

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- NHTSA Complaint: I HAVE A 2017 SANTE FE LIMITED ULTIMATE AND WHEN SLOWING DOWN TO BETWEEN 10 TO 15 MPH AND THEN TRYING TO ACCELERATE THE 3.3 LITER MOTOR 6 SPEED TRANSMISSION HESITATES WHEN DOWN SHIFTING FROM 3RD GEAR TO 2ND GEAR. THIS HESITATION LEFT ME IN INTERSECTIONS A FEW SECONDS LONGER THAN I SHOULD HAVE BEEN MAKING THE CARS COMING FROM THE OPPOSITE DIRECTION DANGEROUSLY CLOSE TO ME. I'VE BEEN TO TWO HYUNDAI DEALERSHIPS AND AFTER TEST DRIVING THE CAR WITH ME THE HYUNDAI MECHANICS TOLD ME THIS WAS THE WAY THE CARS WERE DESIGNED AND WITHOUT CODE LIGHTS COMING ON THEY COULD NOT FIX THE CAR. HEARING THIS FROM HYUNDAI MECHANICS WAS NOT CONFIDENCE INSPIRING TO LEARN THAT WITHOUT A CODE LIGHT COMING ON THEY COULD NOT FIND OR FIX A PROBLEM. ALSO AT HIGHWAY SPEEDS IF YOU STEP DOWN ON THE GAS TOO FAR THE CAR WILL DOWN SHIFT TO MUCH AND THE MOTOR WILL REV UP TO 6000 RPMS RESULTING THE CAR NOT ACCELERATING. I HAD A 2011 SANTE FE GLS WITH A 6 CYLINDER MOTOR AND IT SEEMED TO BE MORE RESPONSIVE THE TRANSMISSION FOR THAT YEAR SEEMED BETTER MATCHED FOR THE MOTOR AND WORKED FLAWLESSLY. HOPEFULLY HYUNDAI FINDS A FIX/UPDATE FOR THIS PROBLEM BECAUSE THERE IS A LOT TO LIKE ABOUT THIS CAR.
  
- NHTSA Complaint: TRANSMISSION HESITATES BADLY FOR ABOUT 1-2 SECONDS BEFORE GOING INTO GEAR TO MOVE CAR AFTER COMING TO COMPLETE/ROLLING STOP OR IN SLOW TURNS. TRANSMISSION DOES THIS ONLY INTERMITTENTLY. THIS CAN BE DANGEROUS FOR MERGING INTO TRAFFIC ON HIGHWAY OR STREETS DUE TO FACT THAT CAR WILL NOT RESPOND IMMEDIATELY TO DRIVER ACCELERATION INPUT. THIS IS AN ONGOING

1 PROBLEM SINCE WE BOUGHT THE CAR BRAND NEW 3  
2 WEEKS AGO.

- 3 • NHTSA Complaint: WHEN DEPRESSING THE  
4 ACCELERATOR AT SPEEDS LESS THAN ABOUT 10MPH,  
5 THE VEHICLE HAS A VERY SIGNIFICANT  
6 HESITATION/ENGINE STUMBLE - ABOUT 2 SECONDS  
7 WHEN THE VEHICLE IS COMPLETELY NON-  
8 RESPONSIVE AND BOGS DOWN. HAPPENS EVERY TIME  
9 AT LOW SPEED TURNS, AND IS DANGEROUS WITH  
10 VEHICLES BEHIND. OWNED A 2014 HYUNDAI SANTA  
11 FE SPORT 2.0 TURBO AND NEVER HAD AN ISSUE WITH  
12 IT. I HOPE AND PRAY THEY CAN FIX THIS ISSUE  
13 BECAUSE THIS VEHICLE HAS A LOT TO OFFER BUT  
14 THIS PROBLEM TAKES AWAY FROM ALL OF IT. ALSO  
15 RECEIVED A SURVEY FROM HYUNDAI ENGINEERS  
16 AND IN THE "ENGINE" CATEGORY THE ONLY  
17 COMPLAINT TO PICK FROM WAS "ENGINE STUMBLES"  
18 COINCIDENCE OR ARE THEY WORKING TO RESOLVE  
19 THIS ISSUE?
- 20 • NHTSA Complaint: 2017 SANTA FE SE 3.3L V-6 (3 ROW)  
21 FREQUENTLY HESITATES/STUMBLES BADLY WHEN  
22 GIVEN NORMAL ACCELERATION AT 5-15 MPH. WHEN  
23 SLOWING DOWN OR ROLLING STOP, VEHICLE SEEMS  
24 NOT TO DOWNSHIFT FROM 3RD GEAR TO 2ND GEAR  
25 CORRECTLY. CAR IS UNRESPONSIVE FOR 1-3  
26 SECONDS, THEN THERE IS A DELAY AND LURCHING  
27 FORWARD AS THE CAR FINALLY DOWNSHIFTS AND  
28 ACCELERATES. I HAVE HAD A NUMBER OF  
DANGEROUS CIRCUMSTANCES WHERE THE CAR  
STUMBLED JUST AS I WAS ACCELERATING TO MERGE  
WITH FASTER TRAFFIC. THE SELLING DEALER DROVE  
THE CAR AND COULD NOT FIND A PROBLEM OR AN  
ERROR CODE IN ANY OF THE ONBOARD SYSTEMS.  
PROBLEM OCCURS IN ALL 3 DRIVE MODES. PROBLEM  
BECAME VERY NOTICEABLE AT APPROXIMATELY 200  
MILES. CAR NOW HAS 1300 MILES. PROBLEM HAS NOT  
IMPROVED OR CHANGED SINCE I PURCHASED THE  
CAR NEW IN APRIL, 2016.

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- NHTSA Complaint: TRANSMISSION NOT DOWN SHIFTING WHEN RE THROTTLING OUT OF CORNERS AS IN TURNING AND WHEN TRYING TO CROSS TRAFFIC, YOU SLOW DOWN THAN HIT THE GAS AND IT FEELS LIKE IT'S IN A HIGH GEAR ,YOU SLOWLY CREEPS OUT INTO ON COMING TRAFFIC WAITING FOR THE DOWN SHIFT TO PUT YOU INTO 1 ST GEAR SO YOU WON'T BE KILLED BY ON COMING FLOW, VERY DANGEROUS, VEHICLE ONE WEEK OLD
  
- NHTSA Complaint: BRAND NEW VEHICLE (1600 MILES) HESITATES WHEN I GO FROM A COMPLETE STOP AND START TO ACCELERATE AT LOW SPEEDS. MAINLY NOTICE IT WHEN TAKING A CORNER. IT SEEMS AS IF IT HAS TROUBLE SELECTING THE GEAR AND ONCE IT DOES, IT LURCHES FORWARD. DANGEROUS WHEN PULLING OUT INTO TRAFFIC AS THE HESITATION PUTS YOU IN THE MIDDLE OF THE ROAD JUST A LITTLE TOO LONG FOR COMFORT. ALSO, MY TRACTION CONTROL LIGHT WILL COME ON AROUND CERTAIN CORNERS AND LEAVES ME WITHOUT CONTROL OF THE CAR. ALSO ANOTHER SAFETY ISSUE AS AGAIN THE CAR HESITATES OR LOCKS UP BECAUSE OF THIS FEATURE AND DOESN'T ALLOW ME TO DRIVE FORWARD AS I WISH. IT'S THE MIDDLE OF THE SUMMER WITHOUT ANY RAIN AND DEFINITELY NO SNOW ON THE GROUND (I'D SAY PERFECT ROAD CONDITIONS) SO NO REAL REASON WHY MY TRACTION CONTROL SHOULD BE TURNING ON AROUND CORNERS. VERY CONCERNED ABOUT THIS ISSUE! ALSO, I SHOULD NOTE THAT THESE ISSUES HAVE BEEN HAPPENING LONG BEFORE 1600 MILES. I NOTICED THEM THE FIRST WEEK OR SO THAT I TOOK THE VEHICLE HOME SO DEFINITELY LESS THAN 500 MILES AS I BOUGHT IT NEW. FOR A BRAND NEW, FAIRLY EXPENSIVE VEHICLE I SHOULDN'T HAVE TO FEEL LIKE MY CONFIDENCE IN IT'S BASIC PERFORMANCE IS COMPROMISED.

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- NHTSA Complaint: HE VEHICLE : "CHOKES" OUT AT LOW SPEED OFTEN WHEN TURNING A CORNER OR FROM A SLOW START. I TOOK THE VEHICLE INTO THE DEALER AND THEY RAN DIAGNOSTICS AND DECLARED THEY DETECTED NO PROBLEM. HOWEVER, THE PROBLEM STILL EXISTS AND MAY CAUSE AN ISSUE IF ACCELERATION IS REQUIRED.
- NHTSA Complaint: HESITATES WHEN TAKING OFF. JERKS AT ABOUT 10 MPH AND THEN AGAIN AT ABOUT 20 MPH BUT NOT AS BAD AS AT 10 MPH. HESITATES WHEN GIVEN GAS AFTER JERKING. FEELS AS IF I HAVE GOT TO ABOUT 10 MPH THEN SLAMMED ON MY BREAKS BEFORE IT WILL START TO GO AGAIN. I'M SCARED TO TRY AND PULL OUT INTO BUSY TRAFFIC. I AM WORRIED I WILL GET HIT DUE TO NOT BEING ABLE TO DEPEND THAT IT WILL GO WHEN I'M TRYING TO GO.
- NHTSA Complaint: I AM EXPERIENCE A HESITATION IN THE ACCELERATION FROM EITHER A DEAD STOP OR A ROLLING STOP. WHEN THE ACCELERATOR IS PUSHED, THERE IS A 1-2 SECOND DELAY IN POWER. THE ENGINE APPEARS TO CUT OUT AND THEN IT KICKS IN AND TAKES OFF. THE FIRST HAPPENED WITH 50 MILES ON THE CAR AND HAS HAPPENED OVER TWO DOZEN TIMES OVER THE NEXT 3700 MILES. NOT ONLY IS IT VERY ANNOYING, BUT HAS BEEN DANGEROUS WHEN TRYING TO ENTER A LANE TO GET UP TO SPEED WITH TRAFFIC.
- NHTSA Complaint: SOMETIMES AFTER SLOWING TO MAKE A TURN THE CAR'S ENGINE SEEMS TO "STUMBLE" FOR A SECOND BEFORE ACCELERATION CAN BEGIN. COMES AS A SURPRISE AND BECAUSE OF THE HESITATION CATCHING ME OFF-GUARD I AM PITCHED FORWARD IN MY SEAT. NOTHING CATASTROPHIC, BUT VERY ANNOYING AND COULD BE DANGEROUS TO A DRIVER NOT KNOWLEDGEABLE

1 ABOUT THIS PROBLEM. THIS IS A BRAND NEW CAR  
2 AND I NOTICED THIS PROBLEM AFTER ONLY A DAY  
3 OR TWO OF OWNERSHIP. I SUSPECT THIS IS A  
4 SOFTWARE ISSUE AND CAN BE FIXED WITH A  
5 REFLASH OF THE ECU, BUT THAT'S JUST MY BEST  
6 GUESS. HAVE NOT CONTACTED THE DEALERSHIP  
7 YET, BUT THOUGHT I'D FILE THIS COMPLAINT FIRST  
8 TO SEE IF A RECALL CAN BE ISSUED TO FIX THIS  
9 PROBLEM.

- 10 • NHTSA Complaint: THE CARE HAS LESS THAN 200  
11 MILES ON IT. IT HAS A SERIOUS HESITATION  
12 PROBLEM WHEN SLOWING DOWN AND THEN  
13 ATTEMPTING TO ACCELERATE. THIS HAS CAUSED ME  
14 A COUPLE OF NEAR COLLISIONS WHEN SLOWING  
15 DOWN THROUGH AN INTERSECTION AND THEN  
16 ATTEMPTING TO DRIVE THROUGH. THE CAR WILL  
17 NOT RESPOND IMMEDIATELY TO MAY ATTEMPT TO  
18 ACCELERATE. THERE ARE NUMEROUS OTHER  
19 COMPLAINTS OF THIS MAKE AND MODEL (I HAVE THE  
20 SANTA FE ULTIMATE VERSION).
  
- 21 • NHTSA Complaint: TL\* THE CONTACT OWNS A 2017  
22 HYUNDAI SANTA FE. WHILE ATTEMPTING TO  
23 ACCELERATE, THE VEHICLE STALLED WITHOUT  
24 WARNING. THE CONTACT STATED THAT THE FAILURE  
25 OCCURRED EVERY TIME THE VEHICLE WAS DRIVEN.  
26 THE VEHICLE WAS TAKEN TO THE DEALER WHERE  
27 THE FAILURE WAS ACKNOWLEDGED, BUT THERE  
28 WAS NO REMEDY. THE MANUFACTURER WAS  
NOTIFIED OF THE FAILURE. THE APPROXIMATE  
FAILURE MILEAGE WAS 3,000.
  
- NHTSA Complaint: WHEN ACCELERATING AFTER  
SLOWING DOWN TO EITHER MAKE A LEFT OR RIGHT  
TURN CAR LOSES POWER TO THE ENGINE. IT APPEARS  
THAT THE CAR IS HESITATING TO ACCELERATE AND  
CAN BE VERY DANGEROUS WHEN ENTERING THE  
HIGHWAY. THIS CAN BE VERY FATAL ESPECIALLY  
FOR DRIVERS UNAWARE OF THIS ISSUE. IF IT



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PRESENTS ITSELF AT THE WRONG TIME CAN LEAD TO A VERY SERIOUS ACCIDENTS WITH POTENTIAL FATALITIES. THIS HAS HAPPENED SINCE THE CAR WAS PURCHASED IN MAY 2016 CURRENTLY CAR HAS OVER 1600 MILES (3 MONTHS OWNED). POTENTIAL RE-FLASHING OF AUTOMOTIVE COMPUTER IS REQUIRED. COULD BE PART OF THE TRACTION CONTROL SYSTEM AND THE CARS ROLL OVER SENSORS WHICH CAN BE CONTRIBUTING. HYUNDAI HAS TO RESEARCH THIS BEFORE SOMEONE GETS INJURED.

- NHTSA Complaint: ON LOW SPEED TURNS (BELOW 20 MPH) THE ENGINE AND TRANSMISSION EXHIBIT A LOSS OF POWER. THIS JEOPARDIZES MY FAMILY'S SAFETY WHEN TURNING IN TRAFFIC. I HAVE OPENED A CASE WITH HYUNDAI AMERICA (#9484960) WHO LEFT ME A VOICEMAIL (STILL HAVE IT) STATING THERE IS A SOFTWARE UPDATE TO ADDRESS THE ISSUE I DESCRIBED. I HAD UPDATE #16-01-032 APPLIED ON 08/15/2016. HOWEVER, THE ISSUE IS TILL PRESENT. I ALSO JUST DISCOVERED THAT WHEN TOWING A TRAILER THE RIGHT TURN SIGNAL DOES NOT WORK. THIS IS ANOTHER SAFETY ISSUE. ADDITIONALLY THE LIGHTS OF THE TRAILER CONSTANTLY RUN EVEN WHEN THE POWER IS COMPLETELY OFF. LASTLY THE HARNESS WHERE THE TRAILERS ELECTRICAL PLUGS INTO ON THE VEHICLE, POPS OUT OF PLACE WHEN PLUGGING IT IN. IN TURN CAUSING ME TO RESEAT THE VEHICLES HARNESS EACH TIME. I WANT OUT OF THIS VEHICLE BUT THEY WILL NOT OFFER ME A BUY BACK. I PLAN TO CONTACT A LEMON LAW ATTORNEY AS I AM UNABLE TO RECEIVE HELP OTHERWISE.
- NHTSA Complaint: THE TRANSSMISION FAILS TO SHIFT DOWN UPON COMING TO A ROLLING STOP, SUCH AS WHEN COMING TO A STOP AT A RED LIGHT, THEN THE LIGHT GOES GREEN AND YOU ACCELERATE, OR TURNING IN AN INTERSECTION AFTER COMING TO A NEAR STOP, OR AFTER TRAFFIC SLOWS AND YOU COME TO A NEAR STOP BEHIND A CAR, THEN TRAFFIC

1 BEGINS TO MOVE AND YOU ACCELERATE OUT OF THE  
2 SLOW DOWN. UPON ACCELERATION, THE CAR  
3 INITIALLY DOES NOT RESPOND, THEN IMMEDIATELY  
4 FOLLOWING THE HESITATION, LURCHES FORWARD  
5 AS THE TRANSMISSION FINALLY SHIFTS TO A LOWER  
6 GEAR. THIS USUALLY OCCURS AT SPEEDS UNDER  
7 10MPH. THE SITUATION IS DANGEROUS AS THE  
8 HESITATION IS NOT ONLY ABRUPT, BUT LEAVES YOU  
9 HANGING PRECARIOUSLY, MOMENTARILY DEAD IN  
10 THE WATER WHEN ACCELERATION IS NEEDED IN  
11 TRAFFIC. THIS PROBLEM HAS BEEN REPORTED TO  
12 THE MANUFACTURER. THE MANUFACTURER FEELS IT  
13 IS A SOFTWARE GLITCH. THE FREQUENCY OF THE  
14 PROBLEM IS INCREASING, AND MAY EVENTUALLY  
15 LEAD TO AN ACCIDENT. THE VEHICLE PERFORMS  
16 WELL OTHERWISE.

- 13 • NHTSA Complaint: HESITATION WHEN TURNING AND  
14 ACCELERATING FROM A STOP, AS YOU DO WHEN  
15 PULLING OUT INTO TRAFFIC. CAR NEARLY COMES TO  
16 A STOP. NEARLY HAD AN ACCIDENT AND I HAVE LESS  
17 THAN 1000 MILES ON ODOMETER. DOES THIS  
18 INTERMITTENTLY AND IS BAR TO RECREATE AT  
19 WILL. HAPPENS MOSTLY IN NORMAL MODE. NEED A  
20 RECALL AND FIX!!
  
- 21 • NHTSA Complaint: I HAVE A 2017 HYUNDAI SANTA FE  
22 LIMITED ULTIMATE AND LIKE MANY PEOPLE ACROSS  
23 THE USA THE CAR HAS HESITATION WHEN TRYING TO  
24 ACCELERATE AT SPEEDS BELOW 20 MPH. I HAD THE  
25 RECALL / REFLASH OF THE COMPUTER DONE ON  
26 08/10/16 AND THE HESITATION IN TURNS IS A LITTLE  
27 LESS ABRUPT BUT STILL PRESENT AND  
28 INTERMITTENT. I NEVER HAD HESITATION WHEN 4TH  
GEAR DOWN SHIFTED TO 3RD GEAR GOING STRAIGHT  
BUT I NOW HAVE IT ALONG WITH HESITATION WHEN  
THE CAR DOWN SHIFTS FROM 3RD TO 2ND. I'VE  
CALLED HYUNDAI CUSTOMER SERVICE AND ASKED  
FOR A BUY BACK AND THEY TOLD ME CHRIS FROM  
REGIONAL WILL CALL ME BACK IN 3 TO 5 BUSINESS

1 DAYS I'VE CALLED CUSTOMER SERVICE TWICE AND  
2 ASKED FOR AN UPDATE ON MY CASE ( CASE NUMBER  
3 9309476) AND THEY JUST KEEP TELLING ME  
4 REGIONAL WILL CALL ME THAT WAS TWO WEEKS  
5 AGO. I HAVE NEVER ASKED FOR A BUY BACK ON ANY  
6 CAR AND I HAVE BEEN VERY PATIENT AS MANY  
7 PEOPLE HAVE BEEN ACROSS THE COUNTRY BUT AT  
8 THIS POINT I FEEL I AM GOING TO HAVE TO CONTACT  
9 A LAWYER THAT HANDLES LEMON LAWS TO GET  
10 ANY RESULTS. IN ADDITION HYUNDAI HAS NEVER  
11 ADDRESSED THE LACK OF AUDIBLE WARNING IN THE  
12 FRONT PASSENGER SEAT WHEN THE OCCUPANT DOES  
13 NOT FASTEN THEIR SAFETY BELT . GOOD LUCK TO  
14 ALL WITH SAME ISSUE.

- 11 • NHTSA Complaint: WHEN ACCELERATING FROM A STOP  
12 AND ENTERING TRAFFIC, WHEN YOU PRESS ON  
13 ACCELERATOR THE TRANSMISSION DIS ENGAGES  
14 AND LEAVES YOU IN THE MIDDLE OF THE  
15 INTERSECTION WITH NO POWER AND PUTTING YOU  
16 IN DANGER OF BEING HIT. ONCE TRANSMISSION  
17 KICKS BACK IN, THE ENGINE REVS AND VEHICLE  
18 JOLTS. THIS IS VERY DANGEROUS AND WILL GET  
19 SOMEONE KILLED. HYUNDAI HAS TO ADDRESS THIS  
20 ISSUE.
- 21 • NHTSA Complaint: WHEN ACCELERATING AT LOW  
22 SPEEDS, THE VEHICLE DOES NOT SHIFT PROPERLY  
23 AND POSES DANGER. TOOK IT TO A DEALER AND  
24 CONFIRMED THAT THE VEHICLE DOES NOT SHIFT  
25 PROPERLY. SINCE IT DOES NOT THROW CHECK  
26 ENGINE LIGHT, DEALER SPECIFIED THAT THEY ARE  
27 NOT SUPPOSED TO FIX IT WITHOUT ANY CODE. THIS  
28 LOOKS REALLY DANGER.
- NHTSA Complaint: I BOUGHT A 2017 HYUNDAI SANTE  
FE TORBO ULTIMATE AND FOUND ON  
EXCELLERATION THERE WAS A BAD HESITATION. I  
WAS ALMOST KILLED WHEN GOING ON TO THE  
HIGHWAY, A TRACTOR TRAILER WAS FAR ENOUGHT

1 AWAY FROM ME TO PULL OUT, BUT UPON STEPPING  
2 ON THE GAS THE CAR HESITATED SO BAD IT ALMOST  
3 STALLED, THEN THE TACH SHOT TO 6000 RPM'S AND  
4 IT TOOK OFF. THANK GOD I COULD PULL OVER OR I  
5 WOULD HAVE BEEN KILLED.

- 6 • NHTSA Complaint: SANTA FE WILL STALL FROM A  
7 STOP WHEN MAKING A TURN ALSO WILL STALL AT A  
8 SLOW SPEED WHEN YOU TRY TO GIVE IT GAS THE  
9 DATE I PUT ON THIS FORM IS THE LAST TIME IT  
10 HAPPENED. THIS PROBLEM HAS HAPPENED BEFORE.

- 11 • NHTSA Complaint: VEHICLE HESITATES WHEN  
12 PULLING OUT IN TRAFFIC FROM A TURN OR STOP  
13 LIKE IT'S NOT IN GEAR MOMENTARILY. VERY  
14 DANGEROUS, PLEASE FIX BEFORE SOMEONE IS  
15 KILLED. ALSO I HAVE ONLY 2100 MILES ON THE CAR  
16 AND I NOTICED THE PAINT HAS CHIPS ALL OVER THE  
17 HOOD, FRONT BUMPER, QUARTER PANELS. I DON'T  
18 KNOW IF HYUNDAI IS USING VERY CHEAP CLEAR  
19 COAT OR IF IT'S JUST TOO THIN, BUT AT THIS RATE  
20 THE PAINT WILL BE GONE IN A YEARS TIME. I OWN A  
21 2011 SORENTO (BOUGHT NEW) THAT HAS LESS CHIPS  
22 ON IT. COME ON HYUNDAI FIX THESE ISSUES OR GET  
23 YOUR CARS OUT OF THE USA. ALL BRANDS HAVE  
24 ISSUES BUT IT'S HOW YOU RESOLVE THEM THAT  
25 MATTERS.

- 26 • NHTSA Complaint: I HAVE HAD THE CAR 2.5 MONTHS  
27 AND AT LEAST ONCE A DAY THERE IS A MAJOR  
28 DELAY WHEN ACCELERATING FROM A STOP OR  
ROLLING STOP. THE CAR JERKS, AND DOES NOT  
ACCELERATE FOR A FEW SECONDS. THIS IS VERY  
DANGEROUS WHEN TURNING, GETTING ONTO THE  
FREEWAY, CHANGING LANES, ETC. I CAN NOT  
AFFORD TO HAVE MY CAR NOT ACCELERATE WHEN I  
PUSH ON THE GAS!! HOW IS THIS GOING TO BE FIXED?  
I SEE THERE HAVE BEEN COMPLAINTS ON THIS FOR  
MONTHS!

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- NHTSA Complaint: I HAVE BEEN EXPERIENCING INTERMITTENT HESITATION WITH ACCELERATION (ESPECIALLY WHEN RESUMING SPEED AFTER SLOWING DOWN). I HAVE TAKEN CAR BACK TO DEALERSHIP 3 TIMES. THEY PERFORMED A COMPUTER UPDATE TO "RELEARN MY DRIVING STYLE" AND THEN THEY REPLACED THE TRANSMISSION. NOTHING HAS HELPED. I HAD THE TECH TEST-DRIVE WITH ME. HE FELT THERE WAS A SHIFT-LAG FROM 3-2, BUT SAID IT WAS NORMAL. I'M TOLD NOTHING ELSE CAN BE DONE UNTIL A RECALL IS ISSUED. I'VE HAD MY CAR 2 MONTHS (4000 MILES) AND IT HAS NEVER DRIVEN RIGHT SINCE I BROUGHT IT HOME. \*TR
- NHTSA Complaint: THE 2017 HYUNDAI SANTA FE LIMITED WILL BOG DOWN WHEN STARTING FROM A STOPPED OR LOW SPEED WHILE TRYING TO MERGE INTO TRAFFIC OR TURNING. THERE IS A SIGNIFICANT HESITATION - ALMOST TO THE POINT OF STOPPING WHILE MERGING - VERY SIGNIFICANT SAFETY ISSUE. BEEN AN ONGOING PROBLEM SINCE BOUGHT 5/31/16
- NHTSA Complaint: INTERMITTENTLY SINCE PURCHASING THE VEHICLE ON 3/28/16, WHEN ACCELERATING FROM A STOP (EG. MERGING INTO TRAFFIC), USUALLY TURNING TO THE RIGHT OR LEFT, THE VEHICLE HESITATES FOR WHAT SEEMS TO BE MORE THAT A COUPLE OF SECONDS. THE HESITATION IS ENOUGH TO CAUSE PANIC THAT ONCOMING TRAFFIC WILL HAVE TO STOP ABRUPTLY TO AVOID A COLLISION. ON ONE OCCASION, THE VEHICLE WAS PULLED OFF THE SIDE OF THE ROAD TO GET OUT OF THE WAY OF TRAFFIC BECAUSE IT WOULD NOT ACCELERATE FAST ENOUGH. THE CONDITION IS VERY WORRISOME BECAUSE YOU NEVER KNOW WHEN IT WILL OCCUR, WE CAN'T SEEM TO MAKE IT HAPPEN ON COMMAND. THE 3.3L V6 IS VEY PEPPY WHEN EVERYTHING IS WORKING RIGHT, BUT YOU LOSE CONFIDENCE IN IT WHEN THESE HESITATION EVENTS

1 OCCUR. ADDITIONALLY, WE HAVE NOTICED THAT  
2 THE VEHICLE HAS A HARD TIME SELECTING A GEAR  
3 WHEN DOWNSHIFTING WHILE MOVING AT AROUND  
4 30-40 MPH. WHAT HAPPENS IS THE TRANSMISSION  
5 SEEMS TO STAY IN A "FLOAT" CONDITION FOR AN  
6 EXTENDED PERIOD OF TIME AND FINALLY WILL  
7 SELECT THE GEAR AND ACCELERATE. DON'T KNOW IF  
8 THE TWO CONDITIONS ARE RELATED, BUT BOTH ARE  
9 SCARY WHEN ACCELERATION DOESN'T HAPPEN  
10 WHEN YOU PRESS THE ACCELERATOR PEDAL. THE  
11 DATE OF WHEN THIS HAPPENED IS FOR THE MOST  
12 RECENT.

- 13 • NHTSA Complaint: WHEN DOING A LOW SPEED  
14 TURN,AND DRIVE MODE SWITCH IS IN ECO  
15 MODE,WAY TOO MUCH LAG TIME BEFORE VEHICLE  
16 ACCELERATES.YOU PUSH ACCELERATOR PEDAL  
17 DOWN ,NORMALLY,AND VEHICLE DOES NOT SPEED  
18 UP ,INSTANTLY.SOMETIMES,IT IS A FULL SECOND  
19 BEFORE VEHICLE STARTS TO GAIN SPEED.THAT IS  
20 DANGEROUS WHEN VEHICLES ARE APPROACHING  
21 YOU.I HAVE HAD THE VEHICLE ONLY THREE  
22 WEEKS,AND THIS CAN BE EXTREMELY DANGEROUS.I  
23 TRADED IN A LIKE MODEL VEHICLE,WHICH WAS A  
24 2013 YEAR,AND IT DID NOT HAVE THAT ISSUE IN ECO  
25 MODE.THIS ISSUE MUST BE FIXED.
- 26 • NHTSA Complaint: WHEN ACCELERATING THE CAR  
27 BOGS DOWN. IT HAPPENS RANDOMLY. DANGEROUS IF  
28 YOU ARE MAKING A LEFT HAND TURN WITH  
ONCOMING TRAFFIC. YOU CAN GET STUCK IN THE  
INTERSECTION.
- NHTSA Complaint: ENGINE STALLING AT SLOW  
SPEEDS. FURTHER, AT SLOW SPEEDS, THERE IS A  
SIGNIFICANT DELAY OF SEVERAL SECONDS FOR  
POWER DELIVERY. FOR EXAMPLE, IF DRIVING  
SLOWLY, SAY AT 5 MPH, AND POWER IS NEEDED  
IMMEDIATELY (SUCH AS IN AN EMERGENCY OR A  
LANE CHANGE SITUATION), NOTHING HAPPENS FOR

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OVER 3 SECONDS WHEN THE ACCELERATOR PEDAL IS DEPRESSED, FOLLOWED BY A DANGEROUS LURCH WHEN POWER IS DELIVERED SUDDENLY. THIS IS A HIGHLY DANGEROUS AND UNACCEPTABLE CONDITION. I SPOKE TO THE DEALER, WHO DISMISSED MY COMPLAINT AND CLAIMED THAT "ALL CARS ARE THE SAME THESE DAYS". THIS IS A REGULAR PROBLEM THAT OCCURS MULTIPLE TIMES EVERY DAY.

- NHTSA Complaint: MY BRAND NEW 2017 SANTA FE LIMITED HESITATES BADLY WHEN COMING OUT OF TURNS AND ATTEMPTING TO ACCELERATE...JUST SHORT OF COMING TO A STOP. IT IS VERY PRONOUNCED WHEN IN ECO MODE, BUT IS AN ISSUE TO A LESSER DEGREE IN THE OTHER TWO DRIVING MODES. DOES ANYONE ELSE HAVE THIS ISSUE? (I HAVE AN APPOINTMENT SOON TO GET IT LOOKED AT, BUT WAS TOLD THAT THERE IS NO ADJUSTMENT THAT THEY CAN DO.) IT IS UNACCEPTABLE AND I'M LOOKING TO HEAR IF THIS IS A COMMON. THE OWNERS MANUAL STATES THAT PERFORMANCE IN ECO MODE IS LESS. BUT THIS IS VERY ANNOYING AND BORDERS BEING DANGEROUS.
- NHTSA Complaint: 2017 STA FE 7 SEATER:WHEN GOING TO A SLOW SPEED TO ALMOST COMPLETE STOP THEN TRY TO TURN RIGHT FROM THE INTERSECTION,THE SUV CAN'T FIND THE RIGHT GEAR FOR FEW SECONDS THEN LOUNGES ABRUPTLY THAT JOLT YOUR BODY FORWARD AND BACK FROM YOUR SEAT.IT SHIFT BEAUTIFULLY WHEN TURNING TO THE LEFT OR FROM STRAIGHT LINE.IT FEELS VERY WEIRD AND DANGEROUS THAT YOU MIGHT HIT THE CAR IN FRONT OF YOU OR YOU MIGHT BE HIT FROM BEHIND.I HOPE THAT YOUR GOOD OFFICE WILL INVESTIGATE THIS PROBLEM BEFORE ANY ACCIDENT HAPPENS.IT MAKES ME NERVOUS EVERY TIME I MAKE A RIGHT TURN.

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- NHTSA Complaint: CAR HESITATES TO ACCELERATE FROM A COMPLETE STOP, ACCELERATING WHILE COMING OUT OF TURN, OR SLOWING DOWN AND ACCELERATING AGAIN. ALSO SEEMS TO BE USING A LOT OF GAS. HAVEN'T CALCULATED IT YET BUT CAN SEE THE FUEL GAUGE LOWER AS I'M DRIVING. CAR ONLY HAS 17000 MILES.
- NHTSA Complaint: HIT POT HOLE AFTER STOP AND STABILITY CONTROL STOPS POWER TO TRANSMISSION...5-8 SECONDS OF NO ACCELARATION HAS CAUSED SAFETY ISSUE WHEN MERGING INTO TRAFFIC. APPEARS TO BE A VERY COMMON PROBLEM ON USER BASED FORUMS.
- NHTSA Complaint: WHEN MAKING A RIGHT, LEFT, OR U TURN THE POWER COMPLETELY CUTS OUT AND THE CAR IS LEFT DRIFTING WITHOUT POWER. THEIR IS NO RESPONSE TO PUSHING ON THE GAS PEDDLE WHEN THIS HAPPENS. AT THE SAME TIME ON THE DASH THE ORANGE TRACTION CONTROL LIGHT COMES ON. THIS LAST FOR A NUMBER OF SECONDS AND THEN THE ENGINE STARTS TO ONCE AGAIN RESPOND TO THE GAS PEDDLE. THIS PROBLEM HAS HAPPENED TO ME AND MY WIFE 12 TIMES SINCE WE PURCHASED THE CAR 3-1/2 MONTHS AGO. THE PROBLEM HAS OCCURRED IN ALL WEATHER CONDITIONS FROM A STANDING START AND A ROLLING YIELD OR U TURN. THE PROBLEM HAS ALWAYS OCCURRED ON A PAVED PUBLIC, CITY/COUNTY, STREET I HAVE HAD THE CAR TO TWO DIFFERENT DEALERS, ONE SEVERAL TIMES, AND BOTH TELL ME THAT THEIR ARE "NO CODES SHOWING" SO THAT THEIR IS NOTHING THAT THEY CAN DO. YOU HAVE TO EXPERIENCE THE FRIGHT OF LOOSING POWER WHILE YOU'RE IN THE PROCESS OF A RIGHT OR LEFT HAND TURN WITH TRAFFIC COMING AT YOU FROM ONE OR BOTH SIDES TO APPRECIATE HOW TRULY DANGEROUS THIS CAR IS. THIS IS OUR 4TH OR 5TH SANTA FE, UP TO NOW ALL OF THEM



1 HAVE BEEN GREAT BUT I AM AFRAID TO DRIVE THIS  
2 NEW CAR WE HAVE NOW.

- 3 • NHTSA Complaint: SOMETIMES, WHEN I PRESS THE  
4 GAS TO ACCELERATE, MY CAR DOES NOT GO. IT WILL  
5 MOVE FORWARD AT A SLOW PACE BUT THEN  
6 DOESN'T GO AS FAST AS I'M PRESSING THE GAS  
7 PEDAL, EVEN THOUGH MY RPMS ARE INCREASING.  
8 THIS HAS ALMOST CAUSED AN ACCIDENT BECAUSE  
9 THE CAR DOES NOT PERFORM AS IT SHOULD.  
10 HAPPENED TODAY FOR PROBABLY THE 10TH TIME  
11 SINCE I'VE HAD THE CAR, LESS THAN A MONTH.  
12 PULLING OUT OF A PARKING LOT ONTO THE STREET,  
13 MY CAR MOVE'S FORWARD VERY SLOWLY THEN  
14 WHEN I GO TO INCREASE MY SPEED THE CAR  
15 DOESN'T GO FASTER.

- 16 • NHTSA Complaint: 2017 SANTA FE ULTIMATE 2.0T. CAR  
17 DOES NOT ACCELERATE AND LAGS. HAPPENS AT A  
18 LOWER SPEED AND FROM A STOP. VERY SCARY  
19 WHEN MAKING A LEFT TURN AND ENTERING  
20 FREEWAY. DEPRESSING ACCELERATOR AND NOTHING  
21 HAPPENS FOR A SECOND OR MORE, THEN ALL OF A  
22 SUDDEN IT TAKES OFF. AT LOW SPEED IN PARKING  
23 LOT DEPRESS ACCELERATOR LIGHTLY AND CAR  
24 TAKES OFF. WHEN ACCELERATING FROM A STOP CAR  
25 WILL ACCELERATE QUICKLY WHILE DEPRESSING  
26 PEDAL GENTLY. DOES NOT HAPPEN EVERY TIME BUT  
27 IS FREQUENT ENOUGH TO BE CONCERNED. HAS  
28 HAPPENED SINCE NEW.

- NHTSA Complaint: THE VEHICLE FAILS TO  
ACCELERATE PAST THE INITIAL PRESS OF THE  
ACCELERATOR FROM A STOP LEAVING YOU  
COMMITTED IN TRAFFIC WITHOUT POWER FOR  
AROUND 2 SECONDS. STEPPING ON THE  
ACCELERATOR FAILS TO PRODUCE ANY POWER. JUST  
HAD THE VEHICLE LOOKED AT BY HYUNDAI WHO  
SAID THEY CAN FIND NOTHING WRONG. HYUNDAI  
ALSO SAID THERE ARE NO BULLETINS OR RECALLS. A

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SEARCH ON THE INTERNET SHOWS AN ALARMING AMOUNT OF CHATTER FROM OTHER OWNERS WITH THE SAME ISSUE. THERE IS UNDER 6000 MILES ON THE VEHICLE AND THIS HAS HAPPENED NUMEROUS TIMES, INTERMITTENTLY.

- NHTSA Complaint: MY WIFE AND I HAVE HAD THE SAME INTERMITTENT PROBLEM SINCE ACQUIRING OUR 2017 SANTA FE BRAND NEW IN THE LATE SPRING OF 2016. WHEN TURNING FROM A STOP OR MAKING A VERY LOW SPEED TURN, AND THEN STARTING TO ACCELERATE, THE VEHICLE WILL STALL AND HESITATE, NOT MOVING OR "CATCHING" FOR 1-2 SECONDS. THIS HAS HAPPENED TO US APPROXIMATELY 6-8 TIMES. AND I'VE NEARLY BEEN REAR-ENDED ON SEVERAL OF THOSE OCCASIONS BECAUSE I WAS STALLED IN FRONT OF TRAFFIC BEHIND ME, ALSO TRYING TO MAKE THE TURN . ONCE I BARELY CLEARED THE INTERSECTION AT A LIGHT WHEN TURNING LEFT, HAVING THE SANTA FE STALL IN THE FACE OF ONCOMING TRAFFIC. I WAS NEARLY BROADSIDED BY SWIFT MOVING, ONCOMING TRAFFIC. SOMEONE IS GOING TO BE KILLED IF THIS PROBLEM IS NOT FULLY ADDRESSED AS SOON AS POSSIBLE. THE PUBLIC NEEDS PROTECTION AND A REMEDY. I CAN'T IMAGINE HYUNDAI IS UNAWARE OF THIS PROBLEM. I DID A QUICK GOOGLE SEARCH ON THE TOPIC, AND FOUND MANY, MANY POSTINGS REGARDING THIS EXACT SAME SET OF CIRCUMSTANCES. THERE WERE HYUNDAI MESSAGE BOARD COMPLAINTS, NHTSA COMPLAINTS, "LEMON" LAW FIRMS WHOA ARE ADVERTISING, SEEKING POTENTIAL 2017 SANTA FE OWNING CLIENTS, CITING THIS EXACT SET OF FACTS. IT'S DIFFICULT TO CONFIRM EXACT DATES, AS THIS HAS OCCURRED MULTIPLE TIMES. THE MOST RECENT TIME IT HAPPENED WAS IN EARLY MAY 2017, AT AN INTERSECTION LESS THAN A MILE FROM OUR HOME, MAKING A LEFT TURN FROM A STOP, WITH TRAFFIC LINED UP BEHIND US.

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- NHTSA Complaint: HESITATION WHEN ENTERING TRAFFIC--HAIR RAISING EXPERIENCE--THERE IS A 3 TO 4 SECOND STOP IN THE IN THE DRIVE TRAIN--THE CONTROL OF THE VEHICLE IS GONE-LEAVING ONE IN A PANIC MODE--ALSO FEATHERING THE THROTTLE AT TIMES THERE IS NO RESPONSE--TOOK SUV TO DEALER--THEY HOOKED UP A MONITOR AND WITH THE SERVICE MANAGER ON BOARD--- THE VEHICLE DID NOT RESPOND WHEN ACCELERATING--I AM TOLD DUE TO THE INFORMATION SENT BACK THROUGH MONITORING TO THE FACTORY THAT THE DEALERSHIP COULD NOT ASK FOR A BUY BACK--MY QUESTION IS HOW CAN A CO KEEP MAKING AND SELLING A UNIT THAT IS DEFECTIVE ?--THERE ARE HUNDREDS IF NOT MORE SIMILAR CASES ON LINE WITH THE SAME PROBLEMS--I WILL NOT DRIVE THIS VEHICLE ON ROAD--LIFE THREATENING--IF THE DEALERSHIP OR CO. DOES NOT AGREE TO BUY BACK I WILL BE FORCED TO TAKE FURTHER ACTION--STAND BY--CLASS ACTION MAY BE ON ITS WAY!!!MY CASE IS PENDING--AWAITING A RESPONSE BY EITHER DEALERSHIP OR CO.HOPE SOME ONE IS FAR MINDED AS TO THIS CONTINUING PROBLEM--AFTER ALL THIS IS THE U.S.A
  
- NHTSA Complaint: HAVE OWNED VEHICLE SINCE 12/16. APPROX 6 TIMES THERE HAS BEEN AN ACCELERATION PROBLEM WHEN CHANGING LANES OR TURNING. HAVE PUSHED THE GAS AND NOTHING HAPPENED - ENGINE DOES NOT REV OR RESPOND IN ANY WAY TO THE PRESSING OF THE GAS PEDAL. ITS LIKE THE CAR IS IN NEUTRAL AND THEN IT WILL JUST ALL OF A SUDDEN RE-ENGAGE. NO WARNING LIGHTS; NO INDICATION WHEN IT WILL HAPPEN. FILED COMPLAINT WITH HYUNDAI BUT THEY ARE UNABLE TO RECREATE THE PROBLEM AND/OR WILL NOT ASSIST UNTIL THEY CAN. DEALER HAD CAR FOR TWO WEEKS AND COULD NOT RECREATE SO HYUNDAI

1 CLOSED OUR COMPLAINT. THE DATE ENTERED  
2 BELOW IS THE LAST TIME IT HAPPENED.

- 3 • NHTSA Complaint: SEVERE HESITATION WHEN TRYING  
4 TO ACCELERATE FROM A STOP. OCCURS  
5 INTERMITTENTLY AND HAPPENS WHEN TURNING  
6 RIGHT OR LEFT. MORE LIKELY TO HAPPEN IF ROAD  
7 SURFACE IS ROUGH THAT VEHICLE IS TURNING  
8 ONTO. THE VEHICLE WILL BEGIN TO ACCELERATE  
9 AND THEN LOSE ACCELERATION. ALTHOUGH  
10 PRESSING THE ACCELERATOR THE CAR DOES NOT  
11 SPEED UP EVEN THOUGH THE ENGINE REVS UP.  
12 AFTER ABOUT 3 OR 4 SECONDS THE VEHICLE THEN  
13 RESPONDS AND BEGINS TO ACCELERATE. THIS  
14 SITUATION DOES NOT OCCUR ALL THE TIME. IT MAY  
15 OCCUR 3 OR 4 TIMES IN A WEEK. THIS IS A SAFETY  
16 CONCERN BECAUSE I HAVE ALMOST BEEN HIT FROM  
17 BEHIND AS A RESULT OF THE VEHICLE NOT  
18 ACCELERATING.
- 19 • NHTSA Complaint: AT STOP WHEN TURNING RIGHT  
20 ARE LEFT AND ACCELERATING THE TRANSMISSION  
21 FAILS TO RESPOND AD THE CAR STALLS THEN WILL  
22 GO. IF SLOW TO SLOW SPEED AND ACCELERATED THE  
23 CAR WILL STALL BEFORE SHIFTING DOWN. THIS  
24 PROBLEM IS A SAFETY HAZARD. TOOK IT TO  
25 HYUANDI DEALER AT 3000 MILES WAS TOLD IT WAS  
26 NORMAL.
- 27 • NHTSA Complaint: MULTIPLE TIMES WHILE  
28 ATTEMPTING TO ACCELERATE THE RPMS WILL GO UP  
AND THE CAR DOES NOT MOVE. WHEN IT FINALLY  
GOES THE CAR WILL JERK AND THE RPMS FALL.  
THERE SEEMS TO BE A LOSS OF POWER WHEN THIS  
HAPPENS. ALSO SEEMS TO HAPPEN WHEN MAKING  
LEFT HAND TURNS ACROSS TRAFFIC, WHICH CAN  
BECOME DANGEROUS WITH ONCOMING CARS. THIS  
HAPPENS WHEN ATTEMPTING TO ACCELERATE.

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- NHTSA Complaint: HAD THIS SANTA FE FOR A LITTLE OVER A YEAR. I HAVE NOTICED SEVERAL INSTANCES OF NOT BEING ABLE TO ACCELERATE, OR GAIN SPEED, ESPECIALLY WHEN TURNING OR STARTING FROM A STOPPED POSITION, IT HESITATES TO START TO THE POINT OF ALMOST BEING HIT SEVERAL TIMES. I HAVE TAKEN IT TO DEALER MANY TIMES, AND THEY KEEP TELLING ME ITS THE WAY I AM DRIVING IT THAT THE ENGINE IS LIKE A STANDARD VEHICLE, BUT THAT DOESNT SEEM SAFE TO ME IF I AM TRYING TO START DRIVING AND IT WONT GO. WHEN IT DOES FINALLY DECIDE TO GO, IT TAKES OFF WAY TOO FAST AND IS LIKE, IT FINALLY DECIDES TO SHIFT INTO GEAR. ALSO WHILE IN PARK, ENGINE REVS TO 2500RPM FOR NO REASON OR IDOLS AT THAT RPM. IT FEELS LIKE THE ENGINE IS PULLING THE CAR FORWARD EVEN WHEN IT IS IN PARK I HAVE BEEN GIVEN THE RUN AROUND SO MANY TIMES, I AM TIRED OF IT. I'M NOT HAPPY TO SEE OTHERS HAVE THIS ISSUE, BUT I AM ALSO GLAD THAT OTHERS ARE EXPERIENCING THE SAME PROBLEMS.
  
- NHTSA Complaint: THE CAR APPEARS TO HESITATE UPON ACCELERATION FROM A LOW SPEED, MOST NOTICEABLY COMING OUT OF TURNS. THE HESITATION IS RANDOM AND JERKS THE CAR FORWARD AND BACK. I TOOK IN FOR SERVICE AND THEY SAY NO FIX IS AVAILABLE. DEALER SAID IT WAS NOT A SAFETY ISSUE BUT A SATISFACTION ISSUE. THAT IS A FALSE STATEMENT, AS IT IS INDEED A HUGE SAFETY ISSUE. OTHERS HAVE INDICATED A SIMILAR PROBLEM AS WELL IN THE SANTA FE ONLINE FORUMS  
([HTTP://WWW.SANTAFEFORUMS.COM/ACCELERATION-ISSUES-T10953.HTML?S=8588CA5231ADDA19BDA5C53064AE9CC8&T=10953](http://www.santafeforums.com/acceleration-issues-t10953.html?s=8588ca5231adda19bda5c53064ae9cc8&t=10953))
  
- NHTSA Complaint: WHEN DEPRESSING THE ACCELERATOR AT SPEEDS LESS THAN ABOUT 10MPH,

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THE VEHICLE HAS A VERY SIGNIFICANT HESITATION - ABOUT 2 SECONDS WHEN THE VEHICLE IS COMPLETELY NON-RESPONSIVE. HAPPENS EVERY TIME AT LOW SPEED TURNS, AND IS DANGEROUS WITH VEHICLES BEHIND.

- NHTSA Complaint: WHILE DRIVING OUR 2017 HYUNDAI SANTA FE ON INTERSTATE 64 WITH THE CRUISE CONTROL SET AT 65 MPH THE TRANSMISSION WILL DOWN SHIFT TO 5TH AND THEN 4TH AND THEN 3RD GEAR WITH THE RPM ALMOST RED LINING. THIS IS WHILE GOING DOWN A SLIGHT DOWNGRADE. I'VE BEEN HAVING TO USE THE MANUAL MODE TO SHIFT BACK UP TO 6TH GEAR. WE CONTACTED THE LOCAL HYUNDAI DEALER WHO STATED THEY WERE AWARE OF THE PROBLEM BUT DID NOT HAVE A SOLUTION TO THE PROBLEM AT THIS TIME. I AM WORRIED ABOUT THE SAFETY OF THIS VEHICLE WITH THIS PROBLEM.
- NHTSA Complaint: WHEN DRIVING SUDDENLY THE CAR DECELERATES MAKING IT NECESSARY TO MASH HARDER ON THE GAS PEDAL TO GET THE CAR TO CONTINUE MOVING. THE USB PORT DOES NOT CHARGE WHICH RESULTS IN THE PHONE LOSING BATTERY LIFE YOU CAN ONLY USE ANDROID AND APPLE CAR ONN THAT PORT SO WHEN TRAVELING LONG DISTANCES YOU MAY BE WITHOUT DIRECTIONS. ITS AN ONGOING ISSUE.
- NHTSA Complaint: VEHICLE DOES NOT RESPOND TO ACCELERATION. ENGINE MAKES A ROARING SOUND, HOWEVER THE RPMS HAVE MINIMAL INCREASE. THIS HESITATION HAPPENS WHEN PASSING, AND WHEN COMING OUT OF A TURN OR FROM A STOP. THIS LEAVES THE VEHICLE STUCK OUT IN TRAFFIC WITH NO ACCELERATION.THIS USED TO HAPPEN ABOUT ONCE A WEEK, HOWEVER THE FREQUENCY OF THE INCIDENTS HAS INCREASED GREATLY AND WE NO LONGER FEEL THE VEHICLE IS SAFE TO DRIVE. THIS MORNING THE CAR WOULD NOT ACCELERATE FOR AN

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ENTIRE HOUR DURING A COMMUTE TO WORK. I HAVE READ MANY REPORTS ON YOUR SITE WITH THE SAME ISSUE, AND APPARENTLY HYUNDAI DOES NOT HAVE A FIX. WE ARE BRINGING THE CAR INTO THE DEALER THIS AFTERNOON.

- NHTSA Complaint: TL\* THE CONTACT OWNED A 2017 HYUNDAI SANTA FE. WHILE THE CONTACT'S HUSBAND WAS MAKING A LEFT TURN AT 10 MPH, THE VEHICLE FAILED TO GAIN SPEED WHILE THE ACCELERATOR PEDAL WAS DEPRESSED. ANOTHER VEHICLE TRAVELING FROM THE OPPOSITE DIRECTION STRUCK THE FRONT PASSENGER SIDE OF THE CONTACT'S VEHICLE. ALL OF THE AIR BAGS DEPLOYED. A POLICE REPORT WAS FILED AND THE DRIVER RECEIVED A CITATION FOR FAILING TO YIELD. THE DRIVER SUSTAINED A BROKEN LEFT WRIST, CUTS TO THE LEFT HAND, AND BRUISES TO THE UPPER BODY/TORSO. THE CONTACT (PASSENGER) SUSTAINED A BROKEN NECK THAT REQUIRED SURGERY DUE TO INTERNAL BLEEDING, SEVERE BRUISING FROM THE CHEST DOWN TO THE LOWER TORSO, AND BRUISING ON THE RIGHT AND LEFT ARMS. MEDICAL ATTENTION WAS RECEIVED. THE CONTACT HAD SURGERY TO HER RIGHT HIP TO REMOVE A BONE TO PLACE IN HER NECK. THE VEHICLE WAS TOWED TO A LOCAL DEALER (A1 WRECKER 1601 PARTIN DR N D, NICEVILLE, FLORIDA 32578). THREE WEEKS PRIOR TO THE CRASH, THE VEHICLE HESITATED TO ACCELERATE WHEN THE ACCELERATOR PEDAL WAS DEPRESSED. THE FAILURE OCCURRED WITHOUT WARNING. THE CONTACT STATED THAT THE VEHICLE GRADUALLY ACCELERATED INDEPENDENTLY. NEITHER THE MANUFACTURER NOR THE DEALER WERE MADE AWARE OF THE FAILURE. THE VEHICLE WAS DEEMED DESTROYED. THE FAILURE MILEAGE WAS 147. UPDATED 07/18/17\*LJ

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- NHTSA Complaint: I NO LONGER OWN THE DESCRIBED VEHICLE BUT WANT TO REPORT A SAFETY ISSUE WITH THE VEHICLE. I HAD ADVISED HYUNDAI CONSUMER AFFAIRS ANALYST, CENTRAL/CA RAYNISHA M. AND WAS ASSIGNED A CASE NUMBER 10184122. INFORMATION ABOUT THE CASE NUMBER CAN BE OBTAINED FROM HYUNDAI. MY PROBLEM WITH THE VEHICLE WAS RELATED TO THE SPEED CONTROL SYSTEM OR "FLY BY WIRE" MECHANISM ON MY VEHICLE. ON SEVERAL PERSONALLY DOCUMENTED INSTANCES (WITH ROAD CONDITIONS, DATES, TIME SPEED ETC.) I EXPERIENCED A ZERO ACCELERATION RESPONSE FROM THE VEHICLE WHEN APPLYING ACCELERATOR PRESSURE. ON MANY ACCELERATION INCIDENTS THE ACCELERATION PEDAL RESPONSE "FELL ON ITS FACE" AND ON ONE OCCASION NEARLY RESULTED IN A VEHICLE COLLISION WHEN I WAS PROCEEDING INTO AN INTERSECTION. I HAD REPORTED THE SAFETY ISSUE TO BOTH MY HYUNDAI DEALERSHIP AND HYUNDAI CONSUMER AFFAIRS. THE TWO MECHANICAL INSPECTIONS THAT WERE PERFORMED TO IDENTIFY THE PROBLEM WERE INCOMPLETE AS THE VEHICLE DIDN'T THROW OFF ANY CODES TO IDENTIFY THE PROBLEM AREA. I WAS TOLD BY THE VEHICLE MECHANICS THAT SINCE THE PROBLEM WAS INTERMITTENT IN NATURE THAT I WOULD HAVE NO REDRESS ON THE SAFETY ISSUE. I AM A PRIVATE PILOT AND FLY AIRCRAFT UTILIZING "FLY BY WIRE" ACCELERATION DEVICES AND I CAN ASSURE YOU THAT MY FIRST INCIDENT OCCURRENCE WOULD HAVE GROUNDED THE AIRCRAFT EXPERIENCING THE SIMILAR ACCELERATION ISSUE. I AM REPORTING THIS TO YOU HOPING THAT YOU CAN INVESTIGATE AND OPEN A RECALL INQUIRY AND FORCE HYUNDAI TO FIX OR MAKE CHANGES TO VEHICLES THAT UTILIZE THEIR "FLY BY WIRE" ACCELERATION SYSTEMS.
- NHTSA Complaint: MY BRAND NEW 2017 SANTA FE LIMITED HESITATES BADLY WHEN COMING OUT OF



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URNS AT A SLOW SPEED AND ATTEMPTING TO ACCELERATE...JUST SHORT OF COMING TO A STOP. IT ALSO OCCURS WHEN VEHICLE IS AT A STOP THEN I STEP ON THE ACCELERATOR. IT IS A SAFETY ISSUE AS THE VEHICLE LAGS WHEN ATTEMPTING TO ENTER TRAFFIC OR THE VEHICLE COULD BE HIT FROM BEHIND WHEN ATTEMPTING TO ACCELERATE AND IT MOMENTARILY DOES NOT RESPOND. THIS OCCURS EACH TIME I DRIVE IT.

- NHTSA Complaint: WITH EXCELERATION INTO ONCOMING TRAFFIC HAS ABOUT A 2-3 SECOND PAUSE AND ALSO WHEN PASSING. HAS ALMOST CAUSED ME SEVERAL T BONE ACCIDENTS. WHEN TAKING OUT FROM SOMEWHERE THE VEHICLE HAS SET AND COOLED IT TAKES ABOUT 5 SECONDS TO REACH APPROPRIATE SPEED. THIS DOES NOT OCCUR ALL TIMES LIKE THE ABOVE COMPLAINT. OUTSIDE NOISE IS EXTREMELY LOUD. NOT A QUIET DRIVING CAR BY ALL MEANS. AIR NOISE AROUND DOORS ETC
- NHTSA Complaint: IT TRIES TO STALL OR HESITATE WHEN MAKING TURNS I LIVE IN CHICAGO AND DRIVE IN TRAFFIC WHEN TURNING INTO TRAFFIC IT SEEMS TO HESITATE FOR 2 OR 3 SEC BEFORE ACCELERATION II AM AFRAID TO DRIVE THIS VEHICLE IN TRAFFIC FROM FEAR WHEN MAKING A TURN I WILL. CAUSE A CAR ACCIDENT
- NHTSA Complaint: VEHICLE HESITATES WHEN ENTERING FLOW OF TRAFFIC FROM A STOP OR A TURN.
- NHTSA Complaint: I HAVE A 2017 HYUNDAI SANTA FE ULTIMATE AND LIKE THE OTHER COMPLAINTS, THE CAR HAS HESITATION WHEN TRYING TO ACCELERATE ESPECIALLY AFTER A STOP, BUMP IN ROAD, SLOWING DOWN, ETC. THE DEALERSHIP HAS HAD THE CAR SEVERAL TIMES TRYING DIFFERENT THINGS SUCH AS TRY A DIFFERENT MODE, RESET TRANSMISSION COMPUTER, ETC. I'VE CALLED HYUNDAI CUSTOMER

1 SERVICE AND FILED A COMPLIANT OPEN BUT I DON'T  
2 WANT THE CAR ANYMORE IT HESITATES TOO  
3 LONG/TOO MANY TIMES AND SCARES THE CRAP OUT  
4 OF ME. IT'S DANGEROUS AND NEEDS A RECALLED.

- 5 • NHTSA Complaint: CAR HAS SERIOUS, DANGEROUS  
6 ACCELERATION PROBLEMS. IT'S MOST NOTICEABLE  
7 WHEN TURNING LEFT INTO ONCOMING TRAFFIC. CAR  
8 APPEARS TO LOSE ALL POWER WHEN ACCELERATING  
9 - HANGING FOR SECONDS WHILE NOTHING HAPPENS.  
10 ENGINE HITS REDLINE ALL THE TIME AND IT BARELY  
11 GAINS SPEED. CALLED DEALER AND WAS FIRST TOLD  
12 "DUAL CLUTCH WILL LEARN DRIVING STYLE." AFTER  
13 NOTING CAR HAS 2K MILES WAS THEN TOLD "THE  
14 DELAY IS A CHARACTERISTIC OF THAT CAR." THIS IS  
15 UNACCEPTABLE AND INCREDIBLY DANGEROUS. I'VE  
16 ALMOST BEEN T-BONED MULTIPLE TIMES BECAUSE  
17 OF THIS. GOOGLING LED ME TO MANY OTHER  
18 REPORTS OF THE SAME ISSUE. THIS VEHICLE NEEDS  
19 TO BE RECALLED.
- 20 • NHTSA Complaint: WHEN THE CAR START AT THE  
21 TRAFFIC LIGHTS AND SLOWLY ACCELERATES WHILE  
22 DRIVING, THERE IS A SOUND IN THE CAR. I HEAR A  
23 SOUND FROM THE ENGINE OR MUFFLER.
- 24 • NHTSA Complaint: TL\* THE CONTACT OWNS A 2017  
25 HYUNDAI SANTA FE. WHILE ATTEMPTING TO  
26 ACCELERATE FROM A STOP, THE VEHICLE HESITATED  
27 BEFORE ACCELERATING. THE FAILURE OCCURRED  
28 WITHOUT WARNING. THE DEALER WAS UNABLE TO  
DUPLICATE THE FAILURE. THE DEALER  
RECOMMENDED THAT A FUEL ADDITIVE BE ADDED  
TO THE FUEL TANK, BUT THAT DID NOT HELP. THE  
FAILURE RECURRED SEVERAL TIMES. THE  
MANUFACTURER WAS NOT MADE AWARE OF THE  
FAILURE. THE FAILURE MILEAGE WAS  
APPROXIMATELY 12,000.

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- NHTSA Complaint: MY NEW SANTA FE 2017 HAS A PROBLEM WITH THE CAR NOT REACTING TO PRESSING THE ACCELERATOR. YOUR PRESS THE ACCELERATOR AND THE CAR DOES NOT MOVE AND THE ENGINE DOES NOT REV. THE HESITATION IS ABOUT 2 SECONDS LONG AND IS VERY SCARY. IT HAPPENS INTERMITTENTLY AND FROM A STOPPED POSITION. I'M AFRAID AT SOME POINT THERE WILL BE A TERRIBLE ACCIDENT FROM THIS PROBLEM. I'VE HEARD THERE IS A RECALL 16-01-032 FOR THE TCU UPDATE 60CO61R1 BUT I REACHED OUT TO DEALERSHIP AND THEY DON'T KNOW ANYTHING ABOUT IT. THIS IS VERY DANGEROUS AND I DID SOME RESEARCH THERE ARE A LOT OF PEOPLE HAVING THIS SAME PROBLEM. I NOTICED THIS PROBLARY A WEEK AFTER PURCHASE.
- NHTSA Complaint: ENGINE STUMBLES WHEN ACCELERATOR IS PRESSED AT LOW SPEEDS, ESPECIALLY FROM A STOP OR TURNING A CORNER. I CALL IT THROTTLE LAG OR STUMBLING.
- NHTSA Complaint: FROM STOP, OR NEAR STOP, ENGINE CUTS OUT (STUMBLES) DURING NORMAL ACCELERATION.
- NHTSA Complaint: TWO ISSUES: SEVERE PROBLEM - WHEN DRIVING AT A RATE OF APPROXIMATELY 35MPH TODAY ON A MAJOR CITY THOROUGHFARE, OUR 2017 HYUNDAI SANTA FE 2.0T ULTIMATE SUFFERED A SUDDEN AND COMPLETE LOSS OF POWER (ENGINE AND ALL ELECTRICAL SYSTEMS INCLUDING LIGHTING). AFTER COMING TO A STOP, THE VEHICLE WAS STRANDED IN PLACE UNTIL IT WAS ABLE TO START UP AGAIN MANY MINUTES LATER. FORTUNATELY NO ONE WAS PHYSICALLY HARMED AS THE INDIVIDUAL DRIVING BEHIND OUR VEHICLE WAS OBSERVANT ENOUGH TO IDENTIFY THE ISSUE (DESPITE A LACK OF BRAKE LIGHTS OR HAZARDS) AND STOP IN TIME. NO VISIBLE ENGINE

1 LIGHT OR FAULT CODE WAS TRIGGERED. LESS  
2 SEVERE PROBLEM: ON A REGULAR BASIS, THE  
3 VEHICLE SUFFERS ABRUPT AND SUSTAINED LOSS OF  
4 POWER IN MERGING SITUATIONS (ESPECIALLY WHEN  
5 TURNING ON CITY STREETS FROM A STOP). THIS  
6 SEEMS TO BE FROM AN OVERACTIVE OR OTHERWISE  
7 INEFFECTIVE TRACTION CONTROL  
8 SYSTEM/PROGRAMMING. DESPITE EVEN PLANNING  
9 FOR THE POSSIBLE LOSS OF POWER, THIS HAS STILL  
10 RESULTED IN A NUMBER OF "NEAR MISS"  
11 SITUATIONS. A WARRANTY VISIT HAS BEEN  
12 SCHEDULED FOR THESE ISSUE AND WE WILL GLADLY  
13 PROVIDE THE RESULTS AND/OR OTHER UPDATES  
14 UPON REQUEST. WE ARE, HOWEVER, SERIOUSLY  
15 CONSIDERING SELLING THE VEHICLE AT A LOSS DUE  
16 TO THESE TWO ISSUES. \*TR

- 13 • NHTSA Complaint: WHEN ACCELERATING OUT OF A  
14 VERY LOW SPEED TURN (SUCH AS TURNING AT AN  
15 INTERSECTION OR PULLING OUT OF A PARKING LOT  
16 INTO A ROADWAY) THE ENGINE SUFFERS A COMPLETE  
17 LOSS OF POWER FOR 1-2 SECONDS. IT DOES NOT  
18 HAPPEN ALL OF THE TIME. BUT FREQUENTLY ENOUGH  
19 TO MAKE ONE WORRY ABOUT PULLING OUT INTO  
20 TRAFFIC.
- 21 • NHTSA Complaint: ENGINE STALLED (DIED) WHEN  
22 ATTEMPTING TO CROSS 3 LANES OF TRAFFIC. THIS  
23 OCCURRED 2 TIMES WHEN ON VACATION. VEHICLE  
24 WAS RETURNED TO DEALER FOR SERVICE. DEALER  
25 HAD VEHICLE FOR OVER A MONTH AND SAID THEY  
26 COULDN'T DUPLICATE PROBLEM. DURING THIS TIME  
27 THERE WAS A NATIONAL RECALL ISSUED BY  
28 HYUNDAI FOR SANTA FE. I THOUGHT ARE PROBLEMS  
WOULD BE SOLVED. BUT WAS INFORMED THAT THE  
RECALL ONLY COVERED UPTO PRODUCTION YEAR  
2015. WE RECEIVED A 2017 SANTA FE LOANER FOR USE  
DURING THE TIME THEY ASSESSED OUR VEHICLE,  
THIS VEHICLE ALSO STALLED. I REPORTED THIS TO  
THE SERVICE MAR. HE SAID HE COULDN'T DO

1 ANYTHING UNTIL HYUNDAI AUTHORIZED A RECALL  
2 FOR 2017. I TOLD HIM THAT THEY PROBABLY WON'T  
3 UNTIL THEY SOLD OFF ALL THEIR NEW VEHICLE  
4 INVENTORY. WE TOOK OUR VEHICLE HOME. 1 DAY  
5 LATER THE VEHICLE STALLED WHEN MY WIFE  
6 PULLED OUT ON TO A BUSY HIGHWAY. THESE  
7 VEHICLES ARE A SIGNIFICANT SAFETY HAZARD.

- 8 • NHTSA Complaint: DURING ACCELERATION FROM STOP  
9 OR LOW SPEED TURN ,CAR HAS NO OR LITTLE  
10 RESPONSE FROM ACCELERATOR, HAPPENS ON DRY  
11 PAVEMENT AS WELL AS WET, TRACTION CONTROL  
12 LIGHT FLASHES.AT THIS POINT THERE IS NO  
13 TRACTION ISSUES.REPORTED TO HYUNDAI DEALER  
14 CHECKED 3 TIMES AND SAID ALL WAS FINE ,NOT  
15 SATISFIED WITH ANSWER I CONTACTED HYUNDAI  
16 CUSTOMER SERVICE AND SPOKE TO CHRIS WELLS  
17 OPENED A CASE WITH THEM #10059476 ON 3/15/2017.IVE  
18 HAD PHONE CONTACT WITH HIM ,HE SAID HE WOULD  
19 GIVE IT TO THE GUYS UPSTAIRS BUT STILL NO  
20 SATISFACTION.BIG SAFTEY CONCERN!!! PLEASE HELP!
  
- 21 • NHTSA Complaint: CAR LEASED IN FEB. 2017. JUST  
22 AFTER FINALIZED, NOTICED THIS SERIOUS PROBLEM:  
23 THE ACCELERATION AFTER A TURN IS EXTREMELY  
24 SLOW AND TAKES AN UNREASONABLE AMOUNT OF  
25 TIME CAUSING DANGER OF VEHICLE BEHIND  
26 SLAMMING INTO BACK END. UPON ACCELERATING  
27 AFTER A TURN THERE IS SO MUCH HESITATION THAT  
28 IT CAUSED DRIVER AND PASSENGERS TO LUNGE  
FORWARD ONCE THE ENGINE KICKS IN. THE LIGHT  
INDICATING SLIPPING USUALLY COMES ON WHEN  
THIS HAPPENS AS WELL. MY SON DROVE IT TODAY  
WITH MY YOUNGER BOY AND THEY WERE ALMOST  
REAR ENDED. I'VE TALKED TO DEALER TWICE ABOUT  
THIS.
  
- NHTSA Complaint: TL\* THE CONTACT OWNS A 2017  
HYUNDAI SANTA FE. WHILE DRIVING, THE ENGINE  
STALLED WITHOUT WARNING. THE DEALER AND

1 MANUFACTURER WERE NOT NOTIFIED. THE VEHICLE  
2 WAS NOT DIAGNOSED OR REPAIRED. THE  
3 APPROXIMATE FAILURE MILEAGE WAS 9,000.

- 4 • NHTSA Complaint: PURCHASED A HYUNDAI SANTA FE  
5 AWD TURBO IN MAY 2016, WITHIN THE FIRST 3  
6 MONTHS THE TRACTION ASSIST HAS TRIGGERED  
7 CAUSING THE POWER TRAIN TO LOOS POWER FOR 10-  
8 15 SECONDS A TOTAL OF 5 TIMES. EACH TIME THIS  
9 HAS HAPPENED IT HAS BEEN FROM A STOP AND  
10 TURNING ONTO ANOTHER STREET AND OR U TURN  
11 ALL UNDER 30MPH, HAVE HAD IT TO THE DEALER 3  
12 TIMES AND HAVE CONTACTED HYUNDAI DIRECTLY  
13 AND THEY CAN NOT FIND ANYTHING WRONG. I CAN  
14 REPRODUCE THE ISSUE IF I RUN OVER PART OF THE  
15 CURB OR A HARD BUMP. I FEEL THIS IS A HUGE  
16 SAFETY ISSUE IF THE SUV LOOSES POWER FOR 10-15  
17 SECONDS WHEN PULLING OUT.

- 18 • NHTSA Complaint: DURING NORMAL LEFT HAND AND  
19 RIGHT HAND TURNS AND U-TURNS, THE TC/ESC CAN  
20 ACTIVATE AND CAUSE THE ENGINE MANAGEMENT  
21 SYSTEM TO SIGNIFICANTLY REDUCE ENGINE POWER.  
22 THIS HAPPENS ON DRY PAVEMENT, UNDER NORMAL  
23 ACCELERATION. IT WILL ALSO HAPPEN MORE  
24 FREQUENTLY DURING TURNS IF THERE IS A  
25 BUMP/POTHOLE/ROAD IMPERFECTION THAT JARS THE  
26 SUSPENSION. THIS ISSUE IS DANGEROUS AND HAS  
27 NEARLY CAUSED ACCIDENTS. I HAVE HAD TO PULL  
28 OFF THE ROAD TO AVOID A COLLISION FROM THE  
REAR BECAUSE THE ENGINE HAD NO POWER, THE  
TC/ESC LIGHT WAS FLASHING ON THE DASH. SO FAR  
MY ATTEMPTS AT THE DEALER TO HAVE THIS FIXED  
HAVE BEEN UNSUCCESSFUL. I AM WORKING WITH  
HYUNDAI CONSUMER AFFAIRS TO DETERMINE A  
SOLUTION.

- NHTSA Complaint: TL\* THE CONTACT OWNS A 2017  
HYUNDAI SANTA FE. WHILE DRIVING  
APPROXIMATELY 2 MPH, THE VEHICLE LOST POWER

1 WHILE TURNING RIGHT OR LEFT. THE POWER  
2 RETURNED WITHIN SECONDS. THE FAILURE  
3 RECURRED SEVERAL TIMES. THE VEHICLE WAS NOT  
4 DIAGNOSED OR REPAIRED. THE MANUFACTURER WAS  
5 MADE AWARE OF THE FAILURE AND ADVISED THE  
6 CONTACT TO TAKE THE VEHICLE TO A LOCAL DEALER.  
7 THE FAILURE MILEAGE WAS 1,200.

8 21. Although Hyundai was aware of the widespread nature of the  
9 Powertrain Defect in the Class Vehicles, and that it posed grave safety risks,  
10 Hyundai has failed to take adequate steps to notify all Class Vehicle owners of  
11 the Defect and provide relief.

12 22. Customers have reported the Powertrain Defect in the Class  
13 Vehicles to Hyundai directly and through its dealers. Defendant is fully aware  
14 of the Powertrain Defect contained in the Class Vehicles. Nevertheless,  
15 Defendant actively concealed the existence and nature of the Defect from  
16 Plaintiff and the other Class Members at the time of purchase or repair and  
17 thereafter. Specifically, Defendant:

- 18 a. failed to disclose, at the time of purchase or repair and  
19 thereafter, any and all known material defects or material  
20 nonconformities of the Class Vehicles, including the  
21 Powertrain Defect;
- 22 b. failed to disclose, at the time of purchase or repair and  
23 thereafter, that the Class Vehicles and their powertrains were  
24 not in good working order, were defective, and were not fit  
25 for their intended purpose; and
- 26 c. failed to disclose and/or actively concealed the fact that the  
27 Class Vehicles and their powertrains were defective, despite  
28 the fact that Defendant learned of the Powertrain Defect

1 before it placed the Class Vehicles in the stream of  
2 commerce.

3 23. Defendant has deprived Class Members of the benefit of their  
4 bargain, exposed them all to a dangerous safety Defect, and caused them to  
5 expend money at its dealerships or other third-party repair facilities and/or take  
6 other remedial measures related to the Powertrain Defect contained in the Class  
7 Vehicles.

8 24. Defendant has not recalled the Class Vehicles to repair the  
9 Powertrain Defect, has not offered to its customers a suitable repair or  
10 replacement of parts related to the Powertrain Defect free of charge, and has not  
11 reimbursed all Class Vehicle owners and leaseholders who incurred costs for  
12 repairs related to the Powertrain Defect.

13 25. Class Members have not received the value for which they  
14 bargained when they purchased or leased the Class Vehicles.

15 26. As a result of the Powertrain Defect, the value of the Class Vehicles  
16 has diminished, including without limitation, the resale value of the Class  
17 Vehicles. Reasonable consumers, like Plaintiff, expect and assume that a  
18 vehicle's powertrain and the related components are not defective and will not  
19 malfunction while operating the vehicle as it is intended. Plaintiff and Class  
20 Members further expect and assume that Hyundai will not sell or lease vehicles  
21 with known safety defects, such as the Powertrain Defect, and will fully disclose  
22 any such defect to consumers prior to purchase or offer a suitable non-defective  
23 repair.  
24

25 **CLASS ACTION ALLEGATIONS**

26 27. Plaintiff brings this lawsuit as a class action on behalf of himself  
27 and all others similarly situated as members of the proposed Classes pursuant to  
28 Federal Rules of Civil Procedure 23(a), (b)(2), and/or (b)(3). This action



1 satisfies the numerosity, commonality, typicality, adequacy, predominance and  
2 superiority requirements of those provisions.

3 28. The Classes are defined as:

4 **Nationwide Class:** All persons who purchased or leased any 2017  
5 Hyundai Santa Fe vehicle in the United States.

6 **California Sub-Class:** All Members of the Nationwide Class who  
7 purchased or leased any 2017 Hyundai Santa Fe in the State of  
8 California.

9 29. Excluded from the Class and Sub-class are: (1) Defendant, any  
10 entity or division in which Defendant has a controlling interest, and its legal  
11 representatives, officers, directors, assigns, and successors; (2) the Judge to  
12 whom this case is assigned and the Judge's staff; and (3) those persons who have  
13 suffered personal injuries as a result of the facts alleged herein. Plaintiff  
14 reserves the right to amend the Class definition, and to add subclasses, if  
15 discovery and further investigation reveal that the Class should be expanded or  
16 otherwise modified.

17 30. Numerosity: Although the exact number of Class Members is  
18 uncertain and can only be ascertained through appropriate discovery, the number  
19 is great enough such that joinder is impracticable. The disposition of the claims  
20 of these Class Members in a single action will provide substantial benefits to all  
21 parties and to the Court. The Class Members are readily identifiable from, *inter*  
22 *alia*, information and records in Defendant's possession, custody, or control.

23 31. Typicality: The claims of the representative Plaintiff are typical of  
24 the claims of the Class in that the representative Plaintiff, like all Class  
25 Members, paid for a Class Vehicle designed, manufactured, and distributed by  
26 Defendant which is subject to the Powertrain Defect. The representative  
27 Plaintiff, like all Class Members, has been damaged by Defendant's misconduct  
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1 in that he has incurred or will incur the cost of repairing or replacing his  
2 malfunctioning powertrain and related parts as a result of the Powertrain Defect.  
3 Further, the factual bases of Defendant’s misconduct are common to all Class  
4 Members and represent a common thread of fraudulent, deliberate, and/or  
5 grossly negligent misconduct resulting in injury to all Class Members.

6 32. Commonality: There are numerous questions of law and fact  
7 common to Plaintiff and the Classes that predominate over any question  
8 affecting only individual Class Members. These common legal and factual  
9 questions include the following:

- 10 a. whether the Class Vehicles suffer from the Powertrain Defect;
- 11 b. whether the Powertrain Defect constitutes an unreasonable  
12 safety hazard;
- 13 c. whether Defendant knows about the Powertrain Defect and, if  
14 so, how long Defendant has known of the Defect;
- 15 d. whether the defective nature of the Class Vehicles’  
16 powertrains constitutes a material fact;
- 17 e. whether Defendant had and has a duty to disclose the  
18 defective nature of the Class Vehicles’ powertrains to  
19 Plaintiff and the other Class Members;
- 20 f. whether Plaintiff and the other Class Members are entitled to  
21 equitable relief, including, but not limited to, a preliminary  
22 and/or permanent injunction;
- 23 g. whether Defendant knew or reasonably should have known of  
24 the Powertrain Defect contained in the Class Vehicles before  
25 it sold or leased them to Class Members; and  
26 h. Whether Defendant violated: (1) the California Consumers  
27 Legal Remedies Act, California Civil Code sections 1750 *et*  
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*seq.*; (2) the California Unfair Competition Law, Cal. Bus. & Prof. Code § 17200, *et seq.*; (3) The California Song-Beverly Consumer Warranty Act, California Civil Code §§ 1792 and 1791.1 *et seq.*, and Cal. Comm. Code §2314; (4) Cal. Comm. Code §2313; (5) the Magnuson-Moss Warranty Act (15 U.S.C. §2301, *et seq.*); and (6) is liable for fraudulent omission as alleged in this Complaint.

33. Adequate Representation: Plaintiff will fairly and adequately protect the interests of the Class Members. Plaintiff has retained attorneys experienced in the prosecution of class actions, including consumer and product defect class actions, and Plaintiff intends to prosecute this action vigorously.

34. Predominance and Superiority: Plaintiff and the Class Members have all suffered and will continue to suffer harm and damages as a result of Defendant’s unlawful and wrongful conduct. A class action is superior to other available methods for the fair and efficient adjudication of the controversy. Absent a class action, most Class Members would likely find the cost of litigating their claims prohibitively high and would therefore have no effective remedy at law. Because of the relatively small size of the individual Class Members’ claims, it is likely that only a few Class Members could afford to seek legal redress for Defendant’s misconduct. Absent a class action, Class Members will continue to incur damages, and Defendant’s misconduct will continue without remedy. Class treatment of common questions of law and fact would also be a superior method to multiple individual actions or piecemeal litigation in that class treatment will conserve the resources of the courts and the litigants and will promote consistency and efficiency of adjudication.

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**FIRST CAUSE OF ACTION**

(Violation of California’s Consumers Legal Remedies Act,  
California Civil Code § 1750 *et seq.* (“CLRA”))

35. Plaintiff hereby incorporates by reference the allegations contained in the preceding paragraphs of this Complaint.

36. Plaintiff brings this cause of action on behalf of himself and on behalf of the members of the Nationwide Class, or, in the alternative, on behalf of the members of the California Sub-Class.

37. Hyundai is a “person” as defined by California Civil Code § 1761(c).

38. Plaintiff and the other Class Members are “consumers” within the meaning of California Civil Code § 1761(d).

39. By failing to disclose and concealing the defective nature of the Class Vehicles’ powertrains from Plaintiff and prospective Class Members, Defendant violated California Civil Code § 1770(a), as it represented that the Class Vehicles had characteristics and benefits that they do not have, represented that the Class Vehicles were of a particular standard, quality, or grade when they were of another, and advertised the Class Vehicles with the intent not to sell them as advertised. *See* Cal. Civ. Code §§ 1770(a)(5), (7) & (9).

40. Defendant’s unfair and deceptive acts or practices occurred repeatedly in Defendant’s trade or business, were capable of deceiving a substantial portion of the purchasing public, and imposed a serious safety risk on the public.

41. Defendant knew that the Class Vehicles’ powertrains suffered from an inherent defect, were defectively designed or manufactured, would fail prematurely, and were not suitable for their intended use.

1           42. Defendant was under a duty to Plaintiff and the Class Members to  
2 disclose the defective nature of the Class Vehicles' powertrains and/or the  
3 associated repair costs because:

- 4           a. Defendant was in a superior position to know the true state of  
5 facts about the safety defect contained in the Class Vehicles'  
6 powertrains;  
7           b. Plaintiff and the Class Members could not reasonably have  
8 been expected to learn or discover that their powertrains have  
9 a dangerous safety defect until after they purchased the Class  
10 Vehicles; and  
11           c. Defendant knew that Plaintiff and the Class Members could  
12 not reasonably have been expected to learn about or discover  
13 the Powertrain Defect.  
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15           43. By failing to disclose the Powertrain Defect, Defendant knowingly  
16 and intentionally concealed material facts and breached its duty not to do so.

17           44. The facts concealed or not disclosed by Defendant to Plaintiff and  
18 the other Class Members are material because a reasonable consumer would  
19 have considered them to be important in deciding whether or not to purchase the  
20 Class Vehicles, or to pay less for them. Had Plaintiff and other Class Members  
21 known that the Class Vehicles' powertrains were defective, they would not have  
22 purchased the Class Vehicles or would have paid less for them.

23           45. Plaintiff and the other Class Members are reasonable consumers  
24 who do not expect that their vehicles will suffer from a Powertrain Defect. That  
25 is the reasonable and objective consumer expectation for vehicles and their  
26 powertrains.  
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1           52. Plaintiff brings this cause of action on behalf of himself and on  
2 behalf of the members of the Nationwide Class, or, in the alternative, on behalf  
3 of the members of the California Sub-Class.

4           53. California Business & Professions Code Section 17200 prohibits  
5 acts of “unfair competition,” including any “unlawful, unfair or fraudulent  
6 business act or practice” and “unfair, deceptive, untrue or misleading  
7 advertising.”

8           54. Defendant knew that the Class Vehicles’ powertrains suffered from  
9 an inherent defect, were defectively designed and/or manufactured, would fail  
10 prematurely, and were not suitable for their intended use.

11           55. In failing to disclose the Powertrain Defect, Defendant knowingly  
12 and intentionally concealed material facts and breached its duty not to do so,  
13 thereby engaging in a fraudulent business act or practice within the meaning of  
14 the UCL.

15           56. Defendant was under a duty to Plaintiff and the other Class  
16 Members to disclose the defective nature of the Class Vehicles’ powertrains  
17 because:

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- 19           a. Defendant was in a superior position to know the true state of  
20 facts about the safety defect in the Class Vehicles’  
21 powertrains;
  - 22           b. Defendant made partial disclosures about the quality of the  
23 Class Vehicles without revealing the defective nature of the  
24 Class Vehicles’ powertrains; and
  - 25           c. Defendant actively concealed the defective nature of the Class  
26 Vehicles’ powertrains from Plaintiff and Class Members at  
27 the time of sale and thereafter.
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1           57. The facts concealed or not disclosed by Defendant to Plaintiff and  
2 the other Class Members are material because a reasonable person would have  
3 considered them to be important in deciding whether or not to purchase or lease  
4 Defendant's Class Vehicles, or to pay less for them. Had Plaintiff and other  
5 Class Members known that the Class Vehicles suffered from the Powertrain  
6 Defect described herein, they would not have purchased or leased the Class  
7 Vehicles or would have paid less for them.

8           58. Defendant continued to conceal the defective nature of the Class  
9 Vehicles and their powertrains even after Class Members began to report  
10 problems. Indeed, Defendant continues to cover up and conceal the true nature  
11 of this systematic problem today.

12           59. Defendant's omissions of material facts, as set forth herein, also  
13 constitute "unfair" business acts and practices within the meaning of the UCL, in  
14 that Defendant's conduct was injurious to consumers, offended public policy,  
15 and was unethical and unscrupulous. Plaintiff also asserts a violation of public  
16 policy arising from Defendant's withholding of material safety facts from  
17 consumers. Defendant's violation of consumer protection and unfair  
18 competition laws resulted in harm to consumers.

19           60. Defendant's omissions of material facts, as set forth herein, also  
20 constitute unlawful business acts or practices because they violate consumer  
21 protection laws, warranty laws and the common law as set forth herein.

22           61. Thus, by its conduct, Defendant has engaged in unfair competition  
23 and unlawful, unfair, and fraudulent business practices.

24           62. Defendant's unfair or deceptive acts or practices occurred  
25 repeatedly in Defendant's trade or business, and were capable of deceiving a  
26 substantial portion of the purchasing public.  
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1 manufactured, supplied, distributed, and/or sold by Defendant were safe and  
2 reliable for providing transportation; and (ii) a warranty that the Class Vehicles’  
3 powertrains would be fit for their intended use while the Class Vehicles were  
4 being operated.

5 70. Contrary to the applicable implied warranties, the Class Vehicles’  
6 powertrains, at the time of sale and thereafter, were not fit for their ordinary and  
7 intended purpose of providing Plaintiff and the other Class Members with  
8 reliable, durable, and safe transportation. Instead, the Class Vehicles are  
9 defective, as described more fully above.

10 71. Defendant’s actions, as complained of herein, breached the implied  
11 warranty that the Class Vehicles were of merchantable quality and fit for such  
12 use in violation of California Civil Code sections 1792 and 1791.1, and  
13 California Commercial Code section 2314.

14 **FOURTH CAUSE OF ACTION**

15 (Breach of Express Warranty, Cal. Com. Code § 2313)

16 72. Plaintiff hereby incorporates by reference the allegations contained  
17 in the preceding paragraphs of this Complaint.

18 73. Plaintiff brings this cause of action on behalf of himself and on  
19 behalf of the members of the Nationwide Class, or, in the alternative, on behalf  
20 of the members of the California Sub-Class.

21 74. Defendant provided all purchasers and lessees of the Class Vehicles  
22 with the express warranty described herein, which became a material part of the  
23 bargain. Accordingly, Defendant’s express warranty is an express warranty under  
24 California law.

25 75. Defendant provided all purchasers and lessees of the Class Vehicles  
26 with a New Vehicle Limited Warranty. In this New Vehicle Limited Warranty,  
27 Defendant expressly warranted that it covered “[r]epair and replacement of any  
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1 component originally manufactured or installed by Hyundai Motor Company,  
2 Hyundai Motor Group, Hyundai Motor Manufacturing Alabama, Kia Motors  
3 Manufacturing Georgia, or Hyundai Motor America that is found to be defective  
4 in material or workmanship [...]” Defendant promised New Vehicle Limited  
5 Warranty coverage of 5 years or 60,000 miles, whichever occurs first. In addition,  
6 Defendant promised Powertrain coverage of 10 years or 100,000 miles, whichever  
7 occurs first, for original owners, and 5 years or 60,000 miles for subsequent  
8 purchasers.

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10 76. Defendant breached the express warranty through the acts and  
11 omissions described above.

12 77. Plaintiff was not required to notify Hyundai of the breach because  
13 affording Hyundai a reasonable opportunity to cure its breach of written warranty  
14 would have been futile. Hyundai was also on notice of the Defect from the  
15 complaints and service requests it received from Class Members, from repairs  
16 and/or replacements of the Class Vehicles’ powertrains, and through other internal  
17 sources.

18 78. As a result of Defendant’s breach of the applicable express  
19 warranties, owners and/or lessees of the Class Vehicles suffered, and continue to  
20 suffer, an ascertainable loss of money, property, and/or value of their Class  
21 Vehicles. Additionally, as a result of the Powertrain Defect, Plaintiff and Class  
22 Members were harmed and suffered actual damages in that the Class Vehicles’  
23 powertrains are substantially certain to fail before their expected useful life has  
24 run.

25 79. As a result of Defendant’s breach of the express warranty, Plaintiff  
26 and Class Members are entitled to legal and equitable relief against Defendant,  
27 including actual damages, specific performance, attorney’s fees, costs of suit, and  
28 other relief as appropriate.

1 **FIFTH CAUSE OF ACTION**

2 (Breach of Implied and Written Warranties Under Magnuson-Moss Warranty  
3 Act,  
4 15 U.S.C. § 2301 *et seq.*)

5 80. Plaintiff hereby incorporates by reference the allegations contained  
6 in the preceding paragraphs of this Complaint.

7 81. Plaintiff brings this cause of action on behalf of himself and on  
8 behalf of the members of the Nationwide Class, or, in the alternative, on behalf  
9 of the members of the California Sub-Class.

10 82. Plaintiff and Class Members are “consumers” within the meaning of  
11 the Magnuson-Moss Warranty Act, 15 U.S.C. § 2301(3).

12 83. Defendant is a “supplier” and “warrantor” within the meaning of 15  
13 U.S.C. §§ 2301(4)-(5).

14 84. The Class Vehicles are “consumer products” within the meaning of  
15 15 U.S.C. § 2301(1).

16 85. Defendant’s implied warranty is an “implied warranty” within the  
17 meaning of 15 U.S.C. § 2301(7).

18 86. Defendant’s express warranty is a “written warranty” within the  
19 meaning of 15 U.S.C. §2301(6).

20 87. Defendant breached the implied warranty and the express warranty  
21 by virtue of the above-described acts.

22 88. Plaintiff and the other Class Members notified Defendant of the  
23 breach within a reasonable time and/or were not required to do so. Defendant  
24 was also on notice of the Powertrain Defect from, among other sources, the  
25 complaints and service requests it received from Class Members and its dealers.

26 89. Defendant’s breach of the implied warranty deprived Plaintiff and  
27 Class Members of the benefits of their bargains.  
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c. Defendant actively concealed the defective nature of the Class Vehicles' powertrains from Plaintiff and Class Members.

96. The facts concealed or not disclosed by Defendant to Plaintiff and the other Class Members are material in that a reasonable person would have considered them to be important in deciding whether to purchase or lease Defendant's Class Vehicles or pay a lesser price for them. Had Plaintiff and Class Members known about the defective nature of the Class Vehicles' powertrains, they would not have purchased or leased the Class Vehicles, or would have paid less for them.

97. Defendant concealed or failed to disclose the true nature of the design and/or manufacturing defects contained in the Class Vehicles' powertrains in order to induce Plaintiff and Class Members to act thereon. Plaintiff and the other Class Members justifiably relied on Defendant's omissions to their detriment. This detriment is evident from Plaintiff's and Class Members' purchase or lease of Defendant's defective Class Vehicles.

98. Defendant continued to conceal the defective nature of the Class Vehicles' powertrains even after Class Members began to report the problems. Indeed, Defendant continues to cover up and conceal the true nature of the problem today.

99. As a direct and proximate result of Defendant's misconduct, Plaintiff and Class Members have suffered and will continue to suffer actual damages.

**RELIEF REQUESTED**

100. Plaintiff, on behalf of himself and all others similarly situated, requests the Court to enter judgment against Defendant, and issue an order providing the following relief:

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- a. That Defendant provide notice, in a form pre-approved by the counsel identified below, to all current owners or lessees of the Class Vehicles in the United States and in the said notice offer to replace the defective powertrain contained in every Class Vehicle with a non-defective powertrain;
- b. That Defendant provide notice, in a form pre-approved by the counsel identified below, to all current and subsequent owners and lessees of the Class Vehicles in the United States and in the said notice extend the warranty for the Class Vehicles' powertrains to 10 years from the date an adequate fix or replacement is implemented/unlimited miles applicable to both original and subsequent purchasers of every Class Vehicle;
- c. That Defendant offer to reimburse all current and former owners and lessees in the United States who have purchased or leased the Class Vehicles, all expenses already incurred as a result of the Powertrain Defect, including repairs, diagnostics, and any other consequential and incidental damages (*e.g.* towing charges, vehicle rentals, etc.);
- d. That Defendant immediately cease the sale and leasing of the Class Vehicles at all authorized Hyundai dealerships without first notifying the purchasers of the Powertrain Defect, and otherwise immediately cease to engage in the violations of law as set forth above;
- e. Damages and restitution in an amount to be proven at trial;

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- f. An order certifying the proposed Classes, designating Plaintiff as named representative of the Classes, and designating the undersigned as Class Counsel;
- g. A declaration that Defendant is financially responsible for notifying all Class Members about the defective nature of the Class Vehicles' powertrains;
- h. Any and all remedies provided pursuant to the UCL, CLRA, California's express and implied warranty laws alleged herein, California's common law fraud laws, and the Magnuson-Moss Warranty Act;
- i. An award to Plaintiff and the Class of compensatory, exemplary, and statutory damages, including interest, in an amount to be proven at trial;
- j. A declaration that Defendant must disgorge, for the benefit of the Class, all or part of the ill-gotten profits it received from the sale or lease of the Class Vehicles, and/or make full restitution to Plaintiff and Class Members;
- k. An award of attorneys' fees and costs, as allowed by law;
- l. An award of attorneys' fees and costs pursuant to California Code of Civil Procedure Section 1021.5;
- m. An award of pre-judgment and post-judgment interest, as provided by law;
- n. Leave to amend the Complaint to conform to the evidence produced at trial; and
- o. Such other relief as may be appropriate under the circumstances.



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**DEMAND FOR JURY TRIAL**

Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiff demands a trial by jury of any and all issues in this action so triable as of right.

Dated: July 20, 2018

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