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**UNITED STATES DISTRICT COURT**
**CENTRAL DISTRICT OF CALIFORNIA**

Camille Maldonado, Shlomo Vizel, Terrance Rubin, *on behalf of themselves and all others similarly situated,*

Plaintiffs,

vs.

Hyundai Motor America,

Defendant.

Case No.:

**CLASS ACTION COMPLAINT FOR:**

1. **Fraudulent Concealment**
2. **Unjust Enrichment**
3. **Breach of Express Warranty under New York Law**
4. **Violation of N.Y. Gen. Bus. Law § 349**
5. **Breach of Express Warranty under Ohio Law**
6. **Violation of the Ohio Consumer Sales Practices Act, Ohio Rev. Code § 1345.01, *et seq.***

**DEMAND FOR JURY TRIAL**

Plaintiffs Camille Maldonado, Shlomo Vizel, and Terrance Rubin ("Plaintiffs") hereby bring this Class Action Complaint against Defendant Hyundai Motor America ("Defendant" or "Hyundai"). Plaintiffs seek relief for themselves and a class of similarly situated New York and Ohio consumers as set forth herein because at the time of sale, the Class Vehicles contained defective Anti-lock Braking Systems and/or Traction Control Systems that impair the vehicles' ability to decelerate when driving over uneven surface, which Hyundai refused to repair.

## INTRODUCTION

1. Hyundai sold Plaintiffs and class members defective 2023-2025 Hyundai Palisade vehicles (the "Class Vehicles") that contain defective Anti-lock Braking System and/or Traction Control System that impair the vehicles' ability to decelerate when driving over uneven surface.

2. In promotional materials,[1] Hyundai boasted that the top-of-the-line Palisade comes equipped with "all the safety and advanced tech features you can think of," and prominently displays on its website that "The Insurance Institute for Highway Safety (IIHS) bestows PALISADE with TOP SAFETY PICK for 2024."

3. 2023-2025 Hyundai Palisades' standard safety equipment includes the "Anti-lock Braking System (ABS) with 4-wheel disc brakes" and "Electronic Stability

[1] https://www.hyundaiusa.com/us/en/vehicles/palisade (Last visited Oct. 3, 2024).

Control (ESC) with Traction Control Support (TCS) and Brake Assist (BA)," amongst other safety systems.[2]

4. The Class Vehicles' safety features were one of the primary reasons why Plaintiffs and other class members decided to buy or lease the Class Vehicles over the competition.

5. However, the Anti-lock Braking System (ABS) and/or Traction Control System in the Class Vehicles are defective, causing miscalculations of wheel speed when the brakes are applied on rough or uneven road surface, which leads to the rapid release and reapplication of the brakes and results in a longer stopping distance than reasonably expected ("ABS Defect" or "Defect").

6. Hyundai has failed to repair the ABS Defect in Class Vehicles within a reasonable time. As a result, many Class Vehicle owners have been forced to continue driving their cars with faulty brakes that suffer from the ABS Defect.

7. Hyundai's sale of the defective Class Vehicles and failure to repair within a reasonable amount of time constitute a breach of its express warranty, violates N.Y. Gen. Bus. Law § 349 and the Ohio Consumer Sales Practices Act, and gives rise to a claim for fraudulent concealment and unjust enrichment. To remedy Hyundai's unlawful conduct, Plaintiffs, on behalf of the proposed class members, seek damages and restitution from Hyundai.

[2] https://www.hyundaiusa.com/us/en/vehicles/palisade/compare-specs (Last visited Oct. 3, 2024).

## PARTIES

8. Plaintiff Camille Maldonado ("Mrs. Maldonado") is an adult individual residing in Queens Village, New York.

9. Plaintiff Shlomo Vizel ("Mr. Vizel") is an adult individual residing in Brooklyn, New York.

10. Plaintiff Terrance Rubin ("Mr. Rubin") is an adult individual residing in Oakland, California.

11. Defendant Hyundai Motor America ("Hyundai") is a California corporation with its headquarters and principal place of business at 10550 Talbert Avenue, Fountain Valley, California 92708. Hyundai Motor America designs, manufactures, markets, distributes, services, repairs, sells, and leases passenger vehicles, including the Class Vehicles, nationwide and in California. Hyundai Motor America is the warrantor and distributor of the Class Vehicles in the United States through its network of dealers. Money received from the purchase of a Hyundai vehicle from a dealer flows from the dealer to Hyundai Motor America.

12. At all times herein mentioned, Hyundai designed, engineered, developed, manufactured, fabricated, assembled, equipped, tested or failed to test, inspected or failed to inspect, repaired, retrofitted or failed to retrofit, failed to recall, labeled, advertised, promoted, marketed, supplied, distributed, wholesaled, and/or sold the Class Vehicles, including for the vehicle operated by Plaintiffs. Hyundai also reviews

and analyzes warranty data submitted by Hyundai's dealerships and authorized technicians in order to identify defect trends in vehicles. Upon information and belief, Hyundai dictates that when a repair is made under warranty (or warranty coverage is requested), service centers must provide Defendant with detailed documentation of the problem and the fix that describes the complaint, cause, and correction, and also save the broken part in the event Defendant decides to audit the dealership. Hyundai uses this information to determine whether particular repairs are covered by an applicable Hyundai warranty or are indicative of a pervasive defect.

13. Hyundai also developed the marketing materials to which Plaintiffs and the Class were exposed, owner's manuals, informational brochures, warranty booklets, and information included in maintenance recommendations and/or schedules for the Class Vehicles, all of which fail to disclose the ABS Defect.

## JURISDICTION AND VENUE

14. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1332(d) of the Class Action Fairness Act of 2005 because: (i) there are 100 or more class members, (ii) there is an aggregate amount in controversy exceeding $5,000,000, exclusive of interest and costs, and (iii) there is minimal diversity because Plaintiffs and Class Members and Hyundai are citizens of different states.

15. Personal jurisdiction and venue are proper in this District as Defendant is headquartered in this District.

## FACTUAL ALLEGATIONS APPLICABLE TO EACH PLAINTIFF

### A. Camille Maldonado

16. On April 13, 2024, Mrs. Maldonado leased a new 2024 Hyundai Palisade, Vehicle Identification Number KM8R5DGE1RU706123 (hereafter the "Maldonado Vehicle") from MB Hillside Motors LLC in Jamaica, New York, an authorized Hyundai dealership (hereinafter "Empire Hyundai").

17. Passenger safety and reliability were important factors to Mrs. Maldonado when she decided to lease the vehicle. Prior to leasing the 2024 Hyundai Palisade, Mrs. Maldonado researched the vehicle by reviewing 2024 Hyundai Palisade specifications and features listed at Hyundai's website. Based on Hyundai's representations, Mrs. Maldonado was led to believe that the 2024 Hyundai Palisade was safe and reliable vehicle, and Hyundai's representations induced her to lease the vehicle.

18. Prior to the lease, Empire Hyundai told Mrs. Maldonado that the Maldonado Vehicle was accompanied by Hyundai's New Vehicle Limited Warranty.

19. In its New Vehicle Limited Warranty, Hyundai promised a "[r]epair or replacement of any component originally manufactured or installed by Hyundai Motor Company, Hyundai Motor Group, Hyundai Motor Manufacturing Alabama (HMMA), Kia Manufacturing Mexico (KMM) or Kia Motors Manufacturing Georgia (KMMG) that is found to be defective in material or workmanship under normal use and

maintenance" during "5 years from the date of original retail delivery or date of first use, or 60,000 miles, whichever occurs first."

20. Despite Mrs. Maldonado's research prior to leasing the vehicle, neither Hyundai nor the selling dealership ever disclosed at the time of purchase that the 2024 Hyundai Palisade contained the ABS Defect. Indeed, Hyundai concealed this information from consumers, and Mrs. Maldonado was not aware of, and did not have any reason to anticipate, that her vehicle was afflicted by the ABS Defect when she leased the vehicle.

21. Hyundai's omissions were material to Mrs. Maldonado. If Hyundai had adequately disclosed these facts before Mrs. Maldonado leased the vehicle, she would have learned of the concealed information and would not have leased the vehicle had she known the vehicle suffered from the ABS Defect, or would have paid substantially less for it.

22. A few weeks after Mrs. Maldonado took delivery of the Maldonado Vehicle, she experienced the ABS Defect. Specifically, whenever Mrs. Maldonado applied vehicle brakes while driving on a rough or uneven road surface, she felt as if vehicle was skidding over the road surface and took a longer distance to come to a stop than she reasonably anticipated.

23. On July 1, 2024, Mrs. Maldonado brought her vehicle to Empire Hyundai and complained of the ABS Defect. In response, the dealership explained the ABS

system behavior is purportedly normal, and the break pedal is supposed to vibrate when Mrs. Maldonado applies the breaks.

24. Following the July 1, 2024 visit Mrs. Maldonado continued to experience the ABS Defect about once a week.

25. On October 29, 2024, Mrs. Maldonado's counsel sent a letter to Hyundai advising that Maldonado Vehicle suffered from the ABS Defect and had not been repaired despite prior complaint and Hyundai's reasonable opportunity for repair.

26. At all times, Mrs. Maldonado has driven her vehicle in a foreseeable manner and in the manner in which it was intended to be used.

**B. Shlomo Vizel**

27. On March 8, 2024, Mr. Vizel leased a new 2024 Hyundai Palisade, Vehicle Identification Number KM8R5DGE5RU729680 (hereafter the "Vizel Vehicle") from Plaza Hyundai LTD in Brooklyn, New York, an authorized Hyundai dealership (hereinafter "Plaza Hyundai").

28. Passenger safety and reliability were important factors to Mr. Vizel when he decided to lease the vehicle. Prior to leasing the 2024 Hyundai Palisade, Mr. Vizel researched the vehicle by reviewing 2024 Hyundai Palisade specifications and features listed at Hyundai's website. Based on Hyundai's representations, Mr. Vizel was led to believe that the 2024 Hyundai Palisade was safe and reliable vehicle, and Hyundai's representations induced him to lease the vehicle.

29. Plaza Hyundai's lease of the vehicle to Mr. Vizel was accompanied by Hyundai's New Vehicle Limited Warranty.

30. In its New Vehicle Limited Warranty, Hyundai promised a "[r]epair or replacement of any component originally manufactured or installed by Hyundai Motor Company, Hyundai Motor Group, Hyundai Motor Manufacturing Alabama (HMMA), Kia Manufacturing Mexico (KMM) or Kia Motors Manufacturing Georgia (KMMG) that is found to be defective in material or workmanship under normal use and maintenance" during "5 years from the date of original retail delivery or date of first use, or 60,000 miles, whichever occurs first."

31. Despite Mr. Vizel's research prior to leasing the vehicle, neither Hyundai nor the selling dealership ever disclosed at the time of purchase that the 2024 Hyundai Palisade contained the ABS Defect. Indeed, Hyundai concealed this information from consumers, and Mr. Vizel was not aware of, and did not have any reason to anticipate, that his vehicle was afflicted by the ABS Defect when he leased the vehicle.

32. Hyundai's omissions were material to Mr. Vizel. If Hyundai had adequately disclosed these facts before Mr. Vizel leased the vehicle, he would have learned of the concealed information and would not have leased the vehicle had he known the vehicle suffered from the ABS Defect, or would have paid substantially less for it.

33. Soon after Mr. Vizel took delivery of the Vizel Vehicle, he experienced the ABS Defect. Specifically, whenever Mr. Vizel applied vehicle brakes while driving on a rough or uneven road surface, or when crossing railroad tracks, he felt as if vehicle was skidding over the road surface and took a longer distance to come to a stop than he reasonably anticipated. Such unanticipated braking behavior concerned Mr. Vizel who often travelled in the Vizel Vehicle with his wife and children.

34. In April 2024 Mr. Vizel brought his vehicle to Plaza Hyundai and complained of the ABS Defect. In response, the dealership said the ABS system behavior is purportedly normal and there was nothing that needed to be fixed.

35. Following that visit Mr. Vizel continued to experience the ABS Defect at least once a week.

36. On October 29, 2024, Mr. Vizel's counsel sent a letter to Hyundai advising that Vizel Vehicle suffered from the ABS Defect and had not been repaired despite prior complaint and Hyundai's reasonable opportunity for repair.

37. At all times, Mr. Vizel has driven his vehicle in a foreseeable manner and in the manner in which it was intended to be used.

**C. Terrance Rubin**

38. On August 8, 2022, Mr. Rubin purchased a new 2023 Hyundai Palisade, Vehicle Identification Number KM8R5DGE4PU489339 (hereafter the "Rubin Vehicle") from Jeff Wyler Spring Grove #1 Inc. d/b/a Jeff Wyler Superior Hyundai in

Cincinatti, Ohio, an authorized Hyundai dealership (hereinafter "Jeff Wyler Superior Hyundai").

39. Passenger safety and reliability were important factors to Mr. Rubin when he decided to purchase the vehicle. Prior to purchasing the 2023 Hyundai Palisade, Mr. Rubin researched the vehicle by reviewing 2023 Hyundai Palisade specifications and features listed at Hyundai's website and on the Hyundai's information sticker affixed to the vehicle's side window. Based on Hyundai's representations, Mr. Rubin was led to believe that the 2023 Hyundai Palisade was safe and reliable vehicle, and Hyundai's representations induced him to purchase the vehicle.

40. Prior to the purchase, Jeff Wyler Superior Hyundai told Mr. Rubin that the Rubin Vehicle was accompanied by Hyundai's New Vehicle Limited Warranty.

41. In its New Vehicle Limited Warranty, Hyundai promised a "[r]epair or replacement of any component originally manufactured or installed by Hyundai Motor Company, Hyundai Motor Group, Hyundai Motor Manufacturing Alabama (HMMA), Kia Manufacturing Mexico (KMM) or Kia Motors Manufacturing Georgia (KMMG) that is found to be defective in material or workmanship under normal use and maintenance" during "5 years from the date of original retail delivery or date of first use, or 60,000 miles, whichever occurs first."

42. Despite Mr. Rubin's research prior to buying the vehicle, neither Hyundai nor the selling dealership ever disclosed at the time of purchase that the 2023 Hyundai Palisade contained the ABS Defect. Indeed, Hyundai concealed this information from consumers, and Mr. Rubin was not aware of, and did not have any reason to anticipate, that his vehicle was afflicted by the ABS Defect when he bought the vehicle.

43. Hyundai's omissions were material to Mr. Rubin. If Hyundai had adequately disclosed these facts before Mr. Rubin purchased the vehicle, he would have learned of the concealed information and would not have purchased the vehicle had he known the vehicle suffered from the ABS Defect, or would have paid substantially less for it.

44. In the first week after Mr. Rubin took delivery of the Rubin Vehicle, he experienced the ABS Defect. Specifically, whenever Mr. Rubin applied vehicle brakes while driving on unsmooth or uneven road surface, the break pedal vibrated and it took the Rubin Vehicle a longer distance to come to a stop than he reasonably anticipated. Mr. Rubin feared he would not be able to stop in time unless he drove the car in perfect road conditions.

45. One week after purchase, Mr. Rubin brought his vehicle to Jeff Wyler Superior Hyundai and complained of the ABS Defect. In response, the dealership said

they received the same complaint from another owner but the dealership did not know why ABS Defect was occurring and how to repair it.

46. Following that initial dealer visit Mr. Rubin continued to experience the ABS Defect when he applied the breaks on unsmooth or uneven road surface.

47. Moreover, Mr. Rubin continued to complain about the ABS Defect whenever he returned the Rubin Vehicle back to Jeff Wyler Superior Hyundai, but the dealership had no fix.

48. On December 17, 2024, Mr. Rubin's counsel sent a letter to Hyundai advising that Rubin Vehicle suffered from the ABS Defect and had not been repaired despite prior complaint and Hyundai's reasonable opportunity for repair.

49. At all times, Mr. Rubin has driven his vehicle in a foreseeable manner and in the manner in which it was intended to be used.

## FACTUAL ALLEGATIONS

### The ABS Defect

50. Hyundai has sold and leased thousands of Class Vehicles across New York and Ohio.

51. On its website, Hyundai touts that the top-of-the-line Palisade comes equipped with "all the safety and advanced tech features you can think of," and

prominently displays on its website that "The Insurance Institute for Highway Safety (IIHS) bestows PALISADE with TOP SAFETY PICK for 2024."[3]

52. Hyundai further prominently displays on its website that 2023-2025 Hyundai Palisades standard safety equipment includes the "Anti-lock Braking System (ABS) with 4-wheel disc brakes" and "Electronic Stability Control (ESC) with Traction Control Support (TCS) and Brake Assist (BA)," amongst others.[4]

53. The Class Vehicles' safety features were one of the primary reasons why Plaintiffs and other class members decided to buy or lease the Class Vehicles over the competition.

54. However, despite Hyundai's claims that the Class Vehicles are safe, the Class Vehicles suffer from a dangerous manufacturing and/or design defect with the vehicles' Anti-lock Braking System and/or Traction Control System, increasing the risk of accident or collision.

55. Specifically, defective Anti-lock Braking System and/or Traction Control System in the Class Vehicles cause miscalculations of wheel speed when the brakes are applied on rough or uneven road surface, which leads to the rapid release and reapplication of the brakes and results in a longer stopping distance than reasonably expected.

[3] https://www.hyundaiusa.com/us/en/vehicles/palisade (Last visited Oct. 3, 2024). (Last visited Oct. 3, 2024).
[4] https://www.hyundaiusa.com/us/en/vehicles/palisade/compare-specs (Last visited Oct. 3, 2024).

56. Plaintiffs and other consumers requested a repair from Hyundai, but in response were told no repairs were available.

57. The ABS Defect substantially impaired the Class Vehicles' value as it rendered the Class Vehicles unsafe when attempting to bring a vehicle to a stop while driving over rough or uneven road surface, the very reason Plaintiffs and other Class Owners chose the Class Vehicles over competition.

58. The ABS Defect poses a safety risk because it causes the Class Vehicle's Anti-lock Braking System and/or Traction Control System to interpret wheel movement as wheel lock-up, even when it is not happening, which in turn leads to longer-than-expected stopping distances since the brakes are not being applied consistently and effectively. The increased stopping distance results in the vehicle stopping more slowly than expected and increases the likelihood of collisions, as other drivers may not anticipate the longer stopping distance, which can cause accidents, especially in congested or high-traffic areas.

59. Further, the Anti-lock Braking System and Traction Control System in the Class Vehicles are designed to help maintain control by preventing wheel lock-up and managing traction. As a result of the Defect these systems malfunction and repeatedly apply and release the brakes, causing the driver to experience reduced control over their ability to slow down the vehicle, increasing the risk of an accident.

60. Moreover, the miscalculation of wheel speed due to the ABS Defect causes the Anti-lock Braking System and Traction Control System in the Class Vehicles to engage or disengage at inappropriate times. This results in a delayed braking response, where the vehicle's systems do not apply sufficient braking force when needed and, in emergency situations, this delay can prevent the vehicle from stopping in time to avoid a collision.

61. In addition, a defective Anti-lock Braking System and Traction Control System in the Class Vehicles gives Plaintiffs and Class Members a false sense of security as they rely on such systems to operate their vehicles in a safe manner and they believe the vehicle will stop safely even on rough or uneven roads. However, when these systems do not function properly due to the Defect, the driver may not be prepared to manually correct the vehicle's behavior, leading to hazardous situations.

62. Finally, the Class Vehicles were worth less money at the time of sale and thereafter, because due to the ABS Defect they suffer from an unacceptably high risk of being involved in a collision.

**Consumer Complaints and Hyundai's Pre-Sale Knowledge of the Defect**

63. Upon information and belief, thousands of purchasers and lessees of the Class Vehicles have experienced the ABS Defect.

64. Hyundai knew but failed to disclose the ABS Defect to Plaintiffs and Class Vehicle owners.

65. Hyundai became aware of the Defect through sources not available to Plaintiffs and Class Members, including, but not limited to, pre-production testing, pre-production design failure mode and analysis data, production design failure mode and analysis data, early consumer complaints made exclusively to Hyundai's network of dealers and directly to Hyundai, aggregate warranty data compiled from Hyundai's network of dealers, testing conducted by Hyundai in response to consumer complaints, and repair order and parts data received by Hyundai from Hyundai's network of dealers.

66. During the pre-release process of manufacturing, engineering, and performing durability testing on the Class Vehicles, which occurred before Hyundai began selling the Class Vehicles in 2022, Hyundai learned that the Class Vehicles' common braking systems suffer from the ABS Defect.

67. Hyundai learned about the ABS Defect via early reports about the Class Vehicles experiencing the ABS Defect from Hyundai dealerships shortly after it began selling the Class Vehicles. These reports occurred when dealerships contacted Hyundai with inquiries concerning warranty coverage and with technical questions regarding the Class Vehicles' braking systems.

68. Hyundai also knew about the ABS Defect because numerous consumer complaints about the Defect were made directly to Hyundai and its dealerships since 2022. The large number of complaints, and the consistency of their descriptions alert

Hyundai to this serious Defect affecting the Class Vehicles. The full universe of complaints made directly to Hyundai about the ABS Defect is information presently in the exclusive custody and control of Hyundai and is not yet available to Plaintiff prior to discovery. However, many Class Vehicle owners complained directly to Hyundai and Hyundai dealerships and service centers about the braking system failures their vehicles experienced.

69. Given how widespread the issue is and the fact that ABS Defect manifests within weeks of the Class Vehicles sale, Class Vehicle owners have been complaining about the ABS Defect and have been posting such complaints online since at least February 2023.

70. For instance, on www.palisadeforum.com, a Hyundai Palisade vehicle enthusiast website, a Class Vehicle owner posted on February 15, 2023, expressing his concern about abnormal braking behavior when slowing down on a bumpy road.[5] Other Class Vehicle owners commented they experienced the same issue, with one driver describing his experience as follows: "Today something very scary happened with my brakes system. For some reason it looks like the ABS system activated as I was braking over a small bump. The weird part was that car stopped braking, and I had to push the pedal extremely hard to make the car react and stop. It was very unusual and scary as I was entering a parking lot and the brakes just didn't work for at

[5] https://www.palisadeforum.com/threads/rattle-underneath-when-braking-and-going-over-rough-surface.6504/ (last visited Oct. 4, 2024).

least 3 seconds after they finally did. Thank God no one was in front of me." Another Class Vehicle owner shared having "instances where nothing works not even stepping on brakes hard enough stops the vehicle... I've had many near misses because of this issue." In response, another 2023 Palisades owner shared "Mine has done it since brand new."

71. On Reddit, a 2024 Palisades Class Vehicle owner also shared: "I was driving over some slightly bumpy ground (minor pothole) and applied the brake. The car wouldn't stop normally, but instead bounced/lurched bit by bit until I nearly rear-ended the car in front of me. The braking was super ineffective and took nearly twice as long to come to a stop as I anticipated. I nearly wrecked; if it hadn't begun braking sooner, I would have crashed or worse yet, if a car wasn't in front of me, I could have driven into the intersection. Hyundai has had the car for a month, has reproduced the issue, but can't figure out what's wrong."[6] In response, another owner who purchased his 2024 Palisade only two weeks ago shared the same concerns about dangerous braking behavior. Other owners of 2023 and 2024 Class Vehicles posted in response experiencing the same Defect.[7]

72. Similarly, on Facebook, Class Vehicles owners have voiced the same

[6] https://www.reddit.com/r/HyundaiPalisade/comments/1cxcvz6/braking_issue/ (last visited Oct. 4, 2024).

[7] *See also* https://www.reddit.com/r/Hyundai/comments/1d6lbho/hyundai_palisade_braking_issue_video_example/ (last visited Oct. 4, 2024).

frustration about the ABS Defect.[8] [9] [10]

73. Further, the owners of the Class Vehicles voiced their complaints concerning the ABS Defect with NHTSA. Upon information and belief, Hyundai actively monitored these complaints during the relevant time period, demonstrating that Hyundai has known about Class Vehicles owners' complaints of the vehicles' being unable to stop safely under certain conditions at all relevant times:

- NHTSA Complaint No. 11531939, July 12, 2023 (2023 Hyundai Palisade): "I was going 5 mph, hit a small bump in road and the abs brakes kicked in and the car wouldn't. I almost hit the car in front of me. Emergency system kicked in and luckily stopped the vehicle?"

- NHTSA Complaint No. 11543522, September 9, 2023 (2023 Hyundai Palisade): "My 2023 Hyundai Palisade Calligraphy AWD engages the anti-lock braking system when I go over small bumps sometimes. It has happened at least twice in the last 24 hours and almost caused an accident because it resulted in a longer than expected braking time and distance. I have scheduled an appointment, but am unable to be seen for another two weeks so the dealer has not inspected it yet. There are no warnings, only shaking from the ABS and clearly reduced braking power."

- NHTSA Complaint No. 11548275, October 4, 2023 (2023 Hyundai Palisade): "ABS system engages on graveled inclines and potholes, overly sensitive. Cannot stop in time and had times where almost hit car in front. Took to dealership and they state no issues. ABS should not be this sensitive where it engages in normal everyday driving."

- NHTSA Complaint No. 11550525, October 17, 2023 (2023 Hyundai Palisade): "When applying the brakes if you hit a bump in the road the front end of the vehicle shakes violently and does not stop, lunges car forward."

- NHTSA Complaint No. 11551939, October 25, 2023 (2024 Hyundai Palisade): "When I hit any kind of bump in the road while braking my brakes

[8] https://www.facebook.com/share/p/1jxCAFvU1Y2iE14a/ (last visited Oct. 4, 2024).
[9] https://www.facebook.com/share/p/emVhPeU6bUzNv5CR/ (last visited Oct. 4, 2024).
[10] https://www.facebook.com/share/p/bgMMdqSzjkkvq1Yj/ (last visited Oct. 4, 2024).

go soft and malfunction. It happens daily. Every time I brake and come in contact with any rough surface."

- NHTSA Complaint No. 11551900, October 25, 2023 (2024 Hyundai Palisade): "Driving down cobblestone street approximately 15mph came to a stop sign and when pressing the brakes the abs kicked in nd the whole front end was shaking. I have never in 35yrs of driving have had this happen on a cobblestone street."

- NHTSA Complaint No. 11556425, November 22, 2023 (2023 Hyundai Palisade): "My 2023 Hyundai Palisade has experienced loss of braking/power braking at least three times (two of which almost resulted in a collision). It is not within recall 23V415000. After the first failure, the service center did the recommended repairs (replace faulty brake booster) of that recall. The brakes failed again shortly after. The service center also confirmed they felt the brakes go soft when they were repairing it a second time. This time they replaced the brake master cylinder assembly, pin assembly, etc. The brakes failed another time after this. We took it back to the dealership, where it has been since. We have lost all faith in the brakes of this car, and this presents a major safety concern to Palisade drivers and those on the road."

- NHTSA Complaint No. 11560639, December 18, 2023 (2023 Hyundai Palisade): "Car brakes try to lock when going over certain potholes or speed bumps and brakes seem faulty."

- NHTSA Complaint No. 11568712, January 30, 2024 (2024 Hyundai Palisade): "I was driving in a shopping center parking lot and approaching a stop sign. As I was breaking and approaching the sign, I had to drive over a series of small potholes. As I went over the potholes, it seems the cars ABS system was engaged, and the car began to shake very dramatically, creating a more dangerous situation than needed to be. It seems others have had this problem as well, as I found online forums describing similar experiences driving over small rocks and bumps. It makes it harder to stop the vehicle before getting in the middle of oncoming traffic. There were no warning lamps or beeps to tell me ABS was engaged--it just started happening and only stopped when I pumped the breaks. I have not brought this up to the dealer yet and this issue has not been inspected yet, but I will be following up with the dealer as this is a brand new car. This is a link to a forum where others have experiences similar issues."

- NHTSA Complaint No. 11569435, February 2, 2024 (2023 Hyundai Palisade): "The contact owns a 2023 Hyundai Palisade. The contact stated that while depressing the brake pedal, the vehicle continued to surge forward. The contact stated that the failure had occurred on several occasions while at a stop light. The cause of the failure was not yet determined. The manufacturer and local dealer were notified of the failure, but no assistance was offered. The failure mileage was 16,000."

- NHTSA Complaint No. 11573986, February 26, 2024 (2023 Hyundai Palisade): "When traveling at a modest rate of speed, if I apply the brakes going over any slightly uneven terrain the ABS triggers randomly and makes braking really difficult. It takes longer to stop and much harder pressure. I have reported this issue to the dealer but per usual they "cannot duplicate ", however it happens very often and my dash cam has caught it."

- NHTSA Complaint No. 11588838, March 15, 2024 (2024 Hyundai Palisade): "Hitting any bump/railroad track at even very slow speeds causes the breaks to not engage fully which has almost caused a crash on three different occasions. After researching this issue, it seems there was a similar issue that occurred with the 2023 Palisade."

- NHTSA Complaint No. 11583193, April 15, 2024 (2024 Hyundai Palisade): "While driving intermittently, the brake pedal becomes hard and does not allow for eased braking. The car continues to roll forward and appears unable to stop. After pumping and applying hard pressure, finally, the brake pedal depresses fully and forces a hard and immediate stop. The entire car seems to shake during the event. This has occurred approximately 5-8 different times at different speeds, all below 25 mph, such as in a parking lot and while exiting the freeway. There have been no lights or warning indications before, during, or after. The entire car shakes violently when the brake pedal is gently pressed. The car almost continued into an intersection of heavy traffic before stopping. The first and only appointment has just been made with the dealer for inspection tomorrow, April 16, 2024. No maintenance has been performed since the original purchase, and no other incidents have occurred with the vehicle."

- NHTSA Complaint No. 11588838, April 25, 2024 (2024 Hyundai Palisade): "One month into ownership of my 2024 Palisade Limited AWD, I was approaching a stop light going ~20 mph and started to apply the brakes as I passed over some slightly bumpy ground. The car lurched forward repeatedly as the brakes were applied, bouncing forward in spurts rather than

stopping and taking twice as long to stop than it should have; I was one foot from rear-ending the car in front of me despite beginning to break with plenty of time to stop - this is so far from how an ABS system is supposed to work and I've never experienced it in another car. Hyundai corporate has told me that, upon testing other Palisades, they have discovered that this happens in ALL 2024 Palisades. This is troubling for several reasons: 1) The car exhibited an inability to effectively brake in a very common situation (braking when traveling at low speeds on slightly bumpy ground). Several people have noted this experience in Reddit posts; 2) I have been driving for 25 years; I've driven other cars with antilock brake systems and have never been in a wreck. This is unlike any experience I've ever had in a car and it's very abnormal / incredibly dangerous; 3) When asked to recreate the issue at the dealership, the head mechanic rode with me and said, "The car shouldn't do that," when it occurred with him the car. It was clear that he found it to be very concerning behavior. Hyundai kept the car in the shop for 2 days shy of a month. At the beginning of the month, they apparently did not know that the 2024 Palisade behaved this way. Over the course of the month, they learned that this is how a Palisade behaves when driven over uneven ground at moderate to low speeds because they tried it with other cars they had on hand. This vehicle is prone to rear-end cars in front of it when stopping and also to bouncing out in the middle of an intersection when approaching a stoplight /stop sign. It will kill people of unaddressed. There are no messages / warning lights on in the car."

- NHTSA Complaint No. 11586668, May 2, 2024 (2023 Hyundai Palisade): "My brakes stop working anytime I drive over lose gravel and brake or over speed bumps. It will vibrate. And skid. I have taken it in 5 times and they said it's normal I owned 5 cars and none of them are like this."

- NHTSA Complaint No. 11586902, May 24, 2024 (2023 Hyundai Palisade): "Anti- lock brakes shutter the whole vehicle at slow speeds Then you have to lock up the brakes to stop the vehicle."

- NHTSA Complaint No. 11590540, May 24, 2024 (2023 Hyundai Palisade): "I purchased my vehicle from South Point Hyundai in Austin, Texas on [XXX], 2022. Almost immediately after purchase, I began having trouble with the vehicle's braking system. In essence, the vehicle seems to inappropriately activate its ABS while braking over uneven surfaces (think-parking lots, speed bumps) in dry conditions. I have dashcam videos of at least three examples of this happening (from Aug '22 through May '24). I took the vehicle to the dealer for repairs that included the braking issue on

or about [XXX], 2022, but the dealer claimed they were unable to diagnose and address the braking problem. There were no dash indicators or DTCs that were available. This problem continued to exhibit itself and was a matter of concern to our family, until the braking system's failure caused a collision with a parking garage access gate arm on [XXX] 2024. This incident has created distress, and substantially impairs my family's willingness to use the vehicle due to a now established safety hazard. We do not wish to put others in danger for a mechanical failure that we were told was non-existent when we tried to get it fixed in December of 2022. We have also been put in a tough situation because we do not have access to an additional vehicle for use while the problem is diagnosed at the dealer."

- NHTSA Complaint No. 11591848, May 31, 2024 (2023 Hyundai Palisade): "I was slowing down approaching an intersection with cars already at a full stop up ahead. I was braking to slow down in preparation to stop. As I got closer, I drove over railroad tracks and felt the brake pedal begin to vibrate like the automatic emergency braking system kicked in. With my foot still on the brake, the car continued forward without any additional decrease in speed. I pushed my foot down as hard as I could and the car stopped inches from the car in front of me. I'm not sure if me pressing on the brake more even did anything or if some other collision avoidance system in the car stopped it before colliding with the car in front of me. There was beeping and the display switched to show cameras in front of the car, which happens when getting close to something while parking, etc. Luckily I was slowing and not at a high rate of speed. If I had hit the car ahead of me, there would have been damage but not major. What if I was going faster when this occurred? Or if I was braking for a person or bike? Or if it was collision avoidance that actually stopped the car here but I was the first car stopping in the intersection and couldn't stop."

- NHTSA Complaint No. 11591911, June 1, 2024 (2024 Hyundai Palisade): "When driving at a slow speed on dry uneven pavement, such as repaired asphalt around potholes, and the breaks are applied, the abs system kicks on and launches the car forward, sometimes in a series of occurances, before the car will stop. We brought the car to the dealership service department. They found no error codes and could not duplicate the problem, although it has happened at least four separate times when we ourselves have driven the car. The last time it happened (which is the date listed in this report), we ended up in a crosswalk before the car came to a complete stop. We have also found comments online from others with the same issue in Hyundai Palisades."

- NHTSA Complaint No. 11592311, June 4, 2024 (2024 Hyundai Palisade): "Traveling in a slow lane of traffic. Brakes malfunctioned when I began to brake over broken/ not smooth road. Car began to shake hard and loud. Brakes locked but car was still rolling. I was unable to control the vehicle almost rear ending the car in front of us. I didn't know what to do or how to stop us before we crashed. That's When the car actually stopped everything went quiet and it seemed as if I got into an accident with myself. Because the car jerk hard and stopped abruptly. Called the dealership. To service the car. Told them what happened. Dealership said they cannot do anything about it. Told to express my complaint to NHTSA."

- NHTSA Complaint No. 11593325, June 9, 2024 (2024 Hyundai Palisade): "Car begins to shake if brake is applied when diving over uneven terrain. Acts like ABS is applied but car does not slow as it should. No lights or indicators flash when this occurs. Fortunately was able to stop before rolling into intersection as I was already traveling at slow speed. Dealer has not been consulted on this problem but Reddit indicates dealer cannot/will not fix it."

- NHTSA Complaint No. 11593943, June 12, 2024 (2024 Hyundai Palisade): "At slower speeds, while braking or coming to a stop, if a bump or uneven surface in the road is encountered the car will violently shake. The steering wheel will shake left and right and braking action is lost. This can lead to dangerous situations at intersections or amongst other traffic as stopping distance will drastically increase unexpectedly. Based on previous reports this is likely caused by the ABS engaging at inappropriate times or performing in an inappropriate manner."

- NHTSA Complaint No. 11594276, June 13, 2024 (2023 Hyundai Palisade): "I was driving over train tracks at about 5 mph when my car wouldn't brake. I was jamming down on the pedal and that eventually triggered a really aggressive ABS and emergency braking. I came millimeters away from hitting the car in front of me and the whole time it felt like I had zero control of the car and the car just had a mind of its own. Based on what I've read online I believe this is a known issue that Hyundai is ignoring."

- NHTSA Complaint No. 11594497, June 14, 2024 (2024 Hyundai Palisade): "Two times my car has lost its ability to break, and when I try to break it feels like the break pedal was very hard to push down. The car was very lurchy but finally came to a stop when the breaks finally engaged. The feeling is like when you press on the breaks when you are sliding on ice. This leads me to wonder if it has something to do with the ABS system. The

first time this happened I was pulling into a parking lot only going less than 10 mph. The 2nd time I was pulling out of a parking lot (again probably going 5-7 mph) onto a busy road and they failed to work. I almost ran into oncoming traffic and was very scared. I do not feel safe driving the car and had it towed back to the dealer. It is currently in the shop there."

- NHTSA Complaint No. 11594631, June 16, 2024 (2024 Hyundai Palisade): "Slowing vehicle to prepare for a stop at Traffic Light I experienced a lurching forward after I applied the brakes for full stop."

- NHTSA Complaint No. 11595155, June 18, 2024 (2024 Hyundai Palisade): "The contact owns a 2024 Hyundai Palisade. The contact stated that while his wife was pulling out of a parking lot, the brake pedal was depressed; however, the vehicle independently accelerated forward and then came to a complete stop seconds later. The vehicle was not diagnosed or repaired. The manufacturer was not notified of the failure. The failure mileage was approximately 700."

- NHTSA Complaint No. 11595441, June 20, 2024 (2024 Hyundai Palisade): "When driving at low speeds over bumpy roads or obstacles like train tracks, seems like the ABS activates and the brake pedal turns very hard to press and the car wouldn't brake unless pushed very hard as the car keeps moving forward, not stopping. It's happened at least 4 times in 2 months. Braking capacity diminishes by 90% in those few seconds and if you don't know how to act and press the brake as hard as you can, the car won't stop."

- NHTSA Complaint No. 11595653, June 21, 2024 (2024 Hyundai Palisade): "I just had my 5th occurrence with my new 2024 Hyundai Palisade where while braking at a slow speed, my abs kicked in and wouldn't stop my car despite pushing the brake to the floor. Finally it abruptly stopped. In all situations, the road surfaces seemed to be slightly uneven or slightly bumpy. Each time this happened, I was traveling very slow and no faster than 10 mph. I've had my car for 2+ months and now has happened 5 times. This past time, I missed rear ending a vehicle in front of me because abs was aggressively pulsating but not stopping until almost hitting the vehicle in front of me."

- NHTSA Complaint No. 11596610, June 22, 2024 (2024 Hyundai Palisade): "While braking, hitting a bump causes the ABS to engage and disengage repeatedly causing a violent shaking in the brake pedal and steering wheel.

The brake pedal goes soft and the issue was only stopped by pushing the brake pedal to the floor with extra force."

- NHTSA Complaint No. 11597101, June 26, 2024 (2024 Hyundai Palisade): "At a low speed coming to a stop sign on an uneven paved road the steering wheel shook and the brake pedal pulsed. I was unable to stop the vehicle in a timely manner. The outside conditions were normal and the pavement was dry. Luckily there was not a vehicle or pedestrian in front of me or I likely would have ran into them. It scared me and my daughter that was in the car with me."

- NHTSA Complaint No. 11597046, June 26, 2024 (2024 Hyundai Palisade): "Low speeds going over any uneven surface even slightly uneven causes the abs brakes to kick in and the car car shakes and unable to stop the car. Had happened multiple times this time I almost crashed into the car in front of me going 6mph because my brakes didnt let me stop and the road was fine just a a couple breaks in the pavement."

- NHTSA Complaint No. 11597756, June 29, 2024 (2023 Hyundai Palisade): "Under slow speeds and while applying brakes over bumps, the breaks become unresponsive. The car does not react to pushing the brakes pedal. It almost feels like ABS is kicking in but the car does not slow down."

- NHTSA Complaint No. 11597861, June 30, 2024 (2023 Hyundai Palisade): "After hitting any size bump my car does not stop, the car starts shaking, and I have to slam on the brake in order to stop. This has happened multiple times, the most recent caused me to almost run a red light and cause and accident. I am reaching out to the dealer today. The car did not show any warning lights on the dashboard."

- NHTSA Complaint No. 11598421, July 2, 2024 (2023 Hyundai Palisade): "Was in traffic on a summer dry day when I went to stop again at a speed under 15 and brakes locked up the steering wheel starting to shake and brakes were pulsating up and down I had to really push down hard and all the way on the brakes and it finally stopped the car. I almost rear ended the car infront of me no lights came on the dash no warning noises."

- NHTSA Complaint No. 11598652, July 3, 2024 (2024 Hyundai Palisade): "I had this issue many times over the last couple of months. Every time the vehicle passes a pot hole or significant bump the brakes lock and I can't brake. No matter how hard I hit on it. This has caused many dangerous where I was unable to brake and almost hit another vehicle. It seems like the anti

locking mechanisms or anti skid mechanism kick in and lock the brakes. I can hear a vibrating sound from beneath the car."

- NHTSA Complaint No. 11599206, July 5, 2024 (2024 Hyundai Palisade): "Car doesn't brake as expected over uneven surfaces (pot holes, speed bumps, divots) at low speeds (under 10 miles per hour). Instead of the car braking the ABS system kicks in causing a rumble and the car to continue to travel forward at it's current speed. This in turn causes the driver to engage the brake completely to get the car to stop before rear ending a vehicle in front or proceeding past stop signs, red lights, and entering cross traffic."

- NHTSA Complaint No. 11599588, July 6, 2024 (2023 Hyundai Palisade): "The Hyundai Palisade 2023 faces a braking issue when going over an uneven or rough patch on the road. When the brake is depressed, the vehicle does not slow down. The brake vibrates and does not fully engage. Only when pressing the brake very strongly does it engage and bring the vehicle to a stop. Faced this issue a few times with no vehicles in front of time. Once as I was pulling out of a parking lot, I had the same issue and had cars ahead of me. I struggled to bring my car to a halt to avoid colliding with the vehicle in front of me. This is quite dangerous and should be addressed by Hyundai. Upon talking to multiple Palisade owners, they have all consistently faced the same issue. Some of my friends in India say they've faced the same issue on smaller size Hyundai SUVs that they own there."

- NHTSA Complaint No. 11599480, July 6, 2024 (2024 Hyundai Palisade): "I was approaching an intersection and it was a red light. There were rumble divets on the road to notify drivers to slow down. When attempting to break at 20mph, the brakes appeared to lock up and I couldn't slow down despite applying constant pressure to the brakes. I nearly hit the car in front of me and it was very dangerous. I've never felt that before in a car and feel Hyundai needs to address the ABS system."

- NHTSA Complaint No. 11600147, July 8, 2024 (2024 Hyundai Palisade): "The anti-lock brake system engaged on a dry road while trying to stop at a light. The braking distance increased dramatically with very little control of the vehicle and almost caused an accident rear-ending the car ahead of me with kids in car."

- NHTSA Complaint No. 11603242, July 18, 2024 (2024 Hyundai Palisade): "The brakes stop working intermittently. The dealership started it's a known issue but there hasn't been a recall and the is buying they can do. There is no

warning when this happens, they just stop working. My wife actually went through an intersection- luckily the were no cars in the intersection."

- NHTSA Complaint No. 11603131, July 18, 2024 (2024 Hyundai Palisade): "Braking system. While driving at low speed (15mph and under) the brakes malfunction, the car shakes, and it takes about twice as long to stop. It may be an issue with the ABS system, but I'm unsure. Roads were clear and not uneven. Thankful there were no cars or pedestrians in front of me."

- NHTSA Complaint No. 11603459, July 19, 2024 (2023 Hyundai Palisade): "When pressing the brake pedal over uneven pavement (at low speeds of less than 10 mph) the brake pedal shuddered so harshly I thought I wouldn't be able to stop. The first time this occurred, I was driving over a manhole cover and braking as I was behind a school bus slowing to a stop at a stop sign - I thought I was going to collide with the bus. The second time occurred when turning into a parking lot which was uneven (where the parking lot met the sidewalk). This seems like a significant safety hazard that could cause crashes, injuries and fatalities. Please look into this."

- NHTSA Complaint No. 11603317, July 19, 2024 (2023 Hyundai Palisade): "Oversensitive abs system, experiencing shaking when going over small bump on road and have to hit brakes hard to stop."

- NHTSA Complaint No. 11603544, July 20, 2024 (2023 Hyundai Palisade): "Was turning right going down hill the road was slightly bumpy. During the turn it felt like the ABS system kicked in and the car was not slowing down. Also felt like I did not have any control of the vehicle."

- NHTSA Complaint No. 11603513, July 20, 2024 (2024 Hyundai Palisade): "I have a 2024 Hyundai Pallisade and have had the brakes not work properly three separate times. After one time I had my husband drive when I needed to drive the kids because it scared me so much. After two weeks I started driving it again full time and the brakes locked up again and I slid and couldn't stop. I had Hatchett Hyundai take the car for weeks and it never happened for them they said. I got it back for a couple days and while driving on a non bumpy and non rocky road after exiting the highway I almost got in a catastrophic wreck because the brakes locked up and I almost slammed into the car in front of me. I had to veer into another lane to the right as the whole car was shaking and would not brake. I immediately called Hatchett Hyundai and said I was not comfortable driving the car and would never get in it again because of what happened. They have said they've never heard of

this and cannot do anything without getting it to happen again. I have found multiple things online about people having the exact same issue. It is horrible and scary that they are avoiding the issue and putting lives at risk."

- NHTSA Complaint No. 11603913, July 22, 2024 (2024 Hyundai Palisade): "The car will continue driving forward when pressing the break pedal when you try to stop on uneven pavement, potholes, broken roads etc, I nearly rear ended a car with my entire family in the car including my kids also a 2 year old, since the car refused to simply stopped and I was going between 10-15mph, ABS is very sensitive and it kicks in when it shouldn't making it extremely dangerous for a family hauler vehicle, this has to be investigated as there are 1000's of reports with the same issue and Hyundai refuses to fix this issue, issue a recall ASAP!!!"

- NHTSA Complaint No. 11603869, July 22, 2024 (2024 Hyundai Palisade): "The vehicle fails to break when going over potholes, bumps in the road, uneven pavement nearly rear ending other vehicles, it's extremely dangerous for a family hauler vehicle!"

- NHTSA Complaint No. 11604316, July 24, 2024 (2024 Hyundai Palisade): "ABS activates when pressing brakes and hit any type or bump. Extreme shaking and shuddering of the whole vehicle and steering wheel until vehicle stops. This has happened more than 5 times since purchase in April."

- NHTSA Complaint No. 11605333, July 30, 2024 (2024 Hyundai Palisade): "Three times in the last month, the vehicle has failed to stop within a normal distance when brakes are applied. All 3 of these occurred when slowing the vehicle with the brakes at slow speeds on rough surfaces. The front of the car bounces, the brake pedal vibrates rapidly and the brakes release. Even though brake pedal pressure is applied at a normal door pressure, the car doesn't slow down and will continue forward potentially entering an intersection or hitting the car in front of it. When brake pressure is increased pressing extremely hard on the pedal, the car stops very abruptly."

- NHTSA Complaint No. 11605315, July 30, 2024 (2024 Hyundai Palisade): "When going approximately 15mph on a brick road when approaching a stop sign I began breaking and the breaks malfunctioned. The breaks began almost pulsating like the ABS was kicking on. I was unable to stop my vehicle and had to turn onto the upcoming road. Luckily no other vehicles were present or this would have caused an accident."

- NHTSA Complaint No. 11606270, August 3, 2024 (2024 Hyundai Palisade): "I was going fairly slow, about 25. Approached a stop sign and my vehicle began shaking uncontrollably and I could not stop. Ended up going through the stop sign and it stopped abruptly. This could have been a deadly scenario. This is not the first time it has happened but not to this extend. Also the rear collision warning does not always work! I backed into a dumpster at work and now have thousands of dollars to repair my back hatch. I feel UNSAFE in this vehicle and driving my three year old son around in it!"

- NHTSA Complaint No. 11606385, August 5, 2024 (2023 Hyundai Palisade): "When moving over bumpy ground at slow speeds - the brakes don't latch on properly. The entire vehicle shakes and continues to move forward in a bumpy fashion. Never happened to me in any other car and I drive the same routes everyday. Many people are complaining about it online for the Palisade - and it seems like Hyundai has confirmed the issue but isn't fixing it or issuing a recall. Please take action!"

- NHTSA Complaint No. 11606475, August 5, 2024 (2024 Hyundai Palisade): "I was approaching a stop sign at low speed. Road was a bit gravely and when I tried breaking the abs kicked in and wouldn't allow me to break. A car was going and last second finally car stopped. It was so scary! Many times this keeps happening as I'm breaking if road has a slight bump or rocks the breaking system kicks in and takes over not allowing me to break. You hear the noise of the ABS taking over when it shouldn't. I took car to hyundai service and they said they couldn't " replicate" the problem. I don't know how they couldn't because iI happens all the time!"

- NHTSA Complaint No. 11609202, August 7, 2024 (2023 Hyundai Palisade): "While driving at slow speed I took my foot off the gas and applied pressure to the brake pedal. The brakes did not work properly; the brakes engaged and disengaged multiple times and the car continued to lurch forward almost resulting in a collision. This is a critical failure of the braking system and is extremely unsafe. In this scenario, I could have hit the car in front of me. Had I been approaching an intersection, I could have been in a severe collision. I brought the car to the dealership and they could not replicate the issue. They inspected the vehicle and did not provide any information on what could have caused the issue. No component was identified as the cause of the problem. No warning lamps were on prior to or after the incident. During the incident, I was not looking at my dashboard; I

was trying to not hit the vehicle in front of me. The car has under 20,000 miles and has been driven for just over a year."

- NHTSA Complaint No. 11607595, August 9, 2024 (2024 Hyundai Palisade): "When braking lightly between 10-20MPH, the ABS will activate if I hit a small bump or pothole. Something as simple as pulling into my driveway will cause the ABS to activate. On one occasion, I was driving through a gas station parking lot, lightly pressed on the brakes to slow down over a rough patch of concrete and the ABS came on. The car behaved as though I was braking on ice. This is incredibly dangerous and Hyundai has been unable to diagnose the issue and unwilling to present any viable options."

- NHTSA Complaint No. 11607436, August 9, 2024 (2024 Hyundai Palisade): "When driving over slightly uneven terrain the brakes malfunction and don't work. I start feeling a vibrating and rattling and the car just doesn't stop when braking. There are many reports of this issue online. Yesterday I was involved in an accident because of this and that I god I didn't hit a person only a car and no one was seriously injured."

- NHTSA Complaint No. 11607860, August 11, 2024 (2024 Hyundai Palisade): "Dealership made several repairs at no cost to me that minimized the issue but issue still present. Car is leased. There were NO weights on rear tires, weights had to be installed. Brakes feel as if being pushed upward when driving over rough road surface. Gas pedal vibrating when driving over rough surface. And feels as if bottom of vehicle or something under is dragging. Please help - I have 3 children one of whom is in wheelchair. Safety is a priority. Thank you."

- NHTSA Complaint No. 11607795, August 11, 2024 (2024 Hyundai Palisade): "I was leaving my neighborhood approaching a stop sign going 15-20 mph and started to apply the brakes. It was a little bumpy and maybe very light gravel. (Clear weather, dry road) The car suddenly and unusually applied the brakes repeatedly (I felt it through the pedal). It actually took the car longer to stop than normally it would have (I drive this route every day). It defintely was unusual, caught me off guard, and could have been worse as I ultimately stopped much closer than normal to a 45 mile an hour 2 lane road. My husband was with me in the car, and he mentioned he recalled a similar experience several months ago."

- NHTSA Complaint No. 11607789, August 11, 2024 (2024 Hyundai Palisade): "Hyundai Service for Malfunction 8-10-24 Took New 2024 Palisade to Hallmark Hyundai Service Dept. for issue with handling On 4 different occasions while driving out of a parking garage at Centennial Medical Center in Nashville TN, going approximately 5 MPH or so, the front wheels started moving back and forth very violently. Steering wheel shaking with violent wheel movement. I held the steering wheel Firmly and slammed the brakes. Shaking stopped. This happened on 3 different occasions. The forth occasion happened while pulling into a parking area at Centennial Park, Nashville TN. I hit a small pot hole and the same activity occurred while driving 10-15MPH. I held the steering wheel Firmly and Firmly applied the brakes to make it stop the shaking. Reported the incident to Hallmark Hyundai on 8-7-24. Nicole set me an appointment for 8-10-24 at 8am for immediate inspection and to make sure everything was still "tight". After meeting with the technician, her immediate comment was that this is called a "Death Wobble". They ran a full diagnostic and found no codes. They want me to bring the vehicle back and keep it and perform tests and more inspection for this may be the first report of such dangerous activity. They think it could be the driving assist system, abs, suspension issues, etc.??? The technician stated that the "Death Wobble" happened to her once while traveling at a speed of 60MPH. I asked if this could happen at any traveling speed, the answer was YES!!!!"

- NHTSA Complaint No. 11608001, August 12, 2024 (2024 Hyundai Palisade): "ABS activating for no reason while braking in perfect driving conditions and not allowing the vehicle to come to a stop as needed. The first incident caused me to slide through a stop sign narrowly avoiding other traffic, and the second incident almost caused me to rear end the vehicle in front on me. This is apparently a known issue with Hyundai and needs to be addressed ASAP!"

- NHTSA Complaint No. 11608523, August 14, 2024 (2024 Hyundai Palisade): "While braking at lower speed over non smooth road, my brakes jam up and I can not brake. My car drifted right into an intersection and grateful no cars were coming. Has happened multiple times."

- NHTSA Complaint No. 11608737, August 15, 2024 (2024 Hyundai Palisade): "While driving and approaching a stop, the vehicle would not stop when gradually pressing on the brake. The only way to stop the vehicle was to SLAM on the brake. When I would brake entering a parking lot, the

vehicle would continue and would not slow down as I applied pressure on the brake until I slammed the brake."

- NHTSA Complaint No. 11609386, August 18, 2024 (2023 Hyundai Palisade): "ABS system activates when braking is applied over rough dry roadways, such as railroad tracks, rubble strips, or general bumps in the road, (minor potholes or manhole covers.)"

- NHTSA Complaint No. 11609801, August 20, 2024 (2024 Hyundai Palisade): "When driving the car began to shake severely and lost all braking ability. The only reason we stopped was the Anton front end collision slammed us to a stop. My mom and children were in the car at the time, if there was no car infront of us we would not have stopped and would have ended up in an intersection and could have been tboned or if we going faster anti front end collision would not have been able to stop us and would could have been injured or worse ! The car has been brought in twice to two seperate Hyundai dealerships for diagnosis, they were unable to diagnosis anything."

- NHTSA Complaint No. 11610099, August 21, 2024 (2023 Hyundai Palisade): "*Conditions: sunny, dry, about 70 degrees While driving at a lower speed (< 20 MPH), I started applying my brakes just before going over a railroad track. After starting to initially slow down, I crossed the railroad tracks and my brakes started pulsing very loudly but were no longer slowing down the car. Despite breaking about 5 to 6 seconds before the car in front of me, I just keep on rolling right up to the point where I was going to hit them and then the auto-safety stop slammed my car to a halt. I may have actually hit them, it was hard to tell. The driver even pulled over, got out and looked at their car, but gave me a thumbs up as if I didn't hit them. I'm extremely concerned that my brakes didn't work in perfect conditions when starting to break with PLENTY of time. I just went online to see if this has happened to others because it was so crazy, and it looks like there are numerous stories just like mine (i.e., when breaking on a bumpy surface). How in the world has this not been recalled?!!! My car has less than 20k miles on it and it has been regularly serviced via Hyundai dealerships. I have dashcam video to verify/corroborate my story. You can see that I was going slow to begin with, started breaking well before I needed to, you can hear my breaks grinding loudly, and the car is just not stopping until the last second before I'm about to crash where it slams to a halt from the automated stopping system."

- NHTSA Complaint No. 11611222, August 27, 2024 (2024 Hyundai Palisade): "Seems the ABS system kicks in when it really should not. Just driving slowly and hitting a pothole and or going over a speed bump or something similar while braking will cause the ABS system to kick on and make the vehicle go further before actually stopping. This happened multiple times and two times I almost hit someone due to the ABS coming on and not stopping my vehicle in time. The vehicle will shake a bit and make a loud noise when this happened. The vehicle has been inspected and was told it is working as intended. Which I find hard to believe. Our Subaru does not do this. No warning lights are on. It is just a very unsafe thing to happen."

- NHTSA Complaint No. 11612011, September 1, 2024 (2024 Hyundai Palisade): "In two instances overbthe last week, my wife has experienced her antilock brake system (ABS) initiating on dry, flat, asphalt pavement. The ABS deployment was obviously unexpected and caused the vehicle to shake abruptly and kept the vehicle from coming to a stop as quickly ad it should have. There seems to be an issue with the ABS system and is causing dangerous situations on the roadway."

- NHTSA Complaint No. 11613173, September 7, 2024 (2023 Hyundai Palisade): "My wife nearly crashed into a vehicle because the brakes on her 2023 Palisade would not work! I researched and she is not the only one this has happened to. It seems to be a known issue but there is no recall assigned to this, which is a huge safety concern for my wife and for our daughters, which were in the car when this happened. It could have been much worse if the brakes failed and the car were to drift into cross-traffic! This needs to be addressed immediately before someone gets seriously injured or even dies! In the meantime, our Palisade will not be driven."

- NHTSA Complaint No. 11613172, September 7, 2024 (2023 Hyundai Palisade): "The car would not brake when approaching a stoplight and I nearly ran into the vehicle in front of me. I had my daughters and a friend of theirs in the car and it could have been disastrous if I were to have not been able to brake and drove into cross traffic! This issue needs to be addressed immediately before someone gets seriously injured or dies!"

- NHTSA Complaint No. 11613334, September 8, 2024 (2024 Hyundai Palisade): "Yesterday at roughly 6:25 PM while while coming to a stop traveling about 7-10 mph the braking system failed to stop the vehicle. The ABS system went off violently and the steering wheel and entire vehicle shook violently. It was as if the braking system completely stopped

responding mid stop. The vehicle was within 3 feet of hitting another vehicle. Well, this vehicle has exhibited these symptoms before it is usually only a shuttering, and the vehicle comes to a stop nearly normally. However, this time it did not Stop and continued forward. This has been inspected by the dealership once before with nothing found."

- NHTSA Complaint No. 11613868, September 10, 2024 (2023 Hyundai Palisade): "The ABS seems to kick in over aggressively. It will kick in and the brake pedal gets all jiggly on slight changes in road situations. For example, going into my driveway, driving over a manhole cover, etc. This has felt dangerous in several instances if I'm slowing down for a red light and the ABS kicks in and significantly increases my stopping distance."

- NHTSA Complaint No. 11613818, September 10, 2024 (2023 Hyundai Palisade): "When slowing down from a slow speed the car will begin to shake. This is intermittent."

- NHTSA Complaint No. 11613793, September 10, 2024 (2023 Hyundai Palisade): "When hitting a pothole or bump at low speeds the braking system fails and does not brake. As if the abs system engages and leaves me going further when i need to stop. This problem always happens on the same street where i live."

- NHTSA Complaint No. 11613874, September 10, 2024 (2024 Hyundai Palisade): "We were driving down a rough road about 15-20mph coming to a stop sign when I started breaking the ABS breaks engaged and I could not stop the vehicle in time and almost got hit by oncoming traffic. After that event the car breaking system worked properly. I did not notice any warning lights on dash board. I have called the dealer waiting on a response."

- NHTSA Complaint No. 11613865, September 10, 2024 (2024 Hyundai Palisade): "While driving at slow speeds over bumps or potholes the vehicle shakes and doesn't stop. I have to remove my foot from the brake and smash the pedal to the floor. It happens at least once a week. The dealership hasn't seen it yet. I drive with my two kids in the car 90% of the time so it is a major concern."

- NHTSA Complaint No. 11613838, September 10, 2024 (2024 Hyundai Palisade): "Experience weird braking on bumps, potholes, sand, etc. Car won't stop normally when this problem activates. Very unsafe. Brake pedal starts "vibrating" when this is happening. It wont brake normally. There is no warning lights. No issues other than this."

- NHTSA Complaint No. 11614081, September 11, 2024 (2024 Hyundai Palisade): "Shaking and not braking at slow speeds going on bumpy roads. It happened a several times to me, once almost entered the crossing, this is not normal."

- NHTSA Complaint No. 11613921, September 11, 2024 (2024 Hyundai Palisade): "Antilock braking system has issues. On two separate occasions when stopping at an intersection with significant potholes the car shook and wouldn't come to a stop no matter how hard the brake was depressed. It would not come to a stop and had to take foot off the brake and press down hard again for it to respond."

- NHTSA Complaint No. 11614160, September 12, 2024 (2024 Hyundai Palisade): "When braking on an uneven surface, the anti-lock braking system will sometimes kick in, causing the car to shake and not deliver the stopping power the driver expects. I've nearly rear ended multiple people and have glided out into intersections before. Typically happens when leaving parking lots, coming to 4 way stops, or pulling into driveways. I've also had the emergency braking system kick in on a few occasions while this happened. You lose all ability to maneuver the vehicle when this happens. I've had the dealership look at this multiple times only to tell me that it's my driving habits causing the ABS to initiate. A simple search online shows that lots of 2024 Palisade owners are reporting similar issues. I do not believe Hyundai understands how to fix this issue yet."

- NHTSA Complaint No. 11614516, September 13, 2024 (2023 Hyundai Palisade): "Leaving parking lot. Approaching Exit to street to turn right. Going slow and applying the brakes. Hit a small crack or pothole in the pavement and the ABS kicks in. Brake shutters when abs occurs, but braking pressure is very light and car almost rolls into intersection. I think I had to quickly release brake and step on brake again to be able to stop the vehicle. It happened very quickly Vehicle is 1 year old. No lamps or codes. Happened again in similar situation. Trying to stop at lower speed. Hit a bump or loose gravel. Abs kicks in and braking pressure is drastically reduce even after getting past the crack or gravel."

- NHTSA Complaint No. 11614551, September 14, 2024 (2023 Hyundai Palisade): "The ABS braking problem has not been mentioned to Hyundai or any other company or organization to date as it was just recently experienced. I recently put unscreened millings on the road end of my gravel driveway. When coming to a slow stop before entering the public road I now

experience the brake vibration or chattering with deminished braking responce. Fortunately, I have not experienced this while driving on a public road in 35,000 miles."

- NHTSA Complaint No. 11614607, September 14, 2024 (2024 Hyundai Palisade): "While approaching an intersection to make a right-hand turn at approximately 5 mph, I lightly applied the brakes. The entire car shook, and instead of slowing down, it continued to lurch forward. The road conditions were dry but slightly bumpy. The car exhibits the same behavior on uneven surfaces, such as in an alley with a slightly uneven road. The ABS system engages unnecessarily, increasing the stopping distance. On several occasions, this issue has nearly caused a collision with the vehicle in front due to the car's inability to slow down properly and its tendency to lurch forward into intersections."

- NHTSA Complaint No. 11614582, September 14, 2024 (2024 Hyundai Palisade): "abs fails when going over bumps at speeds of 15mph or under and I've had it repaired 2x in the 3 months I've owned it."

- NHTSA Complaint No. 11615070, September 17, 2024 (2024 Hyundai Palisade): "The brakes failed to operate properly when braking from at a slow speed and driving over a bumpy road. The entire car started shaking and the brakes took longer to respond than normal. Had someone been in front of me I would have crashed. There are currently two palisades at my dealer right now with the same complaint / issue. The car is currently with the dealer but they have stated that they do not know how to fix the issue. There were no warning indicators of any kind. The car shook violently and the brakes didn't respond."

- NHTSA Complaint No. 11615179, September 18, 2024 (2024 Hyundai Palisade): "A lot of the time I go to press on my brakes, my vehicle skids as if I'm sliding on ice but we are in dead of summer. It makes a crunchy noise almost and the pedal vibrates. It's a 2024 and has less than 10,000 miles and has been doing it since I got the vehicle with only 500 miles. It has skid to the point that if there is a vehicle in front of me it can cause an accident because the vehicle does not come to a complete stop. I, now try to stop way before I'm supposed to and keep a further distance because I'm afraid to crash, and I drive on the bypass daily. There are no warning lights, I mentioned it to the person who sold it and he said there were no recalls and now he no longer works for the dealership."

- NHTSA Complaint No. 11615672, September 20, 2024 (2024 Hyundai Palisade): "While driving at low speeds, turning, and braking simultaneously causes the brakes to alternately pulse and the steering wheel to shake left and right violently. It only stops when the brake pedal is released and the car is driving straight. Difficult to replicate but has happened multiple times."

- NHTSA Complaint No. 11615763, September 21, 2024 (2024 Hyundai Palisade): "In Easton, on a sunny dry day in the 70s. Coming to a stop sign at the bottom of a 30ish degree decline. As I approached the stop sign the brakes at around 10mph started to lock. It felt like ABS kicking in on ice. I skidded past the stop sign. There was nothing I could do to stop it. Luckily no one was in front of me, I would have hit them. I have already reported one very similar incident."

- NHTSA Complaint No. 11615761, September 21, 2024 (2024 Hyundai Palisade): "In north Attleboro, on a sunny dry day in the 70s. Coming to a stop sign at the bottom of a 20ish degree decline. As I approached the stop sign the brakes at around 10mph started to lock. It felt like ABS kicking in on ice. I skidded past the stop sign. There was nothing I could do to stop it. Luckily no one was in front of me, I would have hit them."

- NHTSA Complaint No. 11615848, September 22, 2024 (2024 Hyundai Palisade): "The brakes in this car have a major safety issue. Many others besides me have experienced this issue I have discovered through reddit and youtube. Under very specific conditions the brakes fail to work properly. At slow speeds over uneven surfaces when you hit the brakes occasionally the car will fail to stop and continue on an addition 10-16 feet before finally the brakes kick in and stop. It's a helpless feeling as you press down as hard as possible on the brakes but the car continues to move. This can be difficult to recreate because it does not happen every time, I have found this happens most often driving over train tracks slowly while applying brakes but its also happened in other instances like hit a pothole at slow speeds while applying the brakes. This has probably happened at least a dozen times since Ive had this car about 8 months. I would guess the speed it happens at is about 5-15 mph, never at high speeds thankfully. I feel nervous driving with my babies in the car, I am extra cautious knowing about this issue to attempt to stop much earlier than I normally would. This problem would most likely cause a fender bender with the car stopped ahead of me but what if there's uneven surface while Im stopping at a red light and I end up sliding out into traffic? Please please thoroughly investigate this issue before my family or another family has a tragic problem! Thank you."

- NHTSA Complaint No. 11615837, September 22, 2024 (2024 Hyundai Palisade): "When braking while going over bumps/railroad tracks/rough roads, the brakes rattle/pump as if the ABS has kicked in and the car doesn't slow down/stop."

- NHTSA Complaint No. 11616011, September 23, 2024 (2024 Hyundai Palisade): "What component or system failed or malfunctioned, and is it available for inspection upon request? When braking at low speeds, breaks start to shake (almost as if the ABS kicked in) while going over uneven ground or a bump. Almost as though the brakes skip making it so the car won't come to a stop. How was your safety or the safety of others put at risk? Car felt like it wasn't going to stop or took longer to stop in a situation where the ABS did not need to kick on. Has the problem been reproduced or confirmed by a dealer or independent service center? Yes, but they say all the cars do it but I see it as a problem since it prevents the car from stopping normally. Has the vehicle or component been inspected by the manufacturer, police, insurance representatives or others? No Were there any warning lamps, messages or other symptoms of the problem prior to the failure, and when did they first appear? No warning lights or messages when it happens, it just randomly happens."

- NHTSA Complaint No. 11616437, September 25, 2024 (2024 Hyundai Palisade): "When stopping on uneven roadway the vehicle shakes violently for a several seconds as the vehicle continues forward. There have been times the vehicle almost impacted another vehicle or traveled forward into an intersection."

- NHTSA Complaint No. 11616576, September 26, 2024 (2023 Hyundai Palisade): "At times, when going over bumps, the brake pedal feels hard and hard to push to the floor. Other times, the brake pedal shakes and the vehicle feels as if it is shaking. The vehicle does not stop when brake pressure is applied. At other times the brakes lock up and I skid across pavement. There are never ABS lights on the dash though. I have replicated this issue with a technician in the vehicle. The dealership has documented that they have been able to recreate this issue multiple times. The dealership even replicated the issue in a demo model the sales manager drives. This vehicle is unsafe. I have slid out into oncoming traffic multiple times now. I almost ran into my own home because the brakes would not work. At times, my brakes lock up going over uneven surfaces. The issue occurs frequently in parking lots, where I am afraid to hit a pedestrian. The vehicle drive, other drivers, passengers, and pedestrians are put at risk by this safety issue."

- NHTSA Complaint No. 11616736, September 26, 2024 (2024 Hyundai Palisade): "Whenever the car goes over bumps in the road at low speeds the ABS system activates. You can feel a "grinding" sensation emanating from the brake pedal. When it happens, if you try to engage the brakes, they don't engage for several seconds. It happened to me recently with my kids in the car and we almost rolled into a busy intersection and could have been seriously injured."

- NHTSA Complaint No. 11616720, September 26, 2024 (2024 Hyundai Palisade): "This happened many times, almost causing an accident once. When driving at a slow speed over a small bump in the road, and braking, the ABS system goes haywire and the vehicle fails to stop."

- NHTSA Complaint No. 11616797, September 27, 2024 (2023 Hyundai Palisade): "When applying the brakes at slower speeds the over-sensitive ABS violently activates causing temporary brake loss and shaking of the vehicle. This has been addressed at Hyundai dealership and symptoms were confirmed from the service advisor. I was told that this isn't normal operation per Hyundai. Regarding another issue. The transmission will shutter combined with 3-5 second delay when up-shifting during acceleration. I was told by Hyundai dealership that is also "normal". If this is "normal" then why has this concern just started developing. If this is normal, why hasn't this transmission done it from day one when we purchased the car. We are not happy Hyundai's attempt to sell us on this falsehood! These are definitely safety concerns and should be addressed."

- NHTSA Complaint No. 11616953, September 27, 2024 (2024 Hyundai Palisade): "After I purchased within a month I was approaching a parking spot and I applied brakes. They wouldn't press down and the car start jumping forward. I pressed hard and the car would not stop and I hit a curb and it finally stopped. Second time: Approaching a stop sign I went over an un even are in the asphalt and the car jumped forward and I applied brakes and it jumped around and would not stop. I took to purchasing dealership and told them and showed them online issues others were having. They gave a rental for a week and called and said to come and get the car they could not duplicate the issue. I told them I was afraid and didn't want to hit someone or a person. They said unless they could duplicate there was nothing they could do. I changed dealerships and plan to take to them for the issue. It has happened to me on a dirt road approaching the entrance to make a turn. I am making sure before I take back that I can have someone ride with me and show them. I don't want them telling me they cannot duplicate again.

It is very scary and if a pedestrian was in front of me I have no control of the car when this happens."

- NHTSA Complaint No. 11617239, September 30, 2024 (2023 Hyundai Palisade): "Under certain braking conditions, going over gaps in the road/bumps/railroad tracks and using the brakes, the brakes will lock up and stop working. The ABS seems to stop working, brake shakes hard and the car will not stop at times. Issue can occur at any speed, seems to be more common in lower speeds, under 25. Mentioned problem to specific dealership in Colorado and they did not seem to care about safety issue. Going to other dealership to have problem looked at. Appears to be an issue for certain 2023-2024 Hyundai Palisades in looking at online forums. Hyundai does not appear to have acknowledged this issue yet."

- NHTSA Complaint No. 11616953, September 30, 2024 (2024 Hyundai Palisade): "While braking at a stop, and encountering a pothole (has occurred even without a pothole on straight surfaces), it feels like the is ABS kicking in to avoid wheel lockup, and apparent slowing which rapidly mimics activities that could cause hard braking. Similar to when the car is on ice/snow and the car pulses to stop. Unsafe, as the vehicle does not top when intended and forces the vehicle to take longer to stop with the potential to involuntarily enter an intersection. I have had this occur multiple times. I am fearful that I will potentially have an accident with my grandchildren in the car. Dealership is aware of multiple issues, but cannot duplicate and thus will not resolve. No warning lights, or notifications occurred. Has been discussed on 2024 Palisade Calligraphy forums. Review other reviews on reddit where other models have been affected."

- NHTSA Complaint No. 11617488, October 1, 2024 (2024 Hyundai Palisade): "I bought a 24 Palisade Ltd Few month into ownership, I was approaching a stop light going 10 mph and started to apply the brakes as I passed over some slightly bumpy ground. The car lurched forward repeatedly as the brakes were applied, bouncing forward in spurts rather than stopping and taking twice as long to stop than it should have; I was one foot from rear-ending a biker and a car in front of me despite beginning to break with plenty of time to stop - this is so far from how an ABS system is supposed to work and something that will get you in a wreck), Hyundai dealership has told me that, they dont see a problem and fixed nothing."

- NHTSA Complaint No. 11618272, October 5, 2024 (2024 Hyundai Palisade): "When the brakes are applied on uneven road at slow speeds, the

brake pulse violently but does not stop. This creates a very dangerous situation. This happened several times and when my daughter was driving the car, came within an inch of rear ending someone. I had a 2021 Palisades Calligraphy which we drove on the same roads and this was never an issue."

- NHTSA Complaint No. 11638927, January 27, 2025 (2025 Hyundai Palisade): "I'm writing to report a safety issue with my 2025 Palisade Calligraphy Knight Edition. The other day, I was driving in town on a rough road, going under 25 miles per hour, when I came to a stop sign. I pressed on the brakes, but the car wouldn't stop completely. It kept moving forward, shuddering, and the ABS wouldn't stop. It felt like the brakes were not engaging properly, and the ABS was malfunctioning. It did finally stop on its own, but it was really scary. What component or system failed or malfunctioned, and is it available for inspection upon request? I believe the braking system, and potentially the ABS, malfunctioned. The vehicle is available for inspection upon request. How was your safety or the safety of others put at risk? My safety and the safety of others were put at risk because the vehicle did not stop as expected, and I had limited control over the vehicle's movement. This could have resulted in a collision. Has the problem been reproduced or confirmed by a dealer or independent service center? No, the problem has not been reproduced or confirmed by a dealer or independent service center. This is the first time it has happened. Has the vehicle or component been inspected by the manufacturer, police, insurance representatives or others? No, the vehicle and its components have not been inspected by anyone regarding this issue. Were there any warning lamps, messages or other symptoms of the problem prior to the failure, and when did they first appear? There were no warning lamps, messages, or other symptoms of the problem prior to the failure. I'm worried that this could happen again, and I want to make sure that other drivers are aware of this potential problem. I've only had my Palisade for less than 100 miles, so I'm hoping this is an isolated incident."

- NHTSA Complaint No. 11654611, April 14, 2025 (2025 Hyundai Palisade): "On three separate occasions while driving in moderate stop-and-go traffic, I experienced an intermittent issue with my braking system. I was unable to fully depress the brake pedal. In some instances, the pedal felt like it was grinding as I pressed it down. The grinding sound was similar to what you might hear when there's surface rust on the brakes in the morning, but it was coming from the brake pedal. I had been driving for a while and it hadn't rained in days. I also felt feedback in the pedal during these instances, even though the issue did not appear to be related to the brake pads or rotors. This

reduced my ability to brake effectively, and although I have not been involved in a crash, the safety of myself and those around me on the road was potentially in jeapordy. The issue is sporadic and does not trigger any dashboard warning lights."

- NHTSA Complaint No. 11655324, April 16, 2025 (2025 Hyundai Palisade): "When traveling slowly and braking, if you hit a bump the car steering begins to shake wildly that makes you feel you will lose control. You have to bump the brakes to make it stop. Seems like the anti lock brakes kick in when it shouldn't and because it is the front tires make the car violently shake. Happens intermittently and difficult to reproduce at will. Has happened numerous times. Brought to dealership and because it can't be reproduced at will they will not investigate the issue. Seems to be only a matter of time this will cause an accident."

- NHTSA Complaint No. 11655462, April 18, 2025 (2025 Hyundai Palisade): "I was driving not even 5 miles per hour because I was coming to a turn I was making there was bumps in the road I ran over and lost control of the car no steering at all I couldn't stop it felt like I had a blow out and then I stomped on the brake hard and it stopped before it hit the curb with no codes or anything to tell Me what happened."

- NHTSA Complaint No. 11656323, April 25, 2025 (2025 Hyundai Palisade): "As seen on many complaints online, the ABS system is failing when coming to a stop on dry roads. If you hit the slightest bump it will lung forward and you are unable to stop the car for 15-20 feet. This has happened numerous times almost causing an accident with my family. My fiancé was driving the kids to school and she hit the brakes at a stop light and she was unable to stop until she was in the intersection. Luckily, the cars coming were able to avoid her. She is petrified to drive this car. Hyundai has a case open and since they can't replicate it at the dealership, they send me my car back. It has been at the dealership twice for this issue and it has happened again. There are no options for me at this point other than to drive an unsafe car."

74. Although Hyundai was aware of the widespread nature of the ABS Defect in the Class Vehicles, Hyundai has failed to take steps to provide Class Vehicles' owners relief.

75. Hyundai has deprived Class Members of the benefit of their bargain and has caused them to expend money at its dealerships or other third-party repair facilities and/or take other remedial measures related to the ABS Defect contained in the Class Vehicles.

76. Hyundai has not offered Class Vehicle owners compensation for the diminished value of the vehicles at the time of sale due to the defect and unacceptably high risk of being involved in a collision.

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

78. As a result of the ABS Defect, the value of the Class Vehicles has diminished, including without limitation, the resale value of the Class Vehicles. Reasonable consumers, like Plaintiffs, expect and assume that a vehicle's brakes are not defective and will bring the vehicle to a stop within a reasonably expected distance. Plaintiffs and Class Members further expect and assume that Hyundai will not sell or lease vehicles with known safety defects, such as the ABS Defect, and will fully disclose any such defect to consumers prior to purchase or offer a suitable non-defective repair. They do not expect that Hyundai would fail to disclose the ABS Defect to them, and then refuse to remedy the defect under Hyundai's warranty within a reasonable period of time.

## CLASS ACTION ALLEGATIONS

### A. The Class

79. Plaintiffs bring this action on their own behalf, and on behalf of the following classes pursuant to Fed. R. Civ. P. 23(a), 23(b)(2), and/or 23(b)(3):

> **New York Class:** All persons or entities who purchased or leased any 2023-2025 Hyundai Palisade vehicle in the State of New York (the "New York Class")
>
> **Ohio Class:** All persons or entities who purchased or leased any 2023-2025 Hyundai Palisade vehicle in the State of Ohio (the "Ohio Class")

80. Hyundai and its employees or agents are excluded from the Class.

### B. Numerosity

81. Upon information and belief, the Class is so numerous that joinder of all members is impracticable. While the exact number and identities of individual members of the Class are unknown at this time, such information being in the sole possession of Defendant and obtainable by Plaintiffs only through the discovery process, Plaintiffs believe, and on that basis allege, that thousands of Class Vehicles have been sold and leased throughout New York and Ohio.

### C. Common Questions of Law and Fact

82. There are questions of law and fact common to the Class that predominate over any questions affecting only individual Class members. These questions include:

a. whether the Class Vehicles suffer from the ABS Defect;

b. whether the ABS Defect constitutes an unreasonable safety hazard;

c. whether Defendant knows about the ABS Defect and, if so, how long Defendant has known of the Defect;

d. whether the defective nature of the Class Vehicles' braking system constitutes a material defect;

e. whether Defendant had and has a duty to disclose the defective nature of the Class Vehicles' braking system to Plaintiffs and the other Class Members;

f. whether Defendant knew or reasonably should have known of the ABS Defect contained in the Class Vehicles before they sold or leased them to Class Members; and

g. Whether Defendant breached its express warranty.

**D. Typicality**

83. The Plaintiffs' claims are typical of the claims of the Class since Plaintiffs purchased and/or leased one of the defective Class Vehicles, as did each member of the Class. Furthermore, Plaintiffs and all members of the Class sustained economic injuries arising out of Defendant's wrongful conduct. Plaintiffs are advancing the same claims and legal theories on behalf of themselves and all absent Class members.

**E. Protecting the Interests of the Class Members**

84. Plaintiffs will fairly and adequately protect the interests of the Class and have retained counsel experienced in handling class actions and claims involving unlawful business practices. Neither Plaintiffs nor their counsel have any interest which might cause them not to vigorously pursue this action.

**F. Proceeding Via Class Action is Superior and Advisable**

85. A class action is the superior method for the fair and efficient adjudication of this controversy. The injury suffered by each individual Class member is relatively small in comparison to the burden and expense of individual prosecution of the complex and extensive litigation necessitated by Defendant's conduct. It would be virtually impossible for members of the Class individually to effectively redress the wrongs done to them. Even if the members of the Class could afford such individual litigation, the court system could not. Individualized litigation presents a potential for inconsistent or contradictory judgments. Individualized litigation increases the delay and expense to all parties, and to the court system, presented by the complex legal and factual issues of the case. By contrast, the class action device presents far fewer management difficulties, and provides the benefits of single adjudication, an economy of scale, and comprehensive supervision by a single court. Upon information and belief, members of the Class can be readily identified and notified based on, *inter alia*, Defendant's vehicle identification numbers, warranty

claims, registration records, and database of complaints.

86. Defendant has acted, and refused to act, on grounds generally applicable to the Class, thereby making appropriate final equitable relief with respect to the Class as a whole.

## FIRST CAUSE OF ACTION

### Fraudulent Concealment
### (On behalf of Plaintiffs and the Class)

87. Plaintiffs incorporate by reference all allegations contained in this Complaint as though fully stated herein.

88. By affirmatively misrepresenting that the Class Vehicles are safe, and by failing to disclose and concealing the defective nature of the Class Vehicles' braking system from Plaintiffs and Class Members, Hyundai concealed and suppressed material facts concerning the performance and quality of the Class Vehicles.

89. Defendant knew that the Class Vehicles' braking systems suffered from an inherent defect, were defectively manufactured or made, would fail prematurely, and were not suitable for their intended use.

90. Defendant was under a duty to Plaintiffs and the Class Members to disclose the defective nature of the Class Vehicles' braking systems and/or the associated repair costs because:

a. Defendant was in a superior position to know the true state of facts about the safety defect contained in the Class Vehicles' braking systems ;

b. Defendant knew that the Class Vehicles suffered from an inherent defect, were defectively manufactured, and were not suitable for their intended use;

c. Plaintiffs and the Class Members could not reasonably have been expected to learn or discover that braking systems in their vehicles have a dangerous safety defect until after they purchased or leased the Class Vehicles; and,

d. Defendant knew that Plaintiffs and the Class Members could not reasonably have been expected to learn about or discover the ABS Defect.

91. On information and belief, Hyundai still has not made full and adequate disclosures and continues to defraud consumers by concealing material information regarding the ABS Defect and the performance and quality of Class Vehicles.

92. The facts concealed or not disclosed by Defendant to Plaintiffs and Class Members are material in that a reasonable person would have considered them to be important in deciding whether or not to purchase the Class Vehicles.

93. Plaintiffs and Class Members relied on Defendant to disclose material information it knew, such as the defective nature of the braking system in the Class Vehicles, and not to induce them into a transaction they would not have entered had the Defendant disclosed this information.

94. By failing to disclose the ABS Defect, Defendant knowingly and intentionally concealed material facts and breached its duty not to do so.

95. The facts concealed or not disclosed by Defendant to Plaintiffs and the other Class Members are material because a reasonable consumer would have considered them to be important in deciding whether or not to purchase the Class Vehicles, or to pay less for them.

96. Had Plaintiffs and other Class Members known that the Class Vehicles suffer from the ABS Defect, they would not have purchased or leased the Class Vehicles or would have paid less for them.

97. Plaintiffs and the other Class Members are reasonable consumers who do not expect that their vehicles will suffer from the ABS Defect. That is the reasonable and objective consumer expectation for vehicles.

98. As a result of Defendant's misconduct, Plaintiffs and the other Class Members have been harmed and have suffered actual and economic damages in that the Class Vehicles are defective and require repairs or replacement parts and are worth less money because of the Defect.

99. Accordingly, Hyundai is liable to Plaintiffs and Class Members for damages in an amount to be proven at trial.

100. Hyundai's actions and omissions were done maliciously, oppressively, deliberately, with intent to defraud, and in reckless disregard of Plaintiffs' and the

Class's rights and well-being, to enrich Hyundai. Hyundai's conduct warrants an assessment of punitive damages in an amount sufficient to deter such conduct in the future, which amount is to be determined according to proof.

101. Furthermore, as the intended and expected result of its fraud and conscious wrongdoing, Hyundai has profited and benefited from Plaintiffs' and Class Members' purchase of Class Vehicles containing the ABS Defect. Hyundai has voluntarily accepted and retained these profits and benefits with full knowledge and awareness that, as a result of Hyundai's misconduct alleged herein, Plaintiffs and Class Members were not receiving vehicles of the quality, nature, fitness, or value that had been represented by Hyundai, and that a reasonable consumer would expect.

102. Hyundai has been unjustly enriched by its fraudulent, deceptive, and otherwise unlawful conduct in connection with the sale and lease of Class Vehicles and by withholding benefits from Plaintiffs and Class Members at the expense of these parties. Equity and good conscience militate against permitting Hyundai to retain these profits and benefits, and Hyundai should be required to make restitution of its ill-gotten gains resulting from the conduct alleged herein.

103. Plaintiffs seek damages and injunctive and equitable relief for themselves and for the Class.

## SECOND CAUSE OF ACTION

### Unjust Enrichment
### (On behalf of Plaintiffs and the Class)

104. Plaintiffs incorporate by reference all allegations contained in this Complaint as though fully stated herein.

105. By affirmatively misrepresenting the Class Vehicles are safe, and by failing to disclose and concealing the defective nature of the Class Vehicles' Anti-lock Braking System and/or Traction Control System from Plaintiff and Class Members, Hyundai obtained monies which rightfully belong to Plaintiffs and the Class Members to the detriment of Plaintiffs and Class Members.

106. Hyundai appreciated, accepted, and retained the non-gratuitous benefits conferred by Plaintiffs and the proposed Class Members who, without knowledge of the ABS Defect, paid a higher price for their vehicles which actually had lower values. Hyundai also received monies for vehicles that Plaintiffs and the Class Members would not have otherwise purchased or leased.

107. It would be inequitable and unjust for Hyundai to retain these wrongfully obtained profits.

108. Hyundai's retention of these wrongfully obtained profits would violate the fundamental principles of justice, equity, and good conscience.

109. As a result of Defendant's unjust enrichment, Plaintiffs and Class Members have suffered damages.

110. Plaintiffs do not seek restitution under their Unjust Enrichment claim. Rather, Plaintiffs and Class Members seek non-restitutionary disgorgement of the financial profits that Defendant obtained as a result of its unjust conduct.

111. Additionally, Plaintiffs seek injunctive relief, enjoining Defendant from further distribution, sales, and lease practices with respect to Class Vehicles; enjoining Defendant from selling the Class Vehicles with the misleading information; compelling Defendant to provide Class members with replacement components that do not contain the defects alleged herein; and/or compelling Defendant to reform its warranty, in a manner deemed to be appropriate by the Court, to cover the injury alleged and to notify all Class Members that such warranty has been reformed. Money damages are not an adequate remedy for the above requested non-monetary injunctive relief.

## THIRD CAUSE OF ACTION

### Breach of Express Warranty under N.Y. UCC §§ 2-313 and 2A-210 (On behalf of Plaintiff Maldonado and Vizel and the New York Class)

112. Plaintiffs incorporate by reference all allegations contained in this Complaint as though fully stated herein.

113. In connection with the sale or lease of the Class Vehicles, Defendant provided Plaintiff Maldonado and Plaintiff Vizel and New York Class Members with its New Vehicle Limited Warranty where it promised to repair defective parts within 5 years or 60,000 miles in service, whichever comes first.

114. Plaintiff Maldonado and Plaintiff Vizel and New York Class Members relied on Defendant's warranty when they agreed to purchase or lease the Class Vehicles, and Defendant's warranty was part of the basis of the bargain.

115. Plaintiff Maldonado and Plaintiff Vizel and New York Class Members submitted their Vehicles for warranty repairs as referenced herein. Defendant failed to comply with the terms of the express written warranty provided to each Class member, by failing to repair the ABS Defect under the vehicle's warranty within a reasonable period of time as described herein.

116. Plaintiff Maldonado and Plaintiff Vizel and New York Class Members have given Defendant reasonable opportunity to cure said defect, but Defendant has been unable and/or has refused to do so within a reasonable time.

117. As a result of said nonconformities, Plaintiff Maldonado and Plaintiff Vizel and New York Class Members cannot reasonably rely on the Class Vehicles for the ordinary purpose of safe, reliable, comfortable, and efficient transportation.

118. Plaintiff Maldonado and Plaintiff Vizel and New York Class Members could not reasonably have discovered said nonconformities with the Class Vehicles prior to Plaintiff Maldonado and Plaintiff Vizel and New York Class Members' acceptance of the Class Vehicles.

119. Plaintiff Maldonado and Plaintiff Vizel and New York Class Members would not have purchased or leased the Class Vehicles, or would have paid less for

the Class Vehicles, had they known, prior to their respective time of purchase or lease, that Class Vehicles contained ABS Defect.

120. As a direct and proximate result of the willful failure of Defendant to comply with its obligations under the express warranty, Plaintiff Maldonado and Plaintiff Vizel and New York Class Members have suffered actual and consequential damages. Such damages include, but are not limited to, the loss of the use and enjoyment of their vehicles, and a diminution in the value of the vehicles containing the defects identified herein.

## FOURTH CAUSE OF ACTION

### Violation of N.Y. Gen. Bus. Law § 349
### (On behalf of Plaintiff Maldonado and Vizel and the New York Class)

121. Plaintiffs incorporate by reference all of the above paragraphs of this Complaint as though fully stated herein.

122. Plaintiff Maldonado and Plaintiff Vizel and New York Class Members are each "persons" under N.Y. Gen. Bus. Law § 349(g).

123. Defendant is a "person," "firm," "corporation" or "association" under N.Y. Gen. Bus. Law § 349(g).

124. The allegations set forth herein constitute false, misleading, unlawful or deceptive trade practice under N.Y. Gen. Bus. Law § 349, *et seq*.

125. By failing to disclose and concealing the ABS Defect from Plaintiff Maldonado and Plaintiff Vizel and New York Class Members, Defendant violated the

N.Y. Gen. Bus. Law § 349, *et seq.*, 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.

126. 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.

127. Defendant knew that the Class Vehicles suffered from the ABS Defect, were defectively manufactured or made, would fail prematurely, and were not suitable for their intended use.

128. Defendant was under a duty to Plaintiff Maldonado and Plaintiff Vizel and New York Class Members to disclose the defective nature of the Class Vehicles because:

a. Defendant was in a superior position to know the true state of facts about the ABS Defect contained in the Class Vehicles;

b. Defendant knew that the Class Vehicles suffered from an inherent defect, were defectively designed or manufactured, and were not suitable for their intended use;

c. Plaintiff Maldonado and Plaintiff Vizel and New York Class Members could not reasonably have been expected to learn or discover that their

vehicles have the ABS Defect until after they purchased the Class Vehicles; and,

d. Defendant made partial disclosures about the quality of the Class Vehicles without revealing the defective nature of the Class Vehicles and the ABS Defect.

129. The facts concealed or not disclosed by Defendant to Plaintiff Maldonado and Plaintiff Vizel and New York Class Members are material in that a reasonable person would have considered them to be important in deciding whether or not to purchase or lease the Class Vehicles.

130. Plaintiff Maldonado and Plaintiff Vizel and New York Class Members relied on Defendant to disclose material information it knew, such as the ABS Defect in the Class Vehicles, and not to induce them into a transaction they would not have entered had the Defendant disclosed this information.

131. By failing to disclose the ABS Defect, Defendant knowingly and intentionally concealed material facts, and breached its duty not to do so.

132. Plaintiff Maldonado and Plaintiff Vizel and New York Class Members are reasonable consumers who do not expect that their vehicles will suffer from a ABS Defect, which is the reasonable and objective consumer expectation for vehicles.

133. As a result of Defendant's misconduct, Plaintiff Maldonado and Plaintiff Vizel and New York Class Members have been harmed and have suffered actual and

economic damages in that the Class Vehicles are defective and require repairs or replacement, and are worth less money because of the ABS Defect.

134. Plaintiffs have provided adequate notice to Defendant.

## FIFTH CAUSE OF ACTION

### Breach of Express Warranty under to Ohio Rev. Code Ann. § 1302.26 (On behalf of Plaintiff Rubin and the Ohio Class)

135. Plaintiffs incorporate by reference all allegations contained in this Complaint as though fully stated herein.

136. In connection with the sale or lease of the Class Vehicles, Defendant provided Plaintiff Rubin and Ohio Class Members with its New Vehicle Limited Warranty where it promised to repair defective parts within 5 years or 60,000 miles in service, whichever comes first.

137. Plaintiff Rubin and Ohio Class Members relied on Defendant's warranty when they agreed to purchase or lease the Class Vehicles, and Defendant's warranty was part of the basis of the bargain.

138. Plaintiff Rubin and Ohio Class Members submitted their Vehicles for warranty repairs as referenced herein. Defendant failed to comply with the terms of the express written warranty provided to each Class member, by failing to repair the ABS Defect under the vehicle's warranty within a reasonable period of time as described herein.

139. Plaintiff Rubin and Ohio Class Members have given Defendant reasonable opportunity to cure said defect, but Defendant has been unable and/or has refused to do so within a reasonable time.

140. As a result of said nonconformities, Plaintiff Rubin and Ohio Class Members cannot reasonably rely on the Class Vehicles for the ordinary purpose of safe, reliable, comfortable, and efficient transportation.

141. Plaintiff Rubin and Ohio Class Members could not reasonably have discovered said nonconformities with the Class Vehicles prior to Plaintiff Rubin and Ohio Class Members' acceptance of the Class Vehicles.

142. Plaintiff Rubin and Ohio Class Members would not have purchased or leased the Class Vehicles, or would have paid less for the Class Vehicles, had they known, prior to their respective time of purchase or lease, that Class Vehicles contained ABS Defect.

143. As a direct and proximate result of the willful failure of Defendant to comply with its obligations under the express warranty, Plaintiff Rubin and Ohio Class Members have suffered actual and consequential damages. Such damages include, but are not limited to, the loss of the use and enjoyment of their vehicles, and a diminution in the value of the vehicles containing the defects identified herein.

## SIXTH CAUSE OF ACTION

**Violation of the Ohio Consumer Sales Practices Act**
**Ohio Rev. Code § 1345.01, *et seq.***
**(On behalf of Plaintiff Rubin and the Ohio Class)**

144. Plaintiffs incorporate by reference all of the above paragraphs of this Complaint as though fully stated herein.

145. Plaintiff Rubin and Ohio Class Members are "consumers" as defined by the Ohio Consumer Sales Practices Act, Ohio Rev. Code § 1345.01 ("OCSPA").

146. Defendant is a "supplier" as defined by the OCSPA.

147. Plaintiff Rubin's and other Ohio Class Members' purchases or leases of Class Vehicles were "consumer transactions" as defined by the OCSPA.

148. The allegations set forth herein constitute false, misleading, unlawful, or deceptive trade practice under the OCSPA. Ohio Rev. Code § 1345.01, *et seq*.

149. By failing to disclose and concealing the ABS Defect from Plaintiff Rubin and Ohio Class Members, Defendant violated the OCSPA, 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.

150. 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.

151. Defendant knew that the Class Vehicles suffered from the ABS Defect, were defectively manufactured or made, would fail prematurely, and were not suitable for their intended use.

152. Defendant was under a duty to Plaintiff Rubin and Ohio Class Members to disclose the defective nature of the Class Vehicles because:

e. Defendant was in a superior position to know the true state of facts about the ABS Defect contained in the Class Vehicles;

f. Defendant knew that the Class Vehicles suffered from an inherent defect, were defectively designed or manufactured, and were not suitable for their intended use;

g. Plaintiff Rubin and Ohio Class Members could not reasonably have been expected to learn or discover that their vehicles have the ABS Defect until after they purchased the Class Vehicles; and,

h. Defendant made partial disclosures about the quality of the Class Vehicles without revealing the defective nature of the Class Vehicles and the ABS Defect.

153. The facts concealed or not disclosed by Defendant to Plaintiff Rubin and Ohio Class Members are material in that a reasonable person would have considered them to be important in deciding whether or not to purchase or lease the Class Vehicles.

154. Plaintiff Rubin and Ohio Class Members relied on Defendant to disclose material information it knew, such as the ABS Defect in the Class Vehicles, and not to induce them into a transaction they would not have entered had the Defendant disclosed this information.

155. By failing to disclose the ABS Defect, Defendant knowingly and intentionally concealed material facts, and breached its duty not to do so.

156. Plaintiff Rubin and Ohio Class Members are reasonable consumers who do not expect that their vehicles will suffer from a ABS Defect, which is the reasonable and objective consumer expectation for vehicles.

157. The Ohio Attorney General has made available for public inspection prior state court decisions which have held that the acts and omissions of Defendant in this Complaint, including, but not limited to, the failure to honor both implied warranties and express warranties, the making and distribution of false, deceptive, and/or misleading representations, and the concealment and/or non-disclosure of a dangerous defect, constitute deceptive sales practices in violation of the OCSPA. These cases include, but are not limited to, the following: *Mason v. Mercedes Benz USA, LLC* (OPIF #10002382); *State ex rel. Betty D. Montgomery v. Defendants Motor Co.* (OPIF #10002123); *State ex rel. Betty D. Montgomery v. Bridgestone/Firestone, Inc.* (OPIF #10002025); *Bellinger v. Hewlett-Packard Co.*, No. 20744, 2002 Ohio App. LEXIS 1573 (Ohio Ct. App. Apr. 10, 2002) (OPIF #10002077); *Borror v.*

*MarineMax of Ohio*, No. OT-06-010, 2007 Oho App. LEXIS 525 (Ohio Ct. App. Feb. 9, 2007) (OPIF #10002388); *State ex rel. Jim Petro v. Craftmatic Organization, Inc.* (OPIF #10002347); *Mark J. Craw Defendants, et al. v. Joseph Airport Toyota, Inc.* (OPIF #10001586); *State ex rel. William J. Brown v. Harold Lyons, et al.* (OPIF #10000304); *Brinkman v. Mazda Motor of America, Inc.* (OPIF #10001427); *Khouri v. Don Lewis* (OPIF #100001995); *Mosley v. Performance Mitsubishi aka Automanage* (OPIF #10001326); *Walls v. Harry Williams dba Butch's Auto Sales* (OPIF #10001524); *Brown v. Spears* (OPIF #10000403); *State ex rel. Brown v. Bud Fletcher Used Cars, Inc.* (OPIF #10000228) (Ohio Ct. C.P. Apr. 27, 1982); *State ex rel. Celebrezze v. Metro Toyota, Inc.* (OPIF #10001194); and *Shellhorn v. Kohler Chrysler-Plymouth, Inc.* (PIF Number 10001309).

158. As a result of its violations of the OCSPA detailed above, Defendant caused actual damage to Plaintiff Rubin and Ohio Class Members and, if not stopped, will continue to harm Plaintiff Rubin and Ohio Class Members. Plaintiff Rubin and Ohio Class Members currently own or lease a Class Vehicles that are defective. Defects associated with the Class Vehicles' braking system have caused the value of Class Vehicles to decrease.

159. As a result of Defendant's misconduct, Plaintiff Rubin and Ohio Class Members have been harmed and have suffered actual and economic damages in that

the Class Vehicles are defective and require repairs or replacement, and are worth less money because of the ABS Defect.

160. Plaintiff Rubin also seeks court costs and attorneys' fees as a result of Defendant's violation of the OCSPA as provided in Ohio Rev. Code § 1345.09.

**DEMAND FOR RELIEF**

WHEREFORE, Plaintiffs, on behalf of themselves and all others similarly situated, pray for judgment against Defendant as follows:

a. An order certifying the proposed Class, designating Plaintiffs as named representatives of the Classes, and designating the undersigned as Class Counsel;

b. An order awarding Plaintiffs and class members their actual damages, incidental and consequential damages, punitive damages, and/or other form of monetary relief provided by law;

c. An order awarding Plaintiffs and the class restitution, disgorgement, or other equitable relief as the Court deems proper;

d. Equitable relief including, but not limited to, replacement of the Class Vehicles with new vehicles, or repair of the defective Class Vehicles with an extension of the express warranties and service contracts which are or were applicable to the Class Vehicles;

e. Reasonable attorneys' fees and costs;

f. Pre-judgment and post-judgment interest, as provided by law;

g. Plaintiffs demand that Defendant repairs all Class Vehicles; and

h. Such other and further relief as this Court deems just and proper.

**TRIAL BY JURY DEMANDED ON ALL COUNTS**

DATED: May 9, 2025

By: */s/ Trinette G. Kent*
Trinette G. Kent, Esq.
Lemberg Law, LLC
*Attorneys for Plaintiffs*