

Hyundai Hit With Class Action Over Power Steering Failure

By **John Kennedy**

Law360, New York (June 12, 2017, 8:49 PM EDT) -- A defect in the power steering systems of certain Hyundai vehicles caused the cars to unexpectedly become difficult or impossible to steer, a proposed class of owners told a California federal court on Thursday.

The putative class, led by Oregon drivers Houston Vinci and Jaehan Ku, said the South Korean company fraudulently concealed the defect, despite a large number of consumer complaints and a similar defect in earlier models that led to an **April 2016 recall** of 173,000 Hyundai Sonatas. Vinci and Ku said the defect severely inhibits drivers' ability to react to or avoid other cars, pedestrians and obstacles and that it affects two Hyundai models — Accents and Elantras — comprising model years 2013 to 2016. The alleged defect is caused by conflicting steering wheel input data that causes power steering to turn off, the drivers said.

"A reasonable customer who purchases a vehicle that advertises power steering as a feature expects that feature to function properly," the drivers said. "A reasonable consumer further expects and assumes that defendant will not sell vehicles with known safety defects, and will disclose any such defect to their customers."

Vinci is an Oregon resident who bought a used 2013 Accent in June 2015. If Hyundai Motor America had disclosed the alleged defect, she said she wouldn't have bought the vehicle under the same terms, if at all. Since the purchase, the vehicle has had repeated problems with steering. She's brought it to Hyundai's dealers for repairs, but so far, they've been unable to correct it, Vinci said. Then, in January 2016, the defect caused her to crash in Portland, Oregon, she said.

Ku is a Korean resident studying in Oregon who bought a new 2014 Elantra in March of that year. Ku, who spent two years as a truck driver in the South Korean military, said that in May 2016, the steering wheel locked up and his car veered sharply to the left. Its brakes failed at the same time and he was unable to stop before crashing into the barrier on the side of the highway. A camera Ku had installed in the car captured the incident on video.

A National Highway Traffic Safety Administration database shows there were many customer complaints about the vehicles, the drivers said. As of June 7, there were more than 100 such complaints for Elantras and 10 for Accents. These include a driver who couldn't turn away from a wooden wall on the side of a road and drove through it.

The drivers are bringing eight claims, including violations of California laws, the laws of 29 states, breach of implied warranty, fraudulent concealment and unjust enrichment.

The 2016 recall involved 2011 model year Sonatas built between 2009 and 2010. The NHTSA said the cars were vulnerable to a loss of electronic power steering if a circuit board inside the drive assembly malfunctions or is damaged.

Hyundai agreed in that case to notify Sonata drivers and dealers of the possible defect and would replace the control units free of charge, the NHTSA said at the time.

Neither party could be reached for comment Monday.

The drivers are represented by Barbara A. Rohr and Innessa Melamed of Faruqi & Faruqi LLP, Bonner Walsh of Walsh LLC, Adam Gonnelli of The Sultzzer Law Group PC and Laura R. Reznick of Leeds Brown Law PC.

Counsel information for the automaker was unavailable Monday.

The case is Houston Vinci et al. v. Hyundai Motor America et al., case number 8:17-cv-00997, in the U.S. District Court for the Central District of California.

--Editing by Bruce Goldman.