

1 Jordan L. Lurie (SBN 130013)
Jordan.Lurie@capstonelawyers.com
2 Tarek H. Zohdy (SBN 247775)
Tarek.Zohdy@capstonelawyers.com
3 Cody R. Padgett (SBN 275553)
Cody.Padgett@capstonelawyers.com
4 Karen L. Wallace (SBN 272309)
Karen.Wallace@capstonelawyers.com
5 Capstone Law APC
1875 Century Park East, Suite 450
6 Los Angeles, California 90067
Telephone: (310) 556-4811
7 Facsimile: (310) 943-0396

8 Howard A. Gutman
Law Office of Howard A. Gutman
9 230 Route 206, Suite 307
Flanders, New Jersey 07836
10 (973) 598 1980

11 Attorneys for Plaintiffs Dolores Granillo,
Albert Granillo, and Desiree Nava
12

13 UNITED STATES DISTRICT COURT
14 DISTRICT OF NEW JERSEY

15 DOLORES GRANILLO, ALBERT
16 GRANILLO, and DESIREE NAVA,
17 individually, and on behalf of a class
of similarly situated individuals,

18 Plaintiffs,

19 v.

20 FCA US LLC, a Delaware limited
21 liability company, and DOES 1-10,
inclusive,

22 Defendants.
23
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25
26
27
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Civil Action No. 16-153(FLW)(DEA)

**SECOND AMENDED CLASS
ACTION COMPLAINT FOR:**

- (1) Violations of California Consumer
Legal Remedies Act
- (2) Violations of Unfair Competition
Law
- (3) Breach of Implied Warranty
pursuant to Song-Beverly Consumer
Warranty Act
- (4) Breach of Warranty under the
Magnuson- Moss Warranty Act
- (5) Breach of Express Warranty under
Cal. Com. Code § 2313

DEMAND FOR JURY TRIAL

**[FILED PURSUANT TO COURT'S
ORDER DATED OCT. 30, 2017 (Dkt.
No. 76)]**

INTRODUCTION

1
2 1. Plaintiffs Dolores Granillo, Albert Granillo, and Desiree Nava
3 (“Plaintiffs”) bring this action for themselves and on behalf of all persons in the
4 United States and its territories who purchased or leased, for family, household,
5 or personal use, any FCA US LLC (“FCA”) vehicles equipped with FCA’s 9-
6 speed automatic transmissions (“ZF 9HP Automatic Transmissions”)
7 (collectively, “Class Vehicles”)¹ designed, manufactured, marketed, distributed,
8 sold, warranted, and serviced by FCA (“Defendant”), and who maintained
9 continuous possession of the Class Vehicle.

10 2. FCA designed and marketed its vehicles with the new ZF 9HP
11 Automatic Transmissions as “a critical part of [their] strategy to meet fuel
12 economy requirements over the next several years,”² and promising that the new
13 transmission would deliver “numerous benefits customers will appreciate,
14 including aggressive launches, smooth power delivery at highway speeds and
15 improved fuel efficiency versus a six-speed automatic transmission.”³
16 Accordingly, FCA released the 2014 Jeep Cherokee with “the world’s first nine-
17 speed automatic transmission for a passenger vehicle” and lauded the ZF 9HP
18 Automatic Transmissions as a “leading-edge solution to [...] mileage and
19 emissions objectives.”⁴

20 3. The ZF 9HP Automatic Transmissions was supposed to serve as a
21

22 ¹ On information and belief, these vehicles include, but are not limited to,
23 the following FCA models: 2014-2015 Jeep Cherokee, 2015 Chrysler 200, 2015
24 Jeep Renegade, and 2015 Promaster City.

25 ² See FCA Corporate News, *Chrysler Group Plans to Invest Nearly \$20
26 Million in Toledo Machining Plant* (April 26, 2013),
27 <http://media.chrysler.com/newsrelease.do?id=14171&mid=2> (last visited July 8,
28 2015).

29 ³ See Press Kit: 2014 Jeep Cherokee, *All New 2014 Jeep Cherokee: No-
30 compromise Mid-size SUV Sets a New Standard* (Sept. 9, 2013),
31 [http://www.media.chrysler.com/
32 newsrelease.do?id=14039&mid=426](http://www.media.chrysler.com/newsrelease.do?id=14039&mid=426) (last visited July 8, 2015).

33 ⁴ See AutoBlog.com, *Jeep unveils 9-speed transmission for Cherokee*
34 (Mar. 28, 2013, 2:02PM), [http://www.autoblog.com/2013/03/28/jeep-unveils-9-
35 speed-transmission-for-cherokee/](http://www.autoblog.com/2013/03/28/jeep-unveils-9-speed-transmission-for-cherokee/) (last visited July 8, 2015).

1 significant technological advancement from previously employed six-speed
 2 automatic transmissions due to its unique 9.8 ratio spread and computer-
 3 controlled shifting, which were designed together to allow for better performance
 4 and fuel economy, while maintaining the ease of use of traditional automatic
 5 transmissions.

6 4. In fact, prior to even releasing the ZF 9HP Automatic Transmission
 7 in its vehicles, FCA confirmed that it was plagued with problems. In addition to
 8 its market delay, on September 24, 2013, it was reported that FCA “was also
 9 forced to postpone” media drive events to ““further improve powertrain
 10 calibrations.””.⁵

11 5. Unfortunately, FCA failed to deliver any vehicles with the ZF 9HP
 12 Automatic Transmission that lived up to the promise of a transmission that
 13 “shifts through the gears so smoothly that drivers don’t even notice most of the
 14 gear changes.”⁶ Ultimately, the Cherokee’s release, originally set for “no later
 15 than September” 2013⁷, was plagued with delays due to glitches in “the software
 16 that controls how the SUV’s nine-speed transmission interact[s] with its
 17 innovative disconnecting drivetrain.”⁸ Chrysler claimed that “[t]he company
 18 will not ship vehicles until we are fully satisfied the Cherokee meets customer
 19 expectations for performance, refinement and quality.”⁹ “Insiders say the new
 20 transmission – which is a ZF design but being built by Chrysler – isn’t shifting

21 ⁵ See Left Lane News, *Chrysler Suspends Shift at Jeep Cherokee Plant*,
 22 (September 24, 2013, 11:06AM), [www.leftlanenews.com/chrysler-suspends-
 shift-at-jeep-cherokee-plant.html](http://www.leftlanenews.com/chrysler-suspends-shift-at-jeep-cherokee-plant.html) (last visited November 19, 2015).

23 ⁶ See Drive: The ZF Magazine, Feb. 2013, at 29,
 24 [http://www.zf.com/media/media/en/document/corporate_2/downloads_1/custom
 er_magazines/drive/drive_2013_2.pdf](http://www.zf.com/media/media/en/document/corporate_2/downloads_1/customer_magazines/drive/drive_2013_2.pdf) (last visited July 8, 2015).

25 ⁷ See Left Lane News, *Jeep Cherokee still waiting on transmission fix*
 (Oct. 11, 2013, [http://www.leftlanenews.com/jeep-cherokee-still-waiting-on-
 transmission-fix.html](http://www.leftlanenews.com/jeep-cherokee-still-waiting-on-transmission-fix.html) (last visited July 27, 2015).

26 ⁸ See Autoweek.com, *Chrysler CEO vows never to repeat mistakes from*
 27 *Cherokee launch* (Oct. 30, 2013), [http://autoweek.com/article/car-news/chrysler-
 ceo-vows-never-repeat-mistakes-cherokee-launch](http://autoweek.com/article/car-news/chrysler-ceo-vows-never-repeat-mistakes-cherokee-launch) (last visited July 8, 2015).

28 ⁹ See Left Lane News, *Jeep Cherokee still waiting on transmission fix*
 (Oct. 11, 2013, 1:08PM) [http://www.leftlanenews.com/jeep-cherokee-still-
 waiting-on-transmission-fix.html](http://www.leftlanenews.com/jeep-cherokee-still-waiting-on-transmission-fix.html) (last visited November 19, 2015).

1 as smoothly as intended.”¹⁰ Sergio Marchionne, CEO of Fiat Chrysler
2 Automobiles, later admitted that the transmission lacked “mature” software at
3 the time of release.¹¹

4 6. After multiple delays, attempted fixes and recalibrations, FCA
5 nevertheless sold the Class Vehicles with the ZF 9H Automatic Transmission.
6 Unfortunately for consumers, FCA knowingly rushed a product to market that
7 was defective and has been unable to repair the Class Vehicles.

8 7. Traditional automatic transmissions use a set of gears that provides
9 a given number of ratios. The transmission shifts gears to provide the most
10 appropriate ratio for a given situation. Normally, that means lower gears for
11 starting, middle gears for acceleration and passing, and higher gears for more
12 fuel-efficient cruising. The ZF 9HP Automatic Transmission differs from
13 traditional automatic transmissions in that it employs a 9.8 ratio spread, as
14 opposed to 6, allowing for shorter shifts between gears, keeping the engine speed
15 as low as possible, and contributing to greater fuel-efficiency. Additionally, the
16 ZF 9HP Automatic Transmission borrows fuel-efficient characteristics typically
17 seen in manual transmissions, such as “dog clutches,” which use less power to
18 shift than the friction clutches normally utilized in automatic transmissions.
19 However, in contrast to manual transmissions, the ZF 9HP Automatic
20 Transmission engages the dog clutches with computer software commands from
21 an electronic control unit in order to save space and ensure that the complex
22 transmission actually fits inside the vehicles. An automotive journalist best
23 explains the result of employing the software:

24 The 9HP’s software on the other hand responds by
25 cutting power initially, then diving as far down the
gear-ladder as it can, engaging the dog clutches and

26 ¹⁰ *Id.*

27 ¹¹ See Automotive News, *Another fix for Jeep’s troubled 9-speed* (Feb. 2,
28 <http://www.autonews.com/article/20150202/OEM01/302029930/another-fix-for-jeeps-troubled-9-speed> (last visited July 8, 2015).

1 then reinstating your throttle command. The result is a
2 somewhat odd delay between the pedal on the floor and
the car taking off like a bat out of hell.¹²

3 8. Despite the initial skepticism towards the performance of the ZF
4 9HP Automatic Transmissions, Sergio Marchionne touted his confidence in the
5 ZF 9HP Automatic Transmissions, stating that it “has all the elements that we
6 feel are essential to our front-wheel-drive/all-wheel-drive portfolio”¹³ and that
7 “[i]t is still the most viable solution moving forward.”¹⁴ Further, FCA’s press
8 releases continued to praise the Cherokees’ performance with the newly
9 equipped 9-speed transmission:

10 The all-new 2014 Jeep Cherokee completely redefines
11 the mid-size SUV segment, delivering legendary Jeep
12 4x4 capability, improved fuel economy, superior on-
13 road ride and handling, revolutionary design, world-
14 class craftsmanship, clever functionality and versatility,
15 more than 70 safety and security features and user-
friendly technology. The Jeep Cherokee delivers
16 unmatched off-road capability while not sacrificing on-
road ride and handling, comfort or segment-leading
17 features.¹⁵

18 And:

19 The 2015 Jeep Cherokee premium on-road manners and
20 fuel efficiency are a result of a number of efforts by
Jeep engineers. Powered by the choice of two new
engines mated to a segment-first nine-speed automatic
transmission, the all-new Cherokee delivers the power

21 ¹² See The Truth About Cars, *ZF’s 9-Speed 9HP Transmission Puts Dog*
22 *Clutches On The Leash* (Feb. 8, 2014),
23 [http://www.thetruthaboutcars.com/2014/02/zfs-9-speed-9hp-transmission-puts-](http://www.thetruthaboutcars.com/2014/02/zfs-9-speed-9hp-transmission-puts-dog-clutches-on-the-leash/)
[dog-clutches-on-the-leash/](http://www.thetruthaboutcars.com/2014/02/zfs-9-speed-9hp-transmission-puts-dog-clutches-on-the-leash/) (last visited July 8, 2015).

24 ¹³ See Autoweek.com, *Chrysler CEO vows never to repeat mistakes from*
Cherokee launch (Oct. 30, 2013), [http://autoweek.com/article/car-news/chrysler-](http://autoweek.com/article/car-news/chrysler-ceo-vows-never-repeat-mistakes-cherokee-launch)
[ceo-vows-never-repeat-mistakes-cherokee-launch](http://autoweek.com/article/car-news/chrysler-ceo-vows-never-repeat-mistakes-cherokee-launch) (last visited July 8, 2015).

25 ¹⁴ See Automotive News, *Marchionne commits to 9-speed, says technology*
keeps evolving (Mar. 30, 2014),
26 [http://www.autonews.com/article/20140330/OEM06/303319976/marchionne-](http://www.autonews.com/article/20140330/OEM06/303319976/marchionne-commits-to-9-speed-says-technology-keeps-evolving)
[commits-to-9-speed-says-technology-keeps-evolving](http://www.autonews.com/article/20140330/OEM06/303319976/marchionne-commits-to-9-speed-says-technology-keeps-evolving) (last visited July 8, 2015).

27 ¹⁵ See Press Kit: 2014 Jeep Cherokee, *All New 2014 Jeep Cherokee: No-*
compromise Mid-size SUV Sets a New Standard (Sept. 9, 2013),
28 [http://www.media.chrysler.com/](http://www.media.chrysler.com/newsrelease.do?id=14039&mid=426)
[newsrelease.do?id=14039&mid=426](http://www.media.chrysler.com/newsrelease.do?id=14039&mid=426) (last visited July 8, 2015).

1 drivers appreciate on the road without sacrificing fuel
2 efficiency. With highway fuel economy ratings of up to
3 31 mpg and a driving range on a tank of gasoline of
4 nearly 500 miles, the all-new 2015 Jeep Cherokee
delivers drivers a no-compromise ownership
experience.¹⁶

5
6 9. A vehicle equipped with the ZF 9HP Automatic Transmission
7 should function in a manner that the driver expects, i.e. it should start, accelerate,
8 decelerate, and stop at appropriate times while the driver operates the vehicle. In
9 practice, however, FCA's 9-speed transmission operates erratically, causing
10 numerous safety concerns.

11 10. Specifically, Plaintiffs are informed and believe, and based thereon
12 allege, that the ZF 9HP Automatic Transmission contains one or more design
13 and/or manufacturing defects in that the transmission exhibits rough, delayed, or
14 sudden shifting or failure to shift; grinding or other loud noises during shifting;
15 harsh engagement of gears; sudden or harsh accelerations/decelerations; sudden
16 loss of power; premature transmission wear; and transmission failure (the
17 "Transmission Defect").

18 11. Based on information and belief acquired through publicly available
19 information, Plaintiffs believe that the Transmission Defect stems from the
20 Transmission Control Module ("TCM") and its software.

21 12. The Transmission Defect causes unsafe conditions, including, but
22 not limited to, delayed acceleration, abrupt forward propulsion and sudden loss
23 of power, which present a safety hazard because they severely affect the driver's
24 ability to control the car's speed, acceleration, and deceleration. As an example,
25 these conditions may make it difficult to safely change lanes, make turns, merge

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27 ¹⁶ See Press Kit: 2015 Jeep Cherokee, *2015 Jeep Cherokee: Most Capable*
28 *Mid-size SUV Expands Availability of Features Customers Desire for 2015*
(Sept. 2, 2014),
<http://www.media.chrysler.com/newsrelease.do?&id=15865&mid=426> (last
visited July 8, 2015).

1 into traffic, accelerate from stop light/sign, and accelerate onto
2 highways/freeways because Class Members' vehicles have failed to accelerate
3 when they attempted to change lanes, turn, and/or merge onto highways.

4 13. On information and belief, Defendant's corporate officers, directors,
5 or managers knew about the Transmission Defect and failed to disclose it to
6 Plaintiffs and Class Members, at the time of sale, lease, repair, and thereafter.

7 14. On information and belief, the Class Vehicles utilize the same or
8 substantially identical ZF 9HP Automatic Transmissions, and the Transmission
9 Defect is the same for all Class Vehicles.

10 15. On information and belief, the Transmission Defect also causes
11 premature wear to the 9-speed transmission and other related components, which
12 may result in premature transmission failure and require expensive repairs,
13 including possible replacement of the transmission and its related components.

14 16. As a result of the Transmission Defect, FCA has issued several
15 Technical Service Bulletins ("TSBs"), as well as three transmission software
16 updates, to its dealers in the United States, acknowledging defects in the 9HP
17 Automatic Transmission. For example, FCA issued TSB #SB-21-013-13 on or
18 around November 14, 2013, to its dealers, covering the 2014 Jeep Cherokee, and
19 informed them of the procedure to be followed in the event customers "indicate
20 that their transmission shift quality does not meet their expectations" and poor
21 shift quality is identified during "New Vehicle Preparation 'Road Test'."
22 Further, FCA issued TSB #SB-21-014-13 on or around December 19, 2013, to
23 its dealers, covering the 2014 Jeep Cherokee, and informed them that "ON
24 SOME JEEPS, WITH NEW SOFTWARE ROBUSTNESS IMPROVEMENTS,
25 EXPERIENCING INCONSISTENT AND/OR HARSH 1-2 or 2-3 UPSHIFTS."

26 17. Additionally, FCA's TSB #21-018-04 from or around May 15,
27 2014, which supersedes the December 2013 TSB (#SB-21-014-13) previously
28 mentioned, addressed customer complaints regarding the 2014 Jeep Cherokee

1 transmission's poor shifting and included a "five-minute software reset" and, in
2 some cases, a 78-minute "adaptive drive learn" test performed by the service
3 technician to ensure appropriate shifting.¹⁷ A Chrysler spokesperson told
4 Automotive News that the software update was in response to "customer
5 feedback" and to "improve satisfaction."¹⁸ Despite issuing three successive
6 Technical Service Bulletins and two software updates within the first six months
7 of production, Sergio Marchionne, CEO of Fiat Chrysler Automobiles, stated in
8 May 2014 that "he was not concerned about the quality of the nine-speed
9 automatic transmission."¹⁹

10 18. However, consumer complaints persisted and FCA's promises again
11 fell short when it issued TSB #81-016-1053 on or around October 1, 2014,
12 covering the 2014-2015 Jeep Cherokees and 2015 Chrysler 200, informing
13 dealers that the "TRANSMISSION MAY NOT ALLOW THE TRANSAXLE
14 TO SHIFT GEAR DUE TO TRANSMISSION CONTROL MODULE
15 SOFTWARE." In February 2015, FCA issued TSB #21-008-15, covering the
16 2014-2015 Jeep Cherokees and 2015 Chrysler 200, providing to dealers
17 "INFORMATION REGARDING AN ISSUE, ON SOME VEHICLES,
18 WHEREBY 5-4 DOWNSHIFTING, IS LESS THAN DESIRED AND
19 MALFUNCTION INDICATOR LAMP (MIL) WILL ILLUMINATE AND
20 REMOVING, DISASSEMBLING AND REPLACING C-CLUTCH SNAP
21 RING AND TRANSMISSION." Additionally, in or around February 2015,
22 FCA released its third transmission software update for vehicles equipped with
23 the ZF 9HP Automatic Transmission in response to consumer complaints
24 reporting conditions such as "sudden lunges from unexpected downshifts, a lack
25 of kickdown upon entering highways, front-axle vibration in low gears, and

26 ¹⁷ See Automotive News, *Jeep 9-speed needs a reset again* (May 26,
27 2015), [http://www.autonews.com/article/20140526/OEM06/305269979/jeep-9-](http://www.autonews.com/article/20140526/OEM06/305269979/jeep-9-speed-needs-a-reset-again)
28 speed-needs-a-reset-again (last visited July 8, 2015).

¹⁸ *Id.*
¹⁹ *Id.*

1 complete failures in which the transmission shifts into neutral while driving and
2 lights up the dash with warning lights.”²⁰ FCA issued TSB #21-015-15 on or
3 around March 4, 2015, relating to above-mentioned software update.

4 19. On information and belief, consumers continued to experience
5 problems with their vehicles despite the purported fixes, including, but not
6 limited to: rough, delayed, or sudden shifting or failure to shift; grinding or other
7 loud noises during shifting; harsh engagement of gears; sudden or harsh
8 accelerations/decelerations; sudden loss of power; and premature transmission
9 wear.

10 20. Because FCA will not notify Class Members that the ZF 9HP
11 Automatic Transmission is defective, Plaintiffs, Class Members, and members of
12 the general public are subjected to dangerous driving conditions that often occur
13 without warning.

14 21. The alleged Transmission Defect was inherent in each FCA vehicle
15 equipped with the ZF 9HP Automatic Transmission and was present in each
16 FCA vehicle equipped with the ZF 9HP Automatic transmission at the time of
17 sale.

18 22. FCA knew about and concealed the Transmission Defect present in
19 every Class Vehicle, along with the attendant dangerous safety problems, from
20 Plaintiffs and Class Members, at the time of sale, lease, repair, and thereafter. In
21 fact, instead of repairing the defects in the ZF 9HP Automatic Transmission,
22 FCA either refused to acknowledge the defects’ existence or performed repairs
23 that simply masked the defects.

24 23. If Plaintiffs and Class Members had known about these defects at
25 the time of sale or lease, Plaintiffs and Class Members would not have purchased

26 ²⁰ See Car and Driver, *Holy Shift: ZF 9-speed Automatic Problems Mount,*
27 *Chrysler Releases Third Software Update for Jeep Cherokee* (Feb. 4, 2015,
28 1:55PM), <http://blog.caranddriver.com/holy-shift-zf-9-speed-automatic-problems-mount-chrysler-releases-third-software-update-for-jeep-cherokee/> (last visited July 8, 2015).

1 or leased the Class Vehicles or would have paid less for them.

2 24. As a result of their reliance on Defendant's omissions, owners
3 and/or lessees of the Class Vehicles suffered an ascertainable loss of money,
4 property, and/or value of their Class Vehicles. Additionally, as a result of the
5 Transmission Defect, Plaintiffs and Class Members were harmed and suffered
6 actual damages in that the Class Vehicles' transmission components are
7 substantially certain to fail before their expected useful life has run.

8 THE PARTIES

9 Plaintiffs Dolores and Albert Granillo

10 25. Plaintiffs Dolores and Albert Granillo ("Granillos") are California
11 citizens who reside in Hesperia, California.

12 26. On or around October 4, 2014, Granillos purchased a new 2015 Jeep
13 Cherokee from Victorville Motors, Inc., an authorized FCA dealer in San
14 Bernardino County. Granillos' vehicle was equipped with a ZF 9HP Automatic
15 Transmission.

16 27. Granillos purchased their vehicle primarily for personal, family, or
17 household use. FCA manufactured, sold, distributed, advertised, marketed, and
18 warranted the vehicle.

19 28. Passenger safety and reliability were factors in Granillos' decision
20 to purchase their vehicle. Prior to purchasing their vehicle, Granillos reviewed
21 specific features and options for the Jeep Cherokee on Jeep's official website.
22 They also test drove a Jeep Cherokee prior to their purchase.

23 29. Had FCA disclosed the Transmission Defect before Granillos
24 purchased their vehicle, Granillos would have seen such disclosures and been
25 aware of them. Indeed, FCA's omissions were material to Granillos. Like all
26 members of the Class, Granillos would not have purchased their Class Vehicle,
27 or would have paid less for the vehicle, had they known of the Transmission
28 Defect.

1 30. After purchasing the vehicle, and within the first month of their
2 purchase, the Granillos noticed symptoms of the Transmission Defect, including
3 rough and erratic shifting and loud “clunking” noises during shifting.

4 31. On or around November 19, 2014, with approximately 1,316 miles
5 on the odometer, Granillos brought their vehicle to Victorville Motors Inc.,
6 where they purchased the vehicle, complaining that the vehicle “was not
7 shifting” and was “making a clunk nosie (sic)”. The FCA-certified service
8 technician inspected the vehicle, confirmed that the vehicle was “stuck in 4th
9 gear,” and updated the software on the powertrain control module and
10 transmission control module after referencing “star case #S1421000018.” The
11 “star case” was a reference to FCA’s Service Technical Assistance Resource
12 (“STAR”) Center, which is FCA’s engineer/technical team.

13 32. Just one month later, on or around December 11, 2014, with
14 approximately 1,780 miles on the odometer, Granillos had their vehicle towed to
15 Victorville Motors, Inc. because the transmission completely shut down on a
16 major freeway and Mrs. Granillo was forced to coast to the side of the freeway to
17 avoid an accident. The FCA-certified service technician inspected the vehicle,
18 verified Granillos’ concerns, and replaced the entire transmission. Granillos’
19 repair order states “GUEST STATES THAT SHE WAS DRIVING ON THE
20 FREEWAY AND THE VEHICLE JUST LOST ALL POWER AND STARTER
21 (SIC) CLUNKING THEN SAID SERVICE TRANSMISSION AND WOULD
22 NOT GO FASTER THAN 25 MPH GUEST STATES THAT THE VEHICLE
23 WOULD NOT GO INTO REVERSE GUEST HAD VEHICLE TOWED IN.”
24 The mechanics replaced Granillos’ transmission after referencing “star case
25 [#]142000018” and determined that no further actions were required at that
26 point.

27 33. Despite providing FCA and its authorized dealer with multiple
28 opportunities to repair their vehicle, Granillos continued to experience the

1 Transmission Defect, including, but not limited to, shuddering, rough shifting,
2 and jerking.

3 34. At all times, Granillos, like all Class Members, have driven their
4 vehicle in a foreseeable manner and in the manner in which it was intended to be
5 used.

6 **Plaintiff Desiree Nava**

7 35. Plaintiff Desiree Nava (“Nava”) is a California citizen who resides
8 in Oceanside, California.

9 36. On or around June 17, 2014, Nava purchased a new 2014 Jeep
10 Cherokee from Bob Baker Automotive Inc., d/b/a Bob Baker Chrysler Jeep
11 Dodge Ram Carlsbad, an authorized FCA dealer in San Diego County. Nava’s
12 vehicle was equipped with a ZF 9HP Automatic Transmission.

13 37. Nava purchased her vehicle primarily for personal, family, or
14 household use. FCA manufactured, sold, distributed, advertised, marketed, and
15 warranted the vehicle.

16 38. Passenger safety and reliability were factors in Nava’s decision to
17 purchase her vehicle. Prior to purchasing her vehicle, Nava reviewed the
18 Jeep.com website. Prior to purchasing, Nava also test drove the exact Jeep
19 Cherokee with the ZF 9HP Automatic Transmission that she ultimately
20 purchased.

21 39. Had FCA disclosed the Transmission Defect before Nava purchased
22 her vehicle, Nava would have seen such disclosures and been aware of them.
23 Indeed, FCA’s omissions were material to Nava. Like all members of the Class,
24 Nava would not have purchased her Class Vehicle, or would have paid less for
25 the vehicle, had she known of the Transmission Defect.

26 40. After purchasing the vehicle, and within the first nine months of her
27 purchase, Nava noticed symptoms of the Transmission Defect, including the
28 vehicle shuddering, jerking, hesitating before accelerating from a stop, and

1 jolting forward when gears actually engage.

2 41. On or around May 6, 2015, with approximately 23,332 miles on the
3 odometer, Nava brought her vehicle to Bob Baker Chrysler Jeep Dodge Ram
4 Carlsbad, an authorized FCA dealer in Carlsbad, California, complaining that the
5 vehicle was hesitating when accelerating from a stop, followed by “jerking”
6 when the vehicle actually did accelerate. The dealership failed to conduct any
7 repairs other than a software update to the powertrain control module and
8 transmission control module.

9 42. Despite providing FCA and its authorized dealer with an
10 opportunity to repair her vehicle, Nava continued to experience the Transmission
11 Defect, including, but not limited to, shuddering, vibrating, rough shifting,
12 jerking, and sudden acceleration/deceleration.

13 43. At all times, Nava, like all Class Members, has driven her vehicle in
14 a foreseeable manner and in the manner in which it was intended to be used.

15 **Defendant**

16 44. Defendant FCA US LLC is a limited liability company organized
17 and in existence under the laws of the State of Delaware and registered to do
18 business in the State of California and the State of New Jersey. FCA US LLC’s
19 Corporate Headquarters are located at 1000 Chrysler Drive, Auburn Hills,
20 Michigan 48326. FCA US LLC designs, manufactures, markets, distributes,
21 services, repairs, sells, and leases passenger vehicles, including the Class
22 Vehicles, nationwide. FCA US LLC is the warrantor and distributor of the Class
23 Vehicles in the United States.

24 45. At all times relevant herein, Defendant is and has been engaged in
25 the business of designing, manufacturing, constructing, assembling, marketing,
26 distributing, and selling automobiles and other motor vehicles and motor vehicle
27 components in San Bernardino County and throughout the United States of
28 America.

1 **JURISDICTION**

2 46. This Court has jurisdiction over this action pursuant to 28 U.S.C. §
3 1332(d)(2). This matter was transferred to the United States District of New
4 Jersey by prior order. Personal jurisdiction over FCA is proper, because FCA has
5 purposefully availed itself of the privilege of conducting business activities in
6 California, New Jersey, and throughout the United States, including, but not
7 limited to, designing, marketing, distributing, and/or selling Class Vehicles to
8 Plaintiffs and prospective class members.

9 **VENUE**

10 47. Plaintiffs initially brought this action in California Superior Court
11 pursuant to California Code of Civil Procedure §§ 395, 395.5, and California
12 Civil Code § 1780. Defendant removed the action to the Central District of
13 California pursuant to 28 U.S.C. §§ 1441 and 1453. Subsequently, on
14 Defendant’s motion, the Court transferred this action to the District of New
15 Jersey, where venue is therefore appropriate.

16 **FACTUAL ALLEGATIONS**

17 48. Since 2013, FCA has designed, manufactured, distributed, sold, and
18 leased the Class Vehicles. FCA has sold, directly or indirectly, through dealers
19 and other retail outlets, thousands of Class Vehicles²¹ equipped with the ZF 9HP
20 Automatic Transmission in the United States.

21 49. FCA designed and marketed its vehicles with new ZF 9HP
22 Automatic Transmissions as “a critical part of [their] strategy to meet fuel
23 economy requirements over the next several years,”²² and promising that the new
24 transmission would deliver “numerous benefits customers will appreciate,
25

26 ²¹ On information and belief, these vehicles include, but are not limited to,
27 the following FCA models: 2014-2015 Jeep Cherokee, 2015 Chrysler 200, and
2015 Jeep Renegade.

28 ²² See FCA Corporate News, *Chrysler Group Plans to Invest Nearly \$20
Million in Toledo Machining Plant* (April 26, 2013),
<http://media.chrysler.com/newsrelease.do?id=14171&mid=2>.

1 including aggressive launches, smooth power delivery at highway speeds and
2 improved fuel efficiency versus a six-speed automatic transmission.”²³

3 50. In fact, prior to even releasing the ZF 9HP Automatic Transmission
4 in its vehicles, FCA confirmed that it was plagued with problems. In addition to
5 its market delay, on September 24, 2013, it was reported that FCA “was also
6 forced to postpone” media drive events to ““further improve powertrain
7 calibrations.””²⁴

8 51. Unfortunately, FCA failed to deliver any vehicles with ZF 9HP
9 Automatic Transmissions that lived up to the promise of a transmission that
10 “shifts through the gears so smoothly that drivers don’t even notice most of the
11 gear changes.”²⁵ The Cherokee’s release, originally set for “no later than
12 September” 2013,²⁶ was plagued with delays due to glitches in “the software that
13 controls how the SUV’s nine-speed transmission interact[s] with its innovative
14 disconnecting drivetrain.”²⁷ Chrysler claimed that “[t]he company will not ship
15 vehicles until we are fully satisfied the Cherokee meets customer expectations
16 for performance, refinement and quality.”²⁸ “Insiders say the new transmission
17 – which is a ZF design but being built by Chrysler – isn’t shifting as smoothly as
18

19 ²³ See Press Kit: 2014 Jeep Cherokee, *All New 2014 Jeep Cherokee: No-*
20 *compromise Mid-size SUV Sets a New Standard* (Sept. 9, 2013),
[http://www.media.chrysler.com/
newsrelease.do?id=14039&mid=426](http://www.media.chrysler.com/newsrelease.do?id=14039&mid=426) (last visited July 8, 2015).

21 ²⁴ See Left Lane News, *Chrysler Suspends Shift at Jeep Cherokee Plant*,
22 (September 24, 2013, 11:06AM), [www.leftlanenews.com/chrysler-suspends-
shift-at-jeep-cherokee-plant.html](http://www.leftlanenews.com/chrysler-suspends-shift-at-jeep-cherokee-plant.html) (last visited November 19, 2015).

23 ²⁵ See *Drive: The ZF Magazine*, Feb. 2013, at 29, available at
[http://www.zf.com/
corporate/en_de/magazine/drive_magazine_zf/drive_magazine.html](http://www.zf.com/corporate/en_de/magazine/drive_magazine_zf/drive_magazine.html).

24 ²⁶ See Left Lane News, *Jeep Cherokee still waiting on transmission fix*
25 (Oct. 11, 2013, [http://www.leftlanenews.com/jeep-cherokee-still-waiting-on-
transmission-fix.html](http://www.leftlanenews.com/jeep-cherokee-still-waiting-on-transmission-fix.html) (last visited July 27, 2015)).

26 ²⁷ See Autoweek, *Chrysler CEO vows never to repeat mistakes from*
27 *Cherokee launch* (Oct. 30, 2013),
[http://autoweek.com/article/carnews/chryslerceovowsneverrepeatmistakes
CherokeeLaunch](http://autoweek.com/article/carnews/chryslerceovowsneverrepeatmistakesCherokeeLaunch).

28 ²⁸ See Left Lane News, *Jeep Cherokee still waiting on transmission fix*
(Oct. 11, 2013, 1:08PM) [http://www.leftlanenews.com/jeep-cherokee-still-
waiting-on-transmission-fix.html](http://www.leftlanenews.com/jeep-cherokee-still-waiting-on-transmission-fix.html) (last visited November 19, 2015).

1 intended.”²⁹ Sergio Marchionne, CEO of Fiat Chrysler Automobiles, later
2 admitted that the transmission lacked “mature” software at the time of release.³⁰

3 52. After multiple delays, attempted fixes and recalibrations, FCA
4 nevertheless sold the Class Vehicles with the ZF 9H Automatic Transmission.
5 Unfortunately for consumers, FCA knowingly rushed a product to market that
6 was defective and has been unable to repair the Class Vehicles.

7 53. Beginning soon after release, through consumer complaints,
8 dealership repair orders, and data regarding the FCA ZF 9HP Automatic
9 Transmission, among other internal sources, Defendant knew or should have
10 known that the Class Vehicles and the ZF 9HP Automatic Transmission
11 contained one or more design and/or manufacturing defects that adversely affect
12 the drivability of the Class Vehicles and cause safety hazards. Nevertheless,
13 Defendant has actively concealed and failed to disclose this defect to Plaintiffs
14 and Class Members at the time of purchase or lease and thereafter.

15 54. On information and belief, Defendant’s corporate officers, directors,
16 or managers knew about the Transmission Defect and failed to disclose it to
17 Plaintiffs and Class Members, at the time of sale, lease, repair, and thereafter.

18 55. A vehicle equipped with the ZF 9HP Automatic Transmission
19 should function in a manner that the driver expects, i.e. it should start, accelerate,
20 decelerate, and stop at appropriate times while the driver operates the vehicle. In
21 practice, however, FCA’s 9-speed transmission behaves erratically, causing
22 numerous safety concerns.

23 56. Dating back to at least October 2013, FCA was aware of the defects
24 of the ZF 9HP Automatic Transmissions. FCA, however, failed and refused to
25 disclose these known defects to consumers. As a result of this failure, Plaintiffs

26 ²⁹ *Id.*

27 ³⁰ *See* Automotive News, *Another fix for Jeep’s troubled 9-speed* (Feb. 2,
28 <http://www.autonews.com/article/20150202/OEM01/302029930/another%ADfix%ADfor%ADjeeps%ADtroubled%AD9%ADspeed5/10>).

1 and Class Members have been damaged.

2 **The Transmission Defect Poses an Unreasonable Safety Hazard**

3 57. The Transmission Defect causes unsafe conditions in the Class
4 Vehicles, including, but not limited to, the vehicles' inability to properly respond
5 to driver input, such as acceleration and deceleration attempts, thereby rendering
6 the driver unable to speed up or slow down appropriately while the vehicle is in
7 motion. These conditions present a safety hazard, because they can severely
8 affect the driver's ability to control the car's speed, acceleration, and
9 deceleration. For example, these conditions make it difficult to safely change
10 lanes, appropriately accelerate from a stop, merge into traffic, or make turns.

11 58. Complaints that Class Vehicles' owners and lessees filed with the
12 National Highway Traffic Safety Administration ("NHTSA") demonstrate that
13 the defect is widespread and dangerous and that it manifests without warning.
14 The complaints also indicate Defendant's awareness of the problems with the
15 transmission and how potentially dangerous the defect is for consumers. The
16 following is just a sampling of the over 300 safety-related complaints that
17 describe the Transmission Defect in Class Vehicles, including, but not limited to,
18 2014-2015 Jeep Cherokee, 2015 Chrysler 200, and 2015 Jeep Renegade vehicles
19 (spelling and grammar mistakes remain as found in the original) (Safecar.gov,
20 *Search for Complaints* (July 2, 2015), [http://www-](http://www-odi.nhtsa.dot.gov/complaints/)
21 [odi.nhtsa.dot.gov/complaints/](http://www-odi.nhtsa.dot.gov/complaints/)):

22 **2015 JEEP CHEROKEE**

- 23 a) (2015 Jeep Cherokee 6/13/2015) THE VEHICLE HAS A VERY
24 DANGEROUS HESITATION. IT DOES NOT DOWNSHIFT
25 PROPERLY WHEN TRYING TO ACCELERATE.. THIS MAKES
26 ANY LANE CHANGE, HIGHWAY APPROACH, TURN, OR
27 EMRGENCY MANUEVER EXTREMELY DANGEROUS. THIS
28 VEHICLE CAN'T BE SAFELY DRIVEN IN TRAFFIC, OR
TAKEN OFF ROAD AS DESIGNED. FCA HAS NOT
REMEDIED THE IISSUE AND HAS MADE THE VEHICLE
WORSE WITH THEIR LATEST UPDATES. THIS HAPPENS
EVERY SINGLE TIME THE VEHICLE HAS BEEN DRIVEN.IT
HAS BEEN IN THE SHOP TWICE FOR REPAIRS. THE

1 EXCUSE IS IT IS OPREATING AS DESIGNED. IN ESSENCE A
2 POOR DESIGN IS SOMTHING WE HAVE TO LIVE WITH AND
3 BE OKAY WITH DRIVING IN DANGER? THIS IS A SAFETY
4 HAZZARD THAT NEEDS TO BE INVESTIGATED BEFORE
5 SOMEONE DIES. THE PUBLIC SHOULD KNOW ABOUT THE
6 VEHICLE DANGER BEFORE THEY DECIDE TO PURCHASE
7 ONE

8 b) (2015 Jeep Cherokee 5/21/2015) CAR UPDATED ON 5/20/15
9 WITH LATEST TSB 21-21-15A FOR TRANSMISSION
10 CONTROL MODULE. CAR NOW SKIPS 2ND GEAR WHEN
11 DOWNSHIFTING (COASTING). ON ROLLING STOPS THE
12 CAR IS STUCK ON 3RD GEAR CAUSING LACK OF
13 ACCELERATION WHILE TRAFFIC BEHIND EXPECTS CAR
14 TO GET MOVING (HIGHWAY ENTRY RAMP). IF GAS IS
15 FLOORED CAR FINALLY REACTS AND SKIPS TO 1ST
16 CAUSING WHEELSPIN. CAR HAS SLID DURING WET
17 CONDITIONS. WITH SNOW THIS CAN BE LETHAL. CAR DID
18 NOT SKIP 2ND GEAR BEFORE TSB. DEALER ADVISED THIS
19 BEHAVIOR IS THE NEW STANDARD.

20 c) (2015 Jeep Cherokee 5/8/2015) PURCHASED A 2015 JEEP
21 CHEROKEE LATITUDE 4X4 ON 2/28/2015. STARTED
22 HAVING ISSUES WITH THE TRANSMISSION HESITATING
23 AND JERKING INTO GEAR. TOOK IT TO THE DEALERSHIP
24 ON 5/1/2015 AND WAS INFORMED THAT THERE IS A
25 COMPUTER GLITCH THAT THE MANUFACTURER IS
26 AWARE OF, BUT THERE IS NO FIX FOR IT. THEY SAY ITS
27 SAFE TO DRIVE. ON 5/7/2015 I ALMOST GOT T-BONED
28 BECAUSE THE TRANSMISSION WOULDN'T SHIFT PULLING
OUT OF A PARKING LOT INTO TRAFFIC. IT FINALLY
JERKED INTO GEAR BUT CONTINUED TO JERK AND
WOULD NOT GO OVER 25MPH AND MY CHECK ENGINE
LIGHT AND ERRORS CAME ON ABOUT THE START/STOP
FUNCTION. THE DEALERSHIP TOWED MY CAR AND I AM
USING A LOANER. THEY HAVE NO IDEA HOW TO FIX IT.
THE 2015 JEEP CHEROKEE'S ARE COMPLETELY UNSAFE
TO DRIVE! SPENT OVER \$30,000 ON A VEHICLE THAT I
CAN'T SAFELY DRIVE.

21 d) (2015 Jeep Cherokee 4/25/2015) JEEP PERFORMED A RECALL
22 ON TCM/PCM FOR THE 9 SPEED TRANSMISSION. NOW AT
23 LOW SPEEDS 2-5MPH IN AN INTERSECTION OR FROM A
24 STOP SIGN, OR SLOW DOWN ON RAILROAD TRACKS THE
25 CAR WILL NOT MOVE EVEN WITH THE GAS PEDAL TO
26 THE FLOOR, UP TO A 5 SECOND DELAY. WE WERE IN AN
27 INTERSECTION, THE LIGHT CHANGED AND CARS WERE
28 ONCOMING, AFTER HITTING THE GAS PEDAL THE CAR
JUST SAT THERE, THIS HAS HAPPENED MULTIPLE TIMES
AND WE WERE ALMOST HIT. TOOK IT BACK AND IT WAS
REPROGRAMMED. STILL HAS THE SAME DELAY, TAKING
IT BACK FOR THE 3RD TIME. IF YOU DO A ROLLING STOP
AND START OUT INTO THE INTERSECTION THE CAR
REFUSES TO MOVE, THE ENGINE IS RUNNING, BUT NO
RESPONSE FROM THE JEEP. WE ARE AFRAID WE WILL

1 GET STUCK IN AN INTERSECTION OR RAILROAD TRACK
2 AND GET KILLED! THE JEEP ONLY HAS 4000 MILES ON IT.
3 IF YOUR JEEP IS RUNNING FINE...DO NOT LET THEM
4 REPROGRAM THE TRANSMISSION!!!

- 5 e) (2015 Jeep Cherokee 3/13/2015) A FEW WEEKS AFTER I
6 PURCHASED THIS JEEP 2015 CHEROKEE, I NOTICED THAT
7 UPON DECELERATION AND BRAKING, AS THE
8 TRANSMISSION WENT FROM ONE GEAR TO A LOWER
9 GEAR, THE CAR WOULD ACCELERATE IN THE LOWER
10 GEAR, LUNGING THE CAR FORWARD. THOUGH THIS
11 HASN'T CAUSED AN ACCIDENT, I BELIEVE IT COULD IN
12 CERTAIN SITUATIONS. I HAVE TAKEN THE VEHICLE TO
13 THE CHRYSLER DEALERSHIP TWICE NOW. THE FIRST
14 TIME THEY RELOADED THE COMPUTER SOFTWARE;
15 THEY TOLD ME THAT IT HAD THE LATEST SOFTWARE,
16 BUT THEY RELOADED IT JUST TO MAKE SURE THERE
17 WERE NO ISSUES. THE PROBLEMS ACTUALLY GOT
18 WORSE WITH THE RELOADED SOFTWARE. THE
19 TRANSMISSION WILL ALSO "CLUNK" FROM TIME TO TIME
20 WHEN CHANGING GEARS, EVEN WHEN I AM STOPPED
21 AND CHANGE FROM DRIVE TO REVERSE, REVERSE TO
22 PARK, OR DRIVE TO PARK.
- 23 f) (2015 Jeep Cherokee 1/2/2015) LOUD NOISE FROM THE
24 ENGINE/TRANSMISSION THEN THE CAR COMPLETELY
25 SHUTS DOWN AND COMES TO A COMPLETE STOP IN THE
26 ROAD. THE CAR WILL THEN RESTART ALL SYSTEMS
27 WITH CHECK ENGINE LIGHT ON. HAS HAPPENED AND
28 BEEN TAKEN TO THE DEALERSHIP FOR REPAIRS ON
10/20/2014, 12/1/2014, 12/3/2014, 12/12/2014, 12/22/2014.
DEALERSHIP NOR CHRYSLER KNOW WHAT IS CAUSING
THE ISSUE AND WILL NOT DO ANYTHING EXCEPT TRY TO
REPAIR. I HAVE CONCERNS THAT IF THIS ISSUE HAPPENS
AT HIGHER SPEEDS ON INTERSTATE WHAT WOULD
HAPPEN.
- g) (2015 Jeep Cherokee 12/8/2014) VEHICLE WAS TRAVELING
ON INTERSTATE HIGHWAY WHEN SERVICE
TRANSMISSION LIGHT CAME ON IN THE STORED
MESSAGES, THEN THE MALFUNCTION INDICATOR LIGHT
AND SERVICE ENGINE LIGHT CAME ON. WITHIN
MINUTES, DRIVEABILITY ISSUES BECAME APPARENT
WITH NO ACCELERATION AND SLIPPING GEARS/UNABLE
TO SHIFT INTO GEARS. ONCE THE CAR SLOWED/STOPPED,
THE VEHICLE WAS UNABLE TO SHIFT INTO LOWER
GEARS TO MOVE. THE VEHICLE HAD RECEIVED THE P56
RECALL TO UPDATE THE COMPUTER SOFTWARE TO THE
TRANSMISSION CONTROL MODULE ONE MONTH PRIOR
TO THIS INCIDENT.
- h) (2015 Jeep Cherokee 12/7/2014) VEHICLE HAD DRIVEABILITY
ISSUES WITH TRANSMISSION SLIPPING IN LOWER GEARS.
CAR HAS RECEIVED THREE SOFTWARE UPDATES TO
TRANSMISSION CONTROL MODULE PRIOR TO THIS

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INCIDENT.

2014 JEEP CHEROKEE

- a) (2014 Jeep Cherokee 5/27/2015) THE VEHICLE FAILS TO ACCELERATE PROPERLY FROM SLOW SPEEDS. THIS HAS BEEN AN ONGOING PROBLEM SINCE A RECALL ("R01") WAS PERFORMED ON THE TRANSMISSION. MULTIPLE ATTEMPTS BY DEALERS TO IMPROVE THIS CONDITION HAVE FAILED. I AM TOLD THAT THIS IS THE WAY FIAT/CHRYSLER HAS DECIDED TO MAKE THESE TRANSMISSIONS WORK, IN ORDER TO PREVENT FAILURE DUE TO A DESIGN FLAW. THE CURRENT SOFTWARE NO LONGER ALLOWS THE TRANSMISSION TO DOWNSHIFT BELOW THIRD GEAR UNLESS THE VEHICLE IS COMPLETELY STOPPED. THEREFORE, IF DRIVING CONDITIONS REQUIRE YOU TO SLOW DOWN (TO AS SLOW AS 1 MPH) AND THEN YOU NEED TO ACCELERATE, THE TRANSMISSION REMAINS IN THIRD GEAR AND PROVIDES LITTLE TO NO RESPONSE. IF YOU FLOOR IT, THE TRANSMISSION WILL SOMETIMES, EVENTUALLY SLAM INTO FIRST GEAR, BUT ONLY AFTER STRUGGLING IT'S HARDEST TO ACCELERATE IN THIRD GEAR, WHICH INVOLVES THE TORQUE CONVERTER ALLOWING THE ENGINE TO REV, SO THAT THE RESULTING SHIFT INTO FIRST GEAR IS EXTREMELY ROUGH AND OFTEN ACCOMPANIED BY WHEEL SPIN. THE TRANSMISSION WILL NO LONGER, EVER, UNDER ANY CIRCUMSTANCES, DOWNSHIFT INTO SECOND GEAR. THE HARD JOLTS AND WHEEL SPIN OF THE 3-1 SHIFT ARE SOMEWHAT DANGEROUS, BUT ARE STILL BY FAR PREFERABLE TO THE TIMES WHEN THE TRANSMISSION COMPLETELY REFUSES TO DOWNSHIFT, AND SIMPLY LEAVES YOU A SITTING DUCK TO APPROACHING VEHICLES. SIMPLY PULLING INTO TRAFFIC, WHETHER IT BE ENTERING A ROUNDABOUT, OR CHANGING LANES FROM A SLOWER LANE TO A FASTER ONE, OR EVEN JUST MERGING, IS ALWAYS STRESSFUL, BECAUSE WE JUST DON'T KNOW HOW, OR EVEN IF THE VEHICLE WILL RESPOND TO THROTTLE INPUT. THERE HAVE BEEN TIMES WHEN OTHER VEHICLES HAVE HAD TO SLAM ON THEIR BRAKES TO AVOID HITTING US, BECAUSE WE COULD NOT ACCELERATE. PART OF THAT IS DUE TO THEIR EXPECTATIONS. WHEN YOU PULL OUT, THEY EXPECT YOU TO ACCELERATE AT A COMMENSURATE RATE, WHEN YOU DON'T, THEY FIND THEMSELVES ON YOUR BUMPER IN A HURRY. SOMEBODY WILL GET HIT

- b) (2014 Jeep Cherokee 4/9/2015) THE PROBLEM WITH CHOPPY SHIFTING WAS APPARENT AS SOON AS I PICKED UP THE VEHICLE. SOON AFTER LEAVING THE DEALERSHIP, MULTIPLE LIGHTS LIT UP AND THE SHIFTING WAS ABRUPT AND THERE WAS A FIRE SMELL. UPON RETURNING TO THE DEALERSHIP, I WAS INFORMED THAT

1 THERE WAS A SOFTWARE "GLITCH," WHICH THEY
2 REPAIRED. SINCE THEN, FOR ONE YEAR, THE CAR
3 CONTINUES TO HAVE CHOPPY AND INCONSISTENT
4 SHIFTING. IT IS A VERY TEMPERAMENTAL AND
5 DIFFICULT VEHICLE TO DRIVE. THE LATEST SOFTWARE
6 PATCH, INSTALLED ON 3/29/15 MADE SHIFTING FROM
7 START UP TO FIRST/SECOND GEAR WORSE. THE CAR IS
8 BEING RETURNED TO THE DEALERSHIP ON 4/13/15 FOR
9 FURTHER INVESTIGATION.

6 c) (2014 Jeep Cherokee 3/18/2015) WHEN ACCELERATING FROM
7 A STOP, THE TRANSMISSION EITHER GRABS AND
8 LURCHES OR IT SEEMS TO SLIP WHILE IT SEARCHES FOR
9 THE RIGHT GEAR. THE DEALER KEPT THE CAR FOR A
10 DAY AND RE-INSTALLED A SOFTWARE UPGRADE. THIS
11 DID NOT HELP. THE PROBLEM PERSISTED. WHEN WE
12 TOOK THE CAR BACK TO THE DEALER AGAIN, THEY
13 STATED THAT THE CAR IS "OPERATING AS DESIGNED"
14 AND "EVEN INSTALLING A NEW TRANSMISSION WOULD
15 NOT HELP". WE CONTACTED CHRYSLER CUSTOMER
16 CENTER AND EXPLAINED THE ISSUE TO THEM AND THEY
17 CALLED THE DEALER AND STATED THAT WE WOULD
18 NEED TO "LEARN TO WORK WITH THE TRANSMISSION"
19 AND THAT THEY HAVE TO GO WITH WHAT THE DEALER
20 TELLS THEM. THE CAR IS CONTINUING TO HAVE THIS
21 PROBLEM.

15 d) (2014 Jeep Cherokee 2/8/2015) I TOOK DELIVERY OF MY NEW
16 2014 JEEP CHEROKEE ON SEPTEMBER 16, 2014. RIGHT
17 FROM THE START I STARTED HAVING TRANSMISSION
18 ISSUES. CHRYSLER JEEP SAID THAT THEY WERE GOING
19 TO OPEN A "CASE FILE" ON THE CAR AND TO RETURN
20 THE CAR TO THE SERVICE MANAGER AT THE
21 DEALERSHIP. I TOOK THE CAR INTO THE DEALERSHIP,
22 AND EXPLAINED WHAT THE REPRESENTATIVE HAD TOLD
23 ME. THE SERVICE MANAGER SAID THAT THERE WAS NO
24 "CASE FILE" OPENED ON MY VEHICLE AND THAT
25 NOBODY FROM CHRYSLER JEEP HAD CONTACTED THEM.
26 A COUPLE WEEKS LATER I RECEIVED A CALL FROM
27 CHRYSLER JEEP SAYING THAT THE CASE FILE WAS
28 "CLOSED" BECAUSE "I FAILED TO TAKE THE CAR IN TO
THE DEALERSHIP". LAST TUESDAY (FEBRUARY 3RD)
AFTER A REALLY BAD SNOWSTORM I WAS DRIVING
HOME WHEN THE PERSON IN THE LANE NEXT TO ME
BEGAN SLIDING INTO MY LANE. I BEGAN APPLYING
BRAKE BUT IT WAS OBVIOUS THAT I NEEDED TO APPLY
POWER TO GET AHEAD OF HER. WHEN I CAME OFF THE
BRAKE AND APPLIED HEAVY POWER THERE WAS
NOTHING THERE. THE ENGINE REVVED UP BUT THE CAR
DIDN'T GO ANYWHERE. THEN THE VEHICLE DROPPED
INTO GEAR AND LURCHED REALLY BAD, AND THE BACK
END OF THE CAR STARTED TO SPIN AROUND ON ME. ALL
OF THE SUDDEN THE FRONT TIRES STARTED DIGGING IN
AND WHIPPED ME STRAIGHT. I WAS TOTALLY OUT OF
CONTROL AND IT SEEMED LIKE THE TRANSMISSION HAD

1 A MIND OF ITS OWN. LUCKILY I DIDN'T HIT ANYTHING
2 BUT DID END UP IN A PARKING LOT. AFTER SITTING FOR
3 A SECOND (AND THE PERSON WHO ALMOST STRUCK ME
4 STOPPED TO SEE IF I WAS OK), I PUT THE CAR BACK IN
5 GEAR AND DROVE BACK OUT ONTO THE STREET AND
6 IMMEDIATELY A "4-WHEEL DRIVE NOT AVAILABLE"
7 ERROR MESSAGE CAME ON. THIS CAR IS DANGEROUS.
8 CHRYSLER JEEP HAS SHOWN ONLY SUPERFICIAL
9 INTEREST IN FIXING THE PROBLEM. IT SHOULDN'T BE
10 DRIVEN ON SNOWY ROADS. I HOPE THAT SOMEONE WITH
11 THE AUTHORITY TO DO SOMETHING CAN ADDRESS THIS
12 MAJOR ISSUE BEFORE PEOPLE START GETTING KILLED.
13 THIS IS BEYOND A "LEMON" ISSUE. *TR

- 14 e) (2014 Jeep Cherokee 1/5/2015) WHILE DRIVING ON FLAT
15 TERRAIN AT A CONSTANT HIGHWAY SPEED THE CAR
16 SUDDENLY DECELERATED FOR A FEW SECONDS WITH
17 THE TACHOMETER NEEDLE SWAYING BACK AND FORTH
18 AND THEN RETURNED TO NORMAL OPERATION. THIS
19 REOCCURRED 5 MINUTES LATER. THE DEALER
20 INDICATED THAT IT WAS A TRANSMISSION SOFTWARE
21 PROBLEM AND LOADED THE LATEST SOFTWARE
22 RELEASE. TWO WEEKS LATER THE PROBLEM OCCURRED
23 AGAIN.
- 24 f) (2014 Jeep Cherokee 12/15/2014) [...] THE CAR NOW BEGAN
25 TO SHIFT VERY IRRATICALLY. IT WOULD UP SHIFT VERY
26 FAST ACCELERATE WHEN MY FOOT WAS NOT ON THE
27 GAS. WHEN COMING TO A STOP IT WOULD DOWN SHIFT
28 SO HARD. WHEN I BROUGHT THE CAR BACK TO THE
DEALER, (NOW WITH 700 MILES ON IT) THEY TOLD ME
THEY WERE REPLACING THE ENTIRE TRANSMISSION.
THEY HAVE HAD THE CAR FOR 3 WEEKS TOTAL. FINALLY
PICKED UP THE CAR LAST WEEK. WHEN I GOT INTO THE
CAR THE ODOMETER READY 6000 MILES! I DROPPED IT
OFF WITH 700. I TOLD HIM FOR THE 3RD TIME THAT I DID
NOT WANT IT. [...].
- g) (2014 Jeep Cherokee 12/4/2014) WHILE TRAVELING AT 45
MILES PER HOUR, THE TRANSMISSION MAKE A "THUNK"
AND STOPPED WORKING. I HAD NO POWER WHEN
PUSHING ON THE GAS PEDAL. I HAD TO FIND A WAY TO
SAFELY PULL OFF THE ROAD. THIS IS THE FOURTH
INCIDENT WITH THE TRANSMISSION BUT THE FIRST ONE
THAT OCCURRED WHILE ACTUALLY DRIVING THE
VEHICLE. CHRYSLER HAD JUST REPLACED THE VALVE
BODY OF THE TRANSMISSION 10 DAYS PRIOR TO THE
NOV. 30 INCIDENT AND PRIOR TO THAT "FLASHED" THE
TRANSMISSION SOFTWARE. I WAS TOLD ALL OF THESE
"FIXES" WOULD WORK. THEY ARE NOW REPLACING THE
ENTIRE TRANSMISSION. THIS IS A SAFETY ISSUE AND I
HAVE NO CONFIDENCE THAT THE "NEW" TRANSMISSION
BEING PUT IN MY JEEP WILL RESOLVE THE PROBLEM.
- h) (2014 Jeep Cherokee 11/10/2014) I PURCHASED A 2014 JEEP

1 CHEROKEE , AT APPROX.340 MILES MY TRANSMISSION
2 FAILED GOING THROUGH A VERY BUSY INTERSECTION . I
3 HAD A LOSS OF POWER ,THE DASH STARTED FLASHING
4 SERVICE TRANSMISSION ,STABILITY TRACK WARNING
5 CAME ON AND ON SHIFT PANEL THE LIGHT NEXT TO
6 DRIVE WAS FLASHING , ACCELERATOR WAS MUSHY.
7 ROLLED TO SIDE OF ROAD WHERE SAFE , PUT CAR IN
8 PARK , CALLED FOR HELP. AFTER IN PARK FOR A FEW
9 MINUTES TRIED TO ENGAGE DRIVE AND IT WORK , BUT
10 CAR HAD TOO MUCH POWER AND WAS OVER REVING .
11 DEALERSHIP HAD IT TOWED , AND SEEMED TO FIX ISSUE.
12 THEN AGAIN AT 1341 MILES I HAD SAME ISSUE BUT WAS
13 NOT ABLE TO DRIVE IT BUT THIS TIME I WAS ALMOST
14 HIT BY A LARGE TRACTOR WHO DIDN'T REALIZE I LOST
15 POWER , I HAVE A SMALL CHILD THAT IS NOT EVEN TWO
16 YEARS OLD YET IN THE CAR!!!!!!! . AT THIS POINT
17 DEALERSHIP IS WORKING ON IT AND REPLACING THE
18 TRANSMISSION MODULAR , BUT VERY WARY OF
19 KEEPING THIS VEHICLE , HAVE A FEW TRIPS SCHUEDULE
20 VERY VERY SOON AND DO NOT WANT TO BE OUT OF
21 CELL PHONE RANGE AND HAVE SAME ISSUE, OR WORSE
22 YET HAVE A TRAGIC ACCIDENT .

23 i) (2014 Jeep Cherokee 10/14/2014) I HAD MULTIPLE CASES OF
24 THE CAR NOT MOVING IN THE MORNING (ENGINE IS
25 FINE). IT FELT AS IF A CLUTCH WAS SLIPPING. THE FIRST
26 2 TIMES THE DEALER COULDN'T REPRODUCE THE
27 PROBLEM. THE 3RD TIME HE REPRODUCED THE PROBLEM
28 - AND REPLACED THE TRANSMISSION VALVE-BODY AND
PERFORMED ADAPTIVE LEARNING. THIS TOOK NEARLY 2
WEEKS. A WEEK LATER - THE TRANSMISSION FAILED
NEAR THE SUMMIT OF MT. WASHINGTON NH. MY WIFE
WAS DRIVING AND SHE FELT THAT THE CAR HAD NO
POWER - THE GEAR WAS IN MANUAL, 1ST GEAR. I
TURNED THE CAR BACK DOWN AND STARTED
DESCENDING. THERE SEEMED TO BE NO ENGINE
BRAKING AND THE BRAKES STARTED TO SMOKE AND
LOOSE GRIP. I HAD TO STOP NUMEROUS TIMES TO LET
THE BRAKES COOL. THE CAR IS BACK AT THE DEALERS.
THEY HAVE BEEN ABLE TO REPRODUCE THE PROBLEM -
CHRYSLER ADVISED THEM TO PUT GREASE ON A
CONNECTOR AND DRIVE THE CAR A BIT. IF THE
PROBLEM DOESN'T REPEAT - THEY WANT TO RETURN
THE CAR TO ME AS IS. CHRYSLER'S INCOMPETENCE WILL
GET SOMEONE KILLED - THIS COULD HAPPEN CROSSING
A RAILWAY. TURNING LEFT AT A TRAFFIC LIGHT, OR
GOING DOWN A LONG DESCENT

25 j) (2014 Jeep Cherokee 8/26/2014) I WAS DRIVING WITH MY
26 TWO YOUNG CHILDREN THROUGH TOWN. WE WERE
27 TURNING LEFT ON A BUSY CITY STREET WHEN MY
28 VEHICLE WOULD NOT ACCELERATE AND WAS ONLY
ABLE TO CREEP THROUGH THE INTERSECTION AT LESS
THAN 5 MPH. WE WERE NEARLY T-BONED ON THE SIDE
WHERE MY 4 YR OLD CHILD WAS SEATED. THE SERVICE

1 TRANSMISSION MESSAGE LIGHT CAME ON AND CAR
2 BECAME INOPERABLE! IT HAD TO BE TOWED TO THE
3 DEALERSHIP. DEALERSHIP HAD TO COMPLETELY
4 REPLACE TRANSMISSION. THEY OUTRIGHT LIED AND
5 DENIED ANY KNOWLEDGE OF TRANSMISSION ISSUES
6 WITH THIS VEHICLE. IN CONJUNCTION, THEY COULD
7 AND DID NOT ANSWER ANY QUESTIONS REGARDING THE
8 NEW TRANSMISSION AND IF IT WAS ANY DIFFERENT
9 THAN THE ONE THAT FAILED. TO TOP IT OFF MY CAR
10 WAS RETURNED TO ME WITH SEVERAL NEW SCRATCHES,
11 AN EXTRA PART LEFT UNDER THE HOOD, AND A BROKEN
12 HOOD LATCH. I DROVE THE VEHICLE HOME ON A
13 HIGHWAY IN THIS CONDITION AND THANK GOODNESS
14 THE HOOD DID NOT FLY OPEN. THIS ISSUE WITH THE
15 TRANSMISSION IS DEADLY! SOMEONE WILL BE
16 SERIOUSLY HURT OR KILLED BECAUSE OF THIS DEFECT!
17 PLEASE DO NOT PURCHASE THIS CAR. *TR

10 k) (2014 Jeep Cherokee 8/14/2014) 2014 JEEP CHEROKEE
11 LIMITED, 6 CYLINDER, PURCHASED ON APRIL 21, 2014
12 WITH 321 MILES ON IT. THERE WAS A SLIGHT SHIMMY IN
13 THE FRONT END THAT THEY TOLD US WAS A FLAT SPOT
14 IN THE TIRE THAT WOULD WORK ITSELF OUT AND THE
15 TRANSMISSION WOULD HAVE TO "LEARN" MY WAY OF
16 DRIVING. ON MAY 30,TT 2217 MILES I BROUGHT THE
17 VEHICLE BACK TOT HE DEALER FOR HESITATION IN THE
18 TRANSMISSION AND SHUTTERING AND GRINDING IN THE
19 FRONT END. THE JEEP HAS BEEN BACK TO THE DEALER 6
20 TIMES FOR SHUTTERING AND GRINDING IN THE FRONT
21 END WHEN PROCEEDING FROM STOP OR LOW SPEED
22 AFTER BEING ON THE HIGHWAY AT A CONSTANT SPEED
23 FOR SEVERAL MILES. SHUTTERING CAN HAPPEN WHEN
24 TURNING OR GOING STRAIGHT. I HAVE ALSO REPORTED
25 SEVERAL TRANSMISSION ISSUES TO THEM WITH THE
26 CARS INABILITY TO DOWNSHIFT GOING UP A HILL AND
27 OR TO UP SHIFT WHEN COASTING DOWN HILLS. AT ONE
28 TIME AS I WAS ENTERING THE HIGHWAY, I TRIED TO
ACCELERATE TO 55 AND THE CAR WOULD NOT GO OVER
30 MPH. I'M GLAD THERE WERE TWO LANES OR I WOULD
HAVE BEEN REAR ENDED. CAR WAS VERY JERKY WHEN
PROCEEDING FROM A STOP AND WOULD OFTEN
SUDDENLY JERK FORWARD AFTER A HESITATION TO
EVEN MOVE. CAR HAS BEEN REPROGRAMMED 3 TIMES,
HAD A NEW VALVE BODY INSTALLED, A NEW
TRANSMISSION INSTALLED AND TWO NEW AXLES
INSTALLED TWO DAYS AFTER THE AXLES WERE
INSTALLED THE SHUTTERING AND HESITATION IN
TRANSMISSION STARTED AGAIN. DEALER HAS FAILED
TO GET BACK TO ME. *TR

26 l) (2014 Jeep Cherokee 7/17/2014) WHEN WE BOUGHT THE 2014
27 JEEP CHEROKEE IT WAS NEW. THERE WAS NO ISSUE
28 WITH THE TRANSMISSION UNTIL WE HAD OWNED IT FOR
ABOUT A MONTH. THEN IT STARTED HAVING A ROUGH
SHIMMY AS IT SEARCHED FOR THE CORRECT GEAR

1 GOING FROM 0 TO 10 MPH AND THEN 10 TO 20 MPH. ONCE
2 IT REACHES ABOUT 25 MILES PER HOUR THERE IS NO
3 ISSUE WITH THE SHIFTING. WE HAVE HAD IT BACK TO
4 THE DEALERSHIP 3 TIMES. EACH TIME THEY SAID IT WAS
5 FIXED, BUT UPON LEAVING THE LOT, IT DID THE SAME
6 THING I HAD TAKEN IT IN FOR TO BEGIN WITH. WITH
7 JEEP'S UPDATE, WE NOW HAVE A LONG PAUSE GOING UP
8 HILL BEFORE IT GIVES A ROUGH SHIFT AT ABOUT 5 MPH
9 AND THEN CONTINUES TO SHIMMY AT 10 TO 20 MPH. I
10 WAS TOLD ON THE THIRD VISIT THEY WOULD SUBMIT A
11 REPORT TO THE MANUFACTURER TO SEE WHAT THE
12 NEXT STEP SHOULD BE TO FIX THE JEEP SINCE THE
13 UPDATES DID NOT WORK. HOWEVER, THEY TRIED THE
14 SAME THING AGAIN AND SAID THEY THOUGHT IT WAS
15 FIXED, BUT IT WASN'T. UPON COMPLETION OF THE
16 SECOND VISIT I WAS TOLD IT NEEDED TO GET USE TO MY
17 DRIVING PATTERN? WHAT EXACTLY DOES THAT MEAN?
18 WHAT IF MORE THAN ONE OF US DRIVE THE VEHICLE? I
19 AM GETTING THE RUN-AROUND FROM JEEP ON A
20 PRODUCT THEY SHOULDN'T HAVE SOLD ME IN THE FIRST
21 PLACE. EVERYTHING I READ PRIOR TO THE PURCHASE
22 RAVED ABOUT THE 9 SPEED TRANSMISSION.
23 UNFORTUNATELY, THAT WAS INCORRECT SINCE THE
24 TRANSMISSIONS IN THE 2014 JEEP CHEROKEES ALL HAVE
25 THE SAME ISSUE AND JEEP DOESN'T REALLY KNOW HOW
26 TO FIX THEM. I BELIEVE I NEED A NEW TRANSMISSION;
27 BUT WILL HAVE TO FORCE JEEP TO DO IT AND HOPE IT
28 WORKS. MY TIME IS WORK SOMETHING - JUST FIX IT. IT'S
A LEMON IN MY OPINION. *TR

16 m) (2014 Jeep Cherokee 7/16/2014) ERRATIC SHIFTING, BOTH
17 UPSHIFTING AND DOWNSHIFTING. CAUSES CAR TO JERK
18 FORWARD WHEN STOPPED AND UP SHIFTING. CAR CAME TO
19 A COMPLETE STOPPED THEN LUNGED FORWARD
20 CAUSING ME TO BUMP INTO ANOTHER CAR. THE CAR
21 DOWN SHIFTED THEN FELT LIKE IT WAS IN NEUTRAL
22 THEN JUMPED INTO GEAR AGAIN AND JUMPED
23 FORWARD. THIS CAR HAS LESS THAN 4000 MILES ON IT
24 NOW AND HAS BEEN IN THE SHOP TWICE TO ADDRESS
25 THIS ISSUE SINCE WE HAD IT, BUT THE ISSUE STILL
26 EXIST. I AM DEEPLY WORRIED ABOUT THIS SINCE MY
27 WIFE IS AFRAID TO DRIVE THE CAR AT TIMES NOW. IT'S
28 NOT CLEAR WHAT CHRYSLER WAS THINKING WHEN
THEY RELEASED VEHICLES WITH FAULTY
TRANSMISSIONS. NOT ONLY IS THIS A SAFETY ISSUE,
THIS PROBLEM ALSO DEVALUES THE CAR. WHO WOULD
WANT TO PURCHASE OR ACCEPT THIS CAR AS A TRADE-
IN WITH A KNOWN TRANSMISSION PROBLEM? *TR

26 n) (2014 Jeep Cherokee 7/4/2014) WHILE SITTING ON AN
27 INCLINE AT A STOP LIGHT, OUR BRAND NEW 2014 JEEP
28 CHEROKEE THAT HAD ONLY BOUGHT 2 DAYS BEFORE
SHIFTED IN TO NEUTRAL ON ITS OWN AND ROLLED
BACKWARDS WHEN THE GAS WAS PRESSED. WE HAD TO
SHIFT THE TRANSMISSION INTO MANUAL AND BACK TO

1 AUTO SEVERAL TIMES TO GET THE GEARS TO CATCH.
2 LUCKILY NO ONE WAS INJURED AND WE DID NOT ROLL
3 BACKWARDS INTO TRAFFIC. AFTER THAT INCIDENT THE
4 TRANSMISSION WAS SLUGGISH AND WOULD NOT SHIFT
5 GEARS PROPERLY. *TR

6 o) (2014 Jeep Cherokee 6/30/2014) I HAVE FILED A COMPLAINT
7 HERE REGARDING TRANSMISSION WOBBLE/ SHUDDER IN
8 SECOND GEAR THAT STARTED AT ABOUT 2000 MILES
9 PRIOR TO MY SECOND ISSUE I AM HAVING NOW. MY
10 CHEROKEE VEHICLE NOW SHUDDERS ALL THE TIME AND
11 IT HAS JUST DEVELOPED A LAG IN ACCELERATION.I FEEL
12 LIKE IT IS THE TRANSMISSION CAUSING BOTH
13 PROBLEMS. THE DELAY IN ACCELERATION IS PRESENT
14 DEPENDING ON THE GEAR AND SPEED THAT THE
15 VEHICLE MAY BE IN. THE DELAY HAS HAPPENED WHEN
16 TRYING TO PULL OUT ONTO HIGHWAY ONLY TO HAVE
17 VEHICLE PAUSE FOR AT LEAST A SECOND MAYBE TWO
18 BEFORE IT FINALLY WILL ACCELERATE,ALLOWING
19 TRAFFIC BEHIND ME AT HIGHWAY SPEEDS TO HAVE TO
20 AVOID MY VEHICLE BECAUSE OF THIS DELAY,THIS HAS
21 HAPPENED SEVERAL TIMES.HAD TRANS FLASH DONE
22 PRIOR AT DEALER AND DID NOTHING TO FIX THE
23 WOBBLE/SHUDDER.HAD SHUDDER DOCUMENTED WHILE
24 I DROVE VEHICLE WITH DEALER TECH IN CAR.CHRYSLER
25 NOW TOLD THE DEALERSHIP THAT THIS SHUDDER IS A
26 CHARACTERISTIC DESIGN OF VEHICLE AND THAT I
27 SHOULD ACCEPT THIS AND NOTHING'S WRONG,THIS IS
28 NOT ACCEPTABLE,THE DELAY AND SHUDDER ARE
DANGEROUS AND DISTRACTING WHILE DRIVING AND
WILL AFFECT RESALE VALUE. I HAD THE SHUDDER
DOCUMENTED BY A A.S.E CERTIFIED TECHNICIAN THAT
SAID TO BRING BACK TO DEALER FOR FURTHER
DIAGNOSTIC.A DIFFERENT DEALER RECOMMENDED TO
DRIVE FOR ANOTHER 1000 MILES AND SEE IF IT GOES
AWAY,THIS WILL BE THE 5TH TIME VEHICLE HAS BEEN
AT THE DEALERSHIP.I BELIEVE CHRYSLER JEEP HAS NO
FIX FOR THIS,AND ARE BEHIND EVASIVE AND
DISHONEST CONCERNING THESE COMPLAINTS,AS OTHER
OWNERS HAVE HAD TRANSMISSIONS AND AXELS
REPLACED AND STILL HAVE THE SHUDDER AND OR
DELAY. THANK YOU. *TR

o) (2014 Jeep Cherokee 6/30/2014) THE VEHICLE FROM THE
TIME WE PURCHASED IT FROM THE DEALER HAS HAD A
TRANSMISSION SHIFTING PROBLEM. THE PROBLEM
SHIFTING HAPPENS BETWEEN 1ST AND 2ND GEAR AND
ALSO WHEN YOU GO TO STOP. RECENTLY WHILE
DRIVING THE TRANSMISSION SEEMED TO SLIP AND THE
VEHICLE WAS NOT ENGAGED CAUSING US TO PULL OVER
TO THE SIDE OF THE ROAD. THE ENGINE WAS REVVING
BUT THE TRANSMISSION WAS NO LONGER ENGAGED.
VEHICLE WAS TURNED OFF AND RESTARTED WHICH WE
THEN PUT THE CAR IN DRIVE AND MOVED ONTO THE
ROADWAY AGAIN. I HAVE BROUGHT THE VEHICLE TO

1 THE DEALER FOR THIS TWICE BEFORE. ON THE FIRST
2 VISIT THE DEALERSHIP SAID TO JUST DRIVE IT AND IT
3 WILL SMOOTH OUT. ON THE SECOND VISIT THE
4 DEALERSHIP GAVE US THE FIRST SOFTWARE UPDATE
5 WHICH WAS DONE IN APRIL OF THIS YEAR, BUT IT ONLY
6 LASTED AROUND A MONTH OR TWO. THE PROBLEM IS
7 BACK AGAIN AND I HAVE MADE ANOTHER
8 APPOINTMENT TO BRING IT IN ON THURSDAY, JULY 3RD
9 FOR ANOTHER SOFTWARE UPDATE. *TR

10 q) (2014 Jeep Cherokee 6/9/2014) THIS CAR HAS BEEN LOOKED
11 AT BY CHRYSLER GROUP LLC FOR
12 STEERING/TRANSMISSION ISSUES 4 TIMES SINCE MARCH
13 22,2014. THERE HAS BEEN TWO SOFTWARE UPDATES
14 THAT HAVE NOT CORRECTED THE PROBLEM. THERE IS A
15 SAFETY ISSUE DRIVING THE VEHICLE THAT NEEDS TO BE
16 ADDRESSED BEFORE SOMEONE GETS REALLY HURT OR
17 KILLED. *TR

18 r) (2014 Jeep Cherokee 5/30/2014) FOUR WHEEL DRIVE
19 SELECTION SYSTEM WAS TOTALLY INOPERATIVE. NINE
20 SPEED AUTOMATIC TRANSMISSION DOES NOT SHIFT
21 INTO 9TH GEAR AUTOMATICALLY. IN MANUAL SHIFT
22 MODE 9TH GEAR IS SELECTED AND TACH DOES NOT
23 DROP TO INDICATE HIGHER GEAR RATIO. SOFTWARE
24 WAS UPDATED BUT STILL SAME PROBLEM - #RRT14-040 -
25 WAS FLASHED TWICE BUT NO DIFFERENCE. CODE
26 READER SHOWS SAME PROBLEM EVEN WHEN UPDATE
27 WAS COMPLETED. *TR

28 s) (2014 Jeep Cherokee 5/3/2014) SINCE A COMPUTER UPDATE
TO MY 9 SPEED TRANSMISSION, THE VEHICLE HAS A
SIGNIFICANT WOBBLE IN THE FRONT WHEELS - LEFT TO
RIGHT - WHEN THE AUTOMATIC TRANSMISSION SHIFT
BETWEEN 1ST, 2ND AND 3RD GEARS. IT FEELS AS IF THE
POWER TRANSFER IS CONFUSED AND FIGHTING
BETWEEN SENDING POWER TO THE FRONT LEFT AND
RIGHT WHEELS. IT IS SIGNIFICANT ENOUGH THAT IT IS
FELT IN THE STEERING WHEEL, FEET, LEGS AND SEAT OF
THE DRIVER AND THE PASSENGER FEELS THE WOBBLE
ALSO IN THE FLOOR AND SEAT. I DO HAVE A FEAR OF
THE ELECTRONICS AND COMPUTER CONTROLS SINCE
THIS IS A DEFECT WHICH CAN CAUSE A COMPUTER
MALFUNCTION WHILE DRIVING THE VEHICLE. IT IS AN
IMPORTANT SAFETY CONCERN FOR BOTH THE VEHICLE
OCCUPANTS AND OTHER DRIVERS AROUND THE
VEHICLE. *TR

t) (2014 Jeep Cherokee 4/6/2014) DRIVING ALONG AT 30 WHEN
FIRST THE ENGINE LIGHT CAME ON, THEN IMMEDIATELY
AFTER THE DISPLAY SAID TRANSMISSION AND THE
DISPLAY WAS LIGHTING UP WITH ALL SORTS OF
SYMBOLS. THE TRANSMISSION COMPLETELY
DISENGAGED AND THE CAR COASTED TO A STOP. IT
WOULD NOT MOVE. FORTUNATELY WHEN I FELT IT

1 LOSING POWER I WAS ABLE TO MAKE A QUICK TURN
2 INTO A STORE PARKING LOT. HAD THAT HAPPENED ON
3 THE HIGHWAY I COULD HAVE BEEN KILLED BECAUSE
4 THE CAR JUST TOTALLY LOST ALL MOTION AS I WAS
5 DRIVING. I TURNED IT COMPLETELY OFF FOR A FEW
6 MINUTES AND IT STARTED BUT WITH THE ENGINE LIGHT
7 SHOWING. I CALLED THE DEALERSHIP KELLY JEEP
8 CHRYSLER IN LYNNFIELD AND TOLD THE SERVICE
9 DEPARTMENT WHAT HAPPENED. I DROVE STRAIGHT
10 THERE...FURIOUS. THE SERVICE GUY TOOK DOWN THE
11 INFORMATION I RELAYED ABOUT THE INCIDENT. I TOLD
12 HIM I HAD READ RECENTLY THAT THEIR 9 SPEED
13 TRANSMISSION HAD KNOWN ISSUES AND HE SAID HE
14 DIDN'T KNOW ANYTHING ABOUT THAT. I TOLD HIM NOT
15 TO EVEN TELL ME I AM THE FIRST TO REPORT THIS
16 PROBLEM AND HE SAID "MAYBE NOT IN THE WHOLE
17 COUNTRY BUT I DON'T THINK WE'VE HAD THIS PROBLEM
18 HERE" AND I TOLD HIM NOT TO SPEAK DOWN TO ME
19 BECAUSE IT HAS BEEN WRITTEN ABOUT ALREADY AS A
20 KNOWN ISSUE. HE ALREADY HAD THE COURTESY CAR
21 WAITING FOR ME AND HE IMMEDIATELY WALKED ME
22 OUT THE DOOR TO THE CAR. I WAS THERE LESS THAN 5
23 MINUTES. I KNOW HE DID NOT WANT ME SPEAKING TO
24 ANYBODY IN THE SERVICE WAITING ROOM AS I COULD
25 SEE PEOPLE SITTING THERE WAITING FOR THEIR OWN
26 REPAIRS. THIS IS AN ISSUE THAT WILL END UP KILLING
27 SOMEBODY. *TR

15 u) (2014 Jeep Cherokee 2/13/2014) DRIVING ON THE HIGHWAY
16 AT 65MPH WHEN THE GAS PEDAL BECAME
17 UNRESPONSIVE. THERE WAS STILL ELECTRICAL POWER
18 TO THE CAR BUT I COULD NOT ACCELERATE. THIS HAS
19 HAPPENED A TOTAL OF 4 TIMES ON THE HIGHWAY
20 TWICE BEFORE THE TRANSMISSION WAS REPLACED AND
21 TWICE AFTER. ALL TIMES I MADE IT SAFELY TO THE
22 SHOULDER AND COULD NOT GET THE JEEP IN PARK. I
23 SHUT THE JEEP DOWN AND STARTED IT AGAIN, IT FIXED
24 THE ISSUE. I WAS ABLE TO GET THE JEEP OFF OF THE
25 HIGHWAY AND TO THE DEALERSHIP. *TR

21 v) (2014 Jeep Cherokee 1/23/2014) 2014 JEEP CHEROKEE.
22 CONSUMER WRITES IN REGARDS TO TRANSMISSION
23 PROBLEMS. *SMD VERY SHORTLY AFTER THE VEHICLE
24 WAS PURCHASED, THE CONSUMER NOTICED SPOTS ON
25 THE DRIVEWAY, WHICH THEN PROGRESSED INTO A
26 HORRIBLE WHINING AND GRINDING NOISE. THE VEHICLE
27 STARTED TO SHIFT ERRATICALLY AND THE CONSUMER
28 DID NOT FEEL SHE HAD CONTROL OF THE VEHICLE. THE
CONSUMER MADE AN APPOINTMENT WITH THE DEALER,
AND AFTER HAVING THE VEHICLE FOR A DAY, SHE WAS
INFORMED THE ENTIRE TRANSMISSION NEEDED TO BE
REPLACED. THE DEALER EXPLAINED TO THE CONSUMER,
THAT PART OF THE TRANSMISSION WAS POROUS, WHICH
EXPLAINED THE STAINS ON THE DRIVEWAY IN MULTIPLE
SPOTS. THE TRANSMISSION WAS REPLACED UNDER

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WARRANTY. *JB

2015 CHRYSLER 200

- a) (2015 Chrysler 200 5/26/2015) TL* THE CONTACT OWNS A 2015 CHRYSLER 200. THE CONTACT STATED THAT THE TRANSMISSION FAILED TWICE. THE SERVICE TRANSMISSION LIGHT ILLUMINATED AND THE VEHICLE STALLED. THE FAILURE PREVENTED THE VEHICLE FROM SHIFTING INTO GEAR. THE VEHICLE WAS TOWED TO THE DEALER AND IT WAS DETERMINED THAT THE TRANS AXLE NEEDED TO BE REPLACED. THE VEHICLE WAS REPAIRED, BUT THE FAILURE STILL OCCURRED. THE CONTACT STATED THAT THE TRANSMISSION NEEDED TO BE REPLACED AND THAT THE TRANSMISSIONS WERE ON BACK ORDER BECAUSE THIS WAS A KNOWN ISSUE. THE VEHICLE HAD NOT BEEN REPAIRED. THE VIN WAS NOT AVAILABLE. THE FAILURE MILEAGE WAS UNKNOWN.

- b) (2015 Chrysler 200 5/10/2015) RECEIVED A RECALL NOTICE ABOUT AN ISSUE WITH THE TRANSAXLE PARK ROD LATE APRIL 2015. TOOK IT TO THE DEALER WHERE WE PURCHASED THE VEHICLE. WHERE INFORMED THAT THE RECALL REPAIRS COULD NOT BE PERFORMED UNTIL AFTER MAY 1, 2015 NEEDED A SPECIFIC TOOL THAT HAD BEEN ORDERED. THEY DID INSPECT THE VEHICLE AND SAID THAT IT WAS SAFE, MAKE AN APPOINTMENT FOR AFTER MAY 1ST. ON MAY 7, 2015 MY WIFE WAS DRIVING ON THE HIGHWAY AT APPROXIMATELY 70 MPH WHEN SHE SAID THE DASH WARNING LIGHTS STARTED GOING OFF AND WARNING BELLS STARTED GOING OFF. THE WARNING SAID "SERVICE TRANSMISSION" THEN WOULD FLASH TO "SHIFT TO PARK AND ENGAGE PARKING BRAKE". THE TRANSMISSION SEEMED TO HAVE SHIFTED INTO NEUTRAL. THE CAR WAS RUNNING BUT DID NOT HAVE ANY FORWARD MOMENTUM. THIS MESSAGE CONTINUED OVER AND OVER. SHE HAD TO GO OVER 3 LANES OF TRAFFIC BEFORE SHE COULD GET TO THE SIDE OFF THE ROAD TO A SAFE SPOT. SHE IMMEDIATELY PUT ON THE HAZARD LIGHTS WHEN THIS HAPPENED BUT HAD TO DODGE TRAFFIC. ONCE SHE WAS STOPPED THE SHIFTER DIAL WAS STILL LIT UP THAT IT WAS IN DRIVE, SHE MOVED IT TO PARK BUT STILL WAS LIT UP THAT IT WAS IN DRIVE. SHE PUT ON THE PARKING BRAKE AND TURNED THE CAR OFF. SHE WAITED A FEW MINUTES AND STARTED THE CAR AGAIN. THE SHIFTER DIAL NOW SHOWED TO BE IN PARK, SHE TRIED TO SHIFT TO ALL THE OTHER GEARS, THE CAR WOULD NOT MOVE AND THE DIAL STILL SHOWED IT WAS IN PARK. CAR WAS TOWED TO THE DEALERSHIP WHERE IT WAS PURCHASED. 2 DAYS LATER INFORMED THAT TRANSAXLE WILL NEED TO BE REPLACED. VEHICLE CURRENTLY AT DEALERSHIP FOR REPAIR/RECALL , IT WILL TAKE APPROXIMATELY A WEEK TO COMPLETE. DISAPPOINTED AND VERY

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CONCERNED FOR MY WIFE'S SAFETY .

- c) (2015 Chrysler 200 4/21/2015) THE CAR LUNGED WHEN IT UPSHIFTED INTO 2ND AND 5TH GEAR. IT ALSO LUNGED WHEN DOWNSHIFTING, ALMOST CAUSING ME TO RAM INTO THE BACK OF ANOTHER CAR. BOTH ARE WORSE WHEN THE CAR IS COLD. I TOOK IT INTO A DEALER. THEY TOLD ME THEY UPDATED THE SOFTWARE. THE TRANSMISSION WAS MAYBE A LITTLE DIFFERENT, BUT NOT MUCH. I AM SO TIRED OF MY NECK BOUNCING AROUND WHILE UPSHIFTING AND AFRAID OF AN ACCIDENT WHILE DOWNSHIFTING. I TOOK THE CAR INTO A DIFFERENT DEALER LAST MONTH AND HE SAID ALL THE SOFTWARE WAS UP TO DATE AND THERE WAS NOTHING HE COULD DO. HE SAID I SOULD HAVE TO DEAL WITH CHRYSLER.

- d) (2015 Chrysler 200 4/18/2015) ON SUNDAY, APRIL 12TH AT 5:30AM, I WAS DRIVING SOUTHBOUND ON I-94 AT 65MPH WHEN ALL OF A SUDDEN I LOST ALL POWER TO MY TRANSMISSION. MY GAS PEDAL WAS USELESS & I HAD TO COAST OFF THE EXPRESSWAY TO THE SHOULDER (I WAS IN THE FAR LEFT LANE & THE SHOULDER THERE IS TOO NARROW). IF THIS HAD BEEN AT A DIFFERENT TIME, I WOULD HAVE NO DOUBT BEEN KILLED (AS WELL AS OTHERS I'M SURE), FOR I WOULDN'T HAVE HAD THE ROOM OR MOMENTUM TO COAST ONTO THE SHOULDER & WOULD HAVE BEEN STRUCK FROM BEHIND. CHRYSLER WANTS THE CAR FIXED & NOT EVEN THE DEALER KNOWS EXACTLY WHAT IS WRONG, CITING IT AS A 'SHOTGUN FIX'. AND, I'M ON AN EXPRESSWAY (OR TWO OR THREE) EVERYDAY. THIS CAR IS A DANGER & IT WILL NO DOUBT DO THIS AGAIN.

- e) (2015 Chrysler 200 3/17/2015) 1ST TIME: ON HIGHWAY AT 55MPH GOT AND ERROR ON DASH: SERVICE TRANSMISSION THEN PERFORMANCE SHIFTING NOT AVAILABLE 2ND TIME: AFTER JUST 4-5 MINUTES OF DRIVING THE CAR HAD SAME ERRORS AS ABOVE. AT THE NEXT LIGHT, PRESSED GAS AND THERE WAS NO REVING OF ENGINE (RPMS DID NOT MOVE). PUT IT INTO PARK AND IT SAID CAR IS NOT IN PARK, USE EMERGENCY BRAKE TO PREVENT MOVEMENT." PUT BRAKE ON, THEN INTO D, THEN BRAKE OFF AND CAR WENT VERY SLOWLY AS IT WAS STUCK IN 4TH GEAR. WENT ONTO HIGHWAY AND STILL STUCK IN 4TH FOR A FEW MILES (REVING AT 4,000 RPMS AT ABOUT 60MPH). SUDDENLY THE ENGINE BEGAN REVING ITSELF UP TO 5.5K WITHOUT MY FOOT ON THE PEDAL, BUT THERE WAS NO ACCELERATION (LIKE CAR WAS NOT IN A GEAR). I PRESSED ACCELERATOR AND NOTHING HAPPENED, IT STAYED AT ABOUT 5.5K. I PUT CAR INTO N AND THE RPMS DROPPED TO ABOUT 1.5K, BUT CAR STILL NOT IN A GEAR SO IT WAS LOSING SPEED SO I MOVED TO BREAKDOWN LANE. PUT IT BACK INTO D AND IT AGAIN

1 REVVED TO 5.5K, BUT STILL NO GEAR AND LOST SPEED.
2 3RD TIME: I WOULD TURN TO D AND IT WOULD TAKE
3 ABOUT 3-5 SECONDS BEFORE IT CLUNKED INTO GEAR.
4 CAR THEN SHUDDERED A BIT AS I PULLED OUT AND
5 THEN IT GAVE THE SAME ERRORS AS BEFORE: SERVICE
6 TRANSMISSION THEN PERFORMANCE SHIFTING NOT
7 AVAILABLE ON THE DASH. IT ALSO GOT STUCK IN 4TH
8 GEAR AGAIN SO I COULD NOT ACCELERATE PROPERLY.
9 IT ALSO REVVED THE ENGINE RANDOMLY. IN FACT, I
10 ALMOST SMASHED INTO MY GARAGE BECAUSE AS I WAS
11 SLOWLY TURNING INTO MY GARAGE THE CAR
12 SUDDENLY SURGED FORWARD (IMAGINE IN A MANUAL
13 CAR, REVVING THE ENGINE AND THEN RAPIDLY LETTING
14 OUT ON THE CLUTCH) AND I HAD TO SLAM ON THE
15 BRAKES TO PREVENT IT FROM GOING INTO THE SIDE OF
16 MY HOUSE. IF THERE WERE PEOPLE WALKING IN FRONT
17 OF THE CAR AT A CROSSWALK, THEY WOULD HAVE
18 BEEN HIT. THIS IS NOT ACCEPTABLE AND NOT SAFE. JUST
19 AS MUCH I COULD EASILY GET INTO AN ACCIDENT WITH
20 ANOTHER CAR, THE WAY THIS CAR IS BEHAVING.

11 f) (2015 Chrysler 200 3/13/2015) AFTER ONLY OWNING MY
12 VEHICLE FOR LESS THAN 72 HOURS, AND DRIVING
13 ABOUT 380 MILES, MY TRANSMISSION APPEARS TO HAVE
14 HAD A COMPLETE FAILURE. I NOTICED IT
15 DOWNSHIFTING VERY HARD AT A STOP LIGHT, THEN
16 AGAIN A MILE OR SO DOWN THE ROAD. BY THE TIME I
17 GOT TO ANOTHER STOP LIGHT, MY CAR DOWNSHIFTED
18 SO VIOLENTLY IT SLAMMED ME INTO MY SEAT BELT
19 AND SCARED ME BADLY. IT FELT AS IF THE CAR HAD
20 SHIFTED IN PARK WHILE IT WAS STILL ROLLING
21 FORWARD AT ABOUT 10 MILES AN HOUR. WHEN I
22 ATTEMPTED TO ACCELERATE AWAY FORM THE LIGHT,
23 THE CAR WOULD NOT UP SHIFT, SO I HAD TO LIMP IT
24 INTO THE NEXT PARKING LOT AT 4K RPMS AT ABOUT 7
25 MPH. WHEN I PULLED INTO THE PARKING SPACE, THE
26 VEHICLE WOULD NOT SHIFT INTO PARK. AFTER SEVERAL
27 ATTEMPTS, THE CAR FINALLY SHIFTED OUT OF DRIVE
28 INTO REVERSE, AND AFTER SEVERAL MORE ATTEMPTS,
IT FINALLY SHIFTED INTO PARK ALLOWING ME TO TURN
OFF THE ENGINE. WHILE I WAS NOT REALLY INJURED
BEHIND A SLIGHT SORENESS FROM THE SEAT BELT, HAD
I BEEN TRAVELLING AT HIGHWAY SPEEDS WHEN THE
VEHICLE DOWN SHIFTED INTO PARK, THERE WOULD
HAVE BEEN A SERIOUS ACCIDENT.

24 g) (2015 Chrysler 200 3/12/2015) I WAS ON A SLIGHT HILL
25 (APPROX 10-15 DEGREES) STOPPED THE CAR AND PUT IT
26 INTO PARK, PRESSED THE ENGINE START BUTTON TO
27 SHUT OFF THE ENGINE AND OPENED THE DOOR TO EXIT.
28 AS I LIFTED MY WEIGHT OUT OF THE CAR, IT BEGAN TO
ROLL BACKWARDS, MY FOOT SLIPPED UNDER THE CAR
BUT I WAS ABLE TO HIT THE BREAKS WITH MY OTHER
FOOT. THINKING IT WAS SOMETHING I DID WRONG, I
PULLED THE CAR BACK UP AND REPEATED THE SAME

1 STEPS AND IT DID THE SAME THING AGAIN (THIS TIME
2 WITH OUT MY FOOT). I TWAS THEN THINKING, THIS IS A
3 BRAND NEW 31K+ CAR - IT CANT BE DOING THIS SO I
4 REPEATED A THIRD TIME AND IT HAPPENED AGAIN. I
5 CALLED MY DEALER WHO INSTRUCTED ME TO SET THE
6 EMERGENCY BRAKE ON PARK SELECTION ON MY RADIO
AND TO BRING THE CAR IN IMMEDIATELY! ITS NOW IN
THE DEALERS SHOP AS THEY ARE GETTING THE HEM
AND HAW FROM CHRYSLER ON WHAT TO DO. I WANT
THIS FIXED ASAP AS I AM LUCKY THE CAR DID NOT RUN
OVER ME AND CRASH INTO THE CARS BEHIND ME

7 h) (2015 Chrysler 200 2/24/2015) WHEN DECELERATING GOING
8 DOWN A SLIGHT INCLINE MY FOOT WAS OFF THE GAS
9 PEDAL. AS I APPLIED THE BRAKE PEDAL THE CAR
10 SHIFTED BUT HAD ACCELERATED AS THOUGH I HAD
11 PUSHED ON THE GAS PEDAL. I HAD TO FORCEFULLY
12 APPLY THE BRAKES EVEN HARDER TO KEEP FROM
13 HITTING THE CAR IN FROM OF ME. I HAVE NOTICED THIS
14 ON OTHER OCCASIONS AS WELL BUT THIS TIME WAS
15 DIFFERENT AS THERE WAS SOMEONE IN FRONT OF ME. IT
16 IS AS THOUGH WHEN THE CAR SHIFTS FROM 7TH TO 5TH
17 AND ALSO FROM 5TH TO 3RD THE CAR LUNGES
18 FORWARDS. I HAVE ALSO NOTICES THE CAR WILL PULL
19 ITSELF UP A HILL WITHOUT APPLYING THE GAS PEDAL
20 WHEN APPROACHING A STOP SIGN AT THE TOP OF THE
21 HILL. I AM CONCERNED I MAY INADVERTENTLY REAR
22 END ANOTHER VEHICLE WITH THIS ISSUE.

23 i) (2015 Chrysler 200 12/22/2014) DROVE VEHICLE 25 MILES
24 FROM HOME, PARKED FOR 2 1/2 HOURS, STARTED
25 VEHICLE SHIFTED IT IN REVERSE, THE SERVICE
26 TRANSMISSION NOTIFICATION CAME ON THE DRIVER
27 DISPLAY, BACKED THE VEHICLE OUT OF THE PARKING
28 SPOT AND SHIFTED THE VEHICLE INTO DRIVE THE GEAR
INDICATOR SAID THE VEHICLE WAS IN 4TH GEAR AS I
DROVE THE CAR FORWARD THE TRANSMISSION
REMAINED IN 4TH GEAR WITHOUT SHIFTING, I DROVE
THE CAR ABOUT 1 MILE LIKE THIS. I PARKED THE CAR IN
A SAFE PLACE, SHUT IT OFF, CALLED CHRYSLER
ROADSIDE ASSISTANCE, RESTARTED VEHICLE, PUT IN
GEAR, ALL WAS NORMAL, DROVE 4 MILES,
TRANSMISSION STUCK IN 8TH GEAR, PULLED OVER
TURNED OFF CAR, RESTARTED AFTER 5 MINUTES, DROVE
VEHICLE REMAINING DISTANCE HOME. NEXT DAY
DROVE VEHICLE TO MODESTO, CA DEALERSHIP WITHOUT
PROBLEM, DEALER HAD CAR FOR 7 DAYS, THEY SAID
THEY REPLACED TRANSMISSION CONTROL MODULE AND
UPDATED SOFTWARE. PICK UP VEHICLE DROVE IT,
NOTICING THAT SHIFTING FELT DIFFERENT THAN
BEFORE THE PROBLEM, NOT AS SMOOTH. ON DECEMBER
18, 2014 WHILE DRIVING VEHICLE, THE SERVICE
TRANSMISSION ADVISORY CAME ON AGAIN AND THE
VEHICLE WAS STUCK IN 2ND GEAR, STOPPED VEHICLE AS
BEFORE, RESTARTED AND WAS ABLE TO DRIVE BACK TO

1 DEALERSHIP, WHERE THE VEHICLE IS NOW. THE SERVICE
2 MANAGER ADVISES ME THAT THEY ARE WORKING WITH
3 CHRYSLER ENGINEERS, BUT ARE NOT HAVING MUCH
4 SUCCESS WITH AN ANSWER TO THE PROBLEM.

5 j) (2015 Chrysler 200 12/9/2014) VEHICLE ACCELERATES 2 TO 3
6 MPH WHEN TRANSMISSION DOWNSHIFTS FROM 8TH
7 GEAR TO 7TH AND FROM 5TH GEAR TO 4TH MAKING IT
8 DIFFICULT TO JUDGE STOPPING DISTANCES AND MAKING
9 TURNS. THIS HAPPENS WHEN FOOT IS OFF THE
10 ACCELERATOR.

11 k) (2015 Chrysler 200 11/03/2014) TL* THE CONTACT OWNS A
12 2015 CHRYSLER 200. THE CONTACT STATED THAT WHILE
13 DRIVING AT APPROXIMATELY 30 MPH, THE GEAR SHAFT
14 INDEPENDENTLY SHIFTED AND CAUSED THE VEHICLE TO
15 JERK AND STOP. THE VEHICLE WAS TOWED TO A DEALER
16 WHERE IT WAS DIAGNOSED THAT THE TRANSMISSION
17 MODULE NEEDED TO BE UPDATED. THE VEHICLE WAS
18 REPAIRED BUT THE FAILURE RECURRED. IN ADDITION,
19 THE CONTACT MENTIONED THAT THE VEHICLE STALLED.
20 THE VEHICLE WAS NOT REPAIRED. THE MANUFACTURER
21 WAS NOTIFIED OF THE FAILURE. THE APPROXIMATE
22 FAILURE MILEAGE WAS 5,900.

23 l) (2015 Chrysler 200 9/05/2014) TL* THE CONTACT OWNS A
24 2015 CHRYSLER 200. THE CONTACT STATED THAT THE
25 VEHICLE ERRONEOUSLY SHIFTED TO NEUTRAL. THE
26 VEHICLE WAS RESTARTED TO REGAIN NORMAL
27 FUNCTION. THE FAILURE OCCURRED ON SEVERAL
28 OCCASIONS. THE VEHICLE WAS TOWED TO THE DEALER
BUT THE FAILURE WAS UNABLE TO BE DUPLICATED. THE
VEHICLE WAS NOT REPAIRED. THE MANUFACTURER WAS
MADE AWARE OF THE FAILURE. THE FAILURE MILEAGE
WAS 1,900.

m) (2015 Chrysler 200 9/04/2014) AFTER HAVING AN ISSUE WITH
THE VEHICLE STARTING AND RECEIVING A JUMPSTART, I
WAS BRINGING THE CAR TO THE DEALERSHIP TO BE
REPAIRED. THE VEHICLES ENGINE SUDDENLY STOPPED
WHILST I WAS ON A CROWDED ROAD DURING RUSH
HOUR. I HAD NO ABILITY TO ACCELERATE, NOR ENOUGH
MOTION TO GET TO PARKING LOT. I WAS FORCED TO
STOP IN A RIGHT HAND TURN LANE. I WAS INSTRUCTED
TO PUT THE VEHICLE IN PARK, AND RESTART. AT THIS
TIME THE VEHICLE DID NOT RESTART AND I CALLED MY
INSURANCE COMPANY TO REQUEST A TOW, AND POLICE
ASSISTANCE TO INCREASE THE VISIBILITY OF MY
VEHICLE AND TO KEEP TRAFFIC AWAY TO PREVENT AN
ACCIDENT. AT THIS TIME, THE DEALERSHIP HAS STATED
THAT THERE WERE NO ERROR CODES SHOWING, AND
THAT THE DAY FOLLOWING THIS INCIDENT THE CAR
STARTED FINE. I AM CONCERNED THAT SINCE THIS IS A
VEHICLE THAT IS A FRESH REDESIGN THAT NOT ALL OF
THE MAJOR ISSUES WERE CAUGHT BEFORE DEPLOYING

1 THE VEHICLE ON THE ROAD. I DO NOT FEEL SAFE
2 DRIVING THIS VEHICLE WITHOUT AN EXPLANATION FOR
3 WHAT HAPPENED, AND HOW IT WAS FIXED. *TR

4 **2015 JEEP RENEGADE**

- 5 a) (2015 Jeep Renegade 6/30/2015) I WAS ON THE HIGHWAY
6 WHEN SUDDENLY MY BRAND NEW CAR STALLED AND
7 WOULD NOT SHIFT BACK INTO GEAR. THE CAR BECAME
8 IMMOBILIZED AND HAD TO GET TOWED BACK TO THE
9 DEALERSHIP. THEY REPLACED THE FUEL VALVE AND
10 DID NOT TEST FOR TRANSMISSION OR ELECTRICAL
11 ISSUES. TWO DAYS LATER THE SAME THING HAPPENED
12 ON THE HIGHWAY. I TOOK IT TO A DIFFERENT
13 DEALERSHIP AND THEY DID NOT KNOW WHAT WAS
14 WRONG WITH IT, SO THEY UPDATED THE SOFTWARE IN
15 THE CAR BECAUSE TWO UPDATES WERE AVAILABLE. I
16 GOT THE CAR BACK AND IT BROKE DOWN FOR A THIRD
17 TIME, AGAIN AFTER ONLY 2 DAYS. THE CAR IS
18 CURRENTLY IN THE SHOP AND CHRYSLER IS RELUCTANT
19 TO BUYBACK THE VEHICLE. NOBODY CAN FIGURE OUT
20 WHAT IS WRONG.
- 21 b) (2015 Jeep Renegade 5/25/2015) HESITATION SHIFTING
22 BETWEEN MULTIPLE GEARS. LUNGED FORWARD
23 WITHOUT WARNING AT A COMPLETE STOP. MADE
24 MANUFACTURER AWARE OF ISSUE.

25 59. Also, complaints posted by consumers in internet forums
26 demonstrate that the defect is widespread and dangerous and that it manifests
27 without warning. The complaints also indicate Defendant's awareness of the
28 problems with the transmission and how potentially dangerous the defect is for
consumers. The following are some safety complaints relating to ZF 9HP
Automatic Transmission Defects (spelling and grammar mistakes remain as
found in the original) (Edmunds.com (July 7, 2015), <http://www.edmunds.com/>;
Cars.com (July 7, 2015), <http://cars.com/>; and CarComplaints.com (July 7,
2015), <http://www.carcomplaints.com/>):

29 **Edmunds.com 2014 Jeep Cherokee & 2015 Jeep Cherokee - Consumer**

30 **Reviews:**

- 31 a) (2014 Jeep Cherokee) Posted by **murphy25p** on 06/18/2015: Be
32 aware that car manufacturers pay some reviewers to raise the overall
33 rating of vehicles. I had transmission problems from day one, a new
34 transmission that still had problems at 16k miles after two software

1 updates, engine lights requiring replacement of an air shuttle. All in
2 all, the first 24k miles, a year of owning the vehicle, I was without it
3 for over two weeks. What you're looking for in a new vehicle? Me
4 neither. The transmission defects on this vehicle are well
5 documented and in other reviews as well as mine. Believe them.
6 There are many more reliable vehicles than this one, I'll never buy
7 another Jeep product it's the worst vehicle I've ever owned.

- 8
- 9 b) (2014 Jeep Cherokee) Posted by **bachleda** on 6/1/2015: Owned the
10 car a year and has been to the stealership 5 times for shifting
11 problems. Do not buy this car until Chrvsler has fixed the shifting
12 problems. Mv car will not down shift properly and wants to stay in
13 3rd gear. If you slow down and try to speed up, you cannot because
14 you are in too high of a gear and have to stomp on the gas for it to
15 go. I have been in almost 3 accidents because of this.
- 16 c) (2014 Jeep Cherokee) Posted by **vlowe945** on 8/18/2014: bought w/
17 2 miles on it, 2nd day wouldn't start, been in the shop 6 times &
18 towed once, transmission malfunctioned the ck engine brake & esc
19 light came on then rolled forward down the driveway in reverse, it
20 said service transmission & needed computer updates. when started
21 it idles high then acts like its gonna die & smooth's out, taking off
22 from stop it shimmy's from side to side. on the interstate with cruise
23 @ 70 mph rpms are 2200 but plus or minus 1 mile the rpms drop to
24 1850, I resorted to video recording every time I got in it as evidence
25 of trouble, have a active case with Jeep but if there is a issue and it
26 doesn't throw a code its not fixable! but I did get a 6/60k free maint.
- 27 d) (2015 Jeep Cherokee) Posted by **ehaba** on 6/12/2015: Few month
28 from having vehicle, transmission started leaking. Sent to shop,
came back and transmission light was back and vehicle was totally
un-drivable. Towed back to shop. 30 days later I got vehicle back
and things started working again but not for long. 10 days passed
and vehicle was shut-down and started making load noise. Towed
back to shop for another transmission issue. this time, it got
replaced. That also aside from side airbag recall. I'm filling Lemon
case. Other issues i've experienced, when trying to slow down,
vehicle keeps going or even speeds. This is a big safely issue. Thank
god, I give enough time to slow down. Doesn't have 3000 on it. yet
have all those problems.
- e) (2015 Jeep Cherokee) Posted by **strman** on 5/14/2015: Firstly, I
have the V6 model Trailhawk. It was a great car for the first 11000
miles but then one day I received an RO1 recall notice for a
software reprogramming. Don't do it. This reprogramming disables
second gear because they know there is a serious design flaw with
the transmission. The recall reprogramming limits the down shifting
of the tranny so you end up with a car that is always in the wrong
gear and a herky jerky pig to drive. I once rated this car with 5 stars
but feel compelled to warn the public now because so far Chrysler
appears to be unwilling and very uncaring to restore this vehicle to
what I paid for.
- f) (2015 Jeep Cherokee) Posted by **aryann** on 12/22/2014: DO NOT
BUY THIS CAR. There are trasnmission problems starting at 1k

1 miles on my 2015 Jeep Cherokee Limited. The car is well built and
2 looks great from exterior and interior. But the mechanics are a
3 failure. My jeep stated hard shifting at 1k miles. I even had a time
4 when I couldn't move the vehicle. I have been to the dealer several
5 times and they haven't been able to solve my issue. Seems that I am
6 not the only one with this issue if you search over the internet for
7 "hard-shifting" issues with Cherokees you will understand. I am
8 very disappointed that I have to take my new car to the dealer every
9 couple of weeks where I get no solution to the problem.

6 **Cars.com 2015 Jeep Cherokee - Consumer Reviews:**

- 7 a) Posted by Lost in Maine from Maine | June 6, 2015: Bought new
8 2015. Made it to 1300 miles and shifting issues arose. Hauled to
9 local dealer by Jeep. Told the transmission needs to be replaced.
10 After several days, transmission is replaced and is returned as
11 repaired. Notice vibration and call Jeep. Told the axles need to be
12 replaced. Also told said axles are not available until September
13 sometime. Transmission is beginning to exhibit same issues as was
14 first reported. It's only been 200 miles to start having problems
15 again. Totally disgusted with the whole situation with this vehicle.

13 **CarComplaints.com 2015 Chrysler 200 & 2015 Jeep Renegade –
14 Owner Comments:**

- 15 a) (2015 Chrysler 200) Posted by Rudy M., Odessa, FL, USA on
16 5/2/2015: I purchased my car new in September 2014 and I'd like to
17 start by saying that I had no problems with my car until I took it in
18 for the Recall software flash on 05/02/2015. Four days after the
19 software update, the check engine light came on. I took the car back
20 to the dealership on 05/07/2015. I'm advised that the transmission
21 needs to be replaced. I'm not happy since the car is only 7 months
22 old at the time but I have the work completed. I got the car back and
23 drove the car for the next few days and everything was great. On the
24 fourth day, I start to feel the car hesitate as I'm in stop and go traffic.
25 It also, lunges forward as I'm trying to bring the car to a stop. At one
26 point the car hesitated as I was crossing a busy intersection almost
27 causing a car to hit me. I took the car back to the dealership on
28 05/15/2015. I was advised that they replaced some parts and that the
car was road tested and was ready for pick up. As I was driving back
to work, the car started to do the same things. I called the service
tech and she asked me to bring the car back in to take a test drive. I
take the car in and take a test drive with a transmission specialist.
He advised me at the end of the test drive that "The jerky drive is
normal for this car". I can assure you that if the car drove this way
on my test drive, I would have never purchased the 2015 Chrysler
200s. I was directed to the service manager. He advised that he
would talk to the district manager and see what he would be able to
do. I was hoping for some good news, It was not. They offered me a
lifetime warranty on the vehicle. Although this is a very nice offer,
it doesn't fix the current issues that I'm having with the car. I'd like
the car to be fixed or if it can't be fixed, I feel that Chrysler should
do the right thing and replace the car.

1 b) (2015 Chrysler 200) Posted by Ambria F., Houston, Texas , USA on
 2 4/15/2015: This car is a total nightmare!!! I absolutely do not feel
 3 safe driving this vehicle. After already getting the transmission
 4 replaced, I'm STILL having transmission issues that seem really
 5 dangerous! I put the car into drive today and nothing happened. I
 6 returned the gear back to park. I then put the gear back into
 7 drive.....nothing. So I press the gas just to see what would
 8 happen since it was in drive and wasn't moving.
 9 finally the car makes a loud noise and darts out
 10 going about 20 mph. Scary and embarrassing. I hate I ever stumbled
 11 across this car! The car is only nice looking on the outside,
 12 possessed and unpredictable on the inside!! (the transmission is
 13 garbage) Someone is going to get hurt or killed in this vehicle!

8 c) (2015 Jeep Renegade) Posted by Inwolfs, Coeur D'Alene, ID, USA
 9 on 4/08/2015: The problems haunting Jeep on their 9-speed
 10 automatic transmission have been inherited by the 2015 Jeep
 11 Renegade. I have owned this car now for 5 days and, on three
 12 separate occasions, I have experienced a sudden burst of
 13 acceleration while trying to come to a stop and also when letting the
 14 vehicle roll slowly forward (as in traffic at a stop light). It is quite
 15 disconcerting and I am very afraid what will happen if it does this
 16 while I am on slick roads. I can see this transmission has been a
 17 major issue in Cherokees and I am wondering why Jeep is still
 18 putting them in their cars. Is this why the release of the Renegade
 19 took so long?

15 60. The Transmission Defect poses an unreasonable safety risk for Class
 16 Members and other drivers and pedestrians. A vehicle's responsiveness to driver
 17 input, such as acceleration and deceleration, and the ability of a vehicle's
 18 transmission to perform properly are critical to a vehicle's safe operation. A
 19 defect that causes one or more of these negative characteristics poses a safety
 20 hazard to the general public and increases the risk of automobile accidents.

21 **FCA Has Exclusive Knowledge of the Transmission Defect**

22 61. FCA had superior and exclusive knowledge of the transmission
 23 defect and knew or should have known that the defect was not known or
 24 reasonably discoverable by Plaintiffs and Class Members before they purchased
 25 or leased the Class Vehicles.

26 62. Plaintiffs are informed and believe, and based thereon allege, that
 27 before Plaintiffs purchased their Class Vehicles, and since at least October 2013,
 28 FCA knew about the Transmission Defect through sources not available to

1 consumers, including the following: pre-release testing data; early consumer
2 complaints about the Transmission Defect to Defendant's dealers who are its
3 agents for vehicle repairs; warranty claim data related to the defect; aggregate
4 data from FCA's dealers and reports to FCA's Service Technical Assistance
5 Resource ("STAR") Center, its engineer/technical team; consumer complaints to
6 the NHTSA and resulting notice from NHTSA; early consumer complaints on
7 websites and internet forums; dealership repair orders; testing conducted in
8 response to owner or lessee complaints; technical service bulletins ("TSBs")
9 applicable to the Class Vehicles; and other internal sources of aggregate
10 information about the problem.

11 63. Further, even prior to bringing the Class Vehicles to market, FCA at
12 least twice delayed their release in order to address problems with the ZF 9H
13 Automatic Transmission for symptoms substantially similar, if not identical, to
14 the Transmission Defect.

15 64. As a result of the Transmission Defect, FCA has issued several
16 Technical Service Bulletins ("TSBs"), as well as three transmission software
17 updates, to its dealers in the United States, acknowledging defects in the ZF 9HP
18 Automatic Transmission. For example, FCA issued TSB #SB-21-013-13 on or
19 around November 14, 2013, to its dealers, covering the 2014 Jeep Cherokee, and
20 informed them of the procedure to be followed in the event customers "indicate
21 that their transmission shift quality does not meet their expectations" and poor
22 shift quality is identified during "New Vehicle Preparation 'Road Test'."
23 Further, FCA issued TSB #SB-21-014-13 on or around December 19, 2013, to
24 its dealers, covering the 2014 Jeep Cherokee, and informed them that "ON
25 SOME JEEPS, WITH NEW SOFTWARE ROBUSTNESS IMPROVEMENTS,
26 EXPERIENCING INCONSISTENT AND/OR HARSH1-2 or 2-3 UPSHIFTS."

27 65. Additionally, FCA's TSB #21-018-14 from or around May 15,
28 2014, which supersedes the December 2013 TSB (#SB-21-014-13) previously

1 mentioned, addressed customer complaints regarding the 2014 Jeep Cherokee
2 transmission's poor shifting and included a "five-minute software reset" and, in
3 some cases, a 78-minute "adaptive drive learn" test performed by the service
4 technician to ensure appropriate shifting.³¹ A Chrysler spokesperson told
5 Automotive News that the software update was in response to "customer
6 feedback" and "to improve satisfaction."³² Despite issuing three successive
7 Technical Service Bulletins and two software updates within the first six months
8 of production, FCA CEO Sergio Marchionne assured consumers in May 2014
9 that "he was not concerned about the quality of the nine-speed automatic
10 transmission" and further promised that "[i]t will get better six months from
11 now, trust me."³³

12 66. However, consumer complaints persisted and FCA's promises again
13 fell short when it issued TSB #81-016-1053 on or around October 1, 2014,
14 covering the 2014-2015 Jeep Cherokees and 2015 Chrysler 200, informing
15 dealers that the "TRANSMISSION MAY NOT ALLOW THE TRANSAXLE
16 TO SHIFT GEAR DUE TO TRANSMISSION CONTROL MODULE
17 SOFTWARE." In February 2015, FCA issued TSB #21-008-15, covering the
18 2014-2015 Jeep Cherokees and 2015 Chrysler 200, providing to dealers
19 "INFORMATION REGARDING AN ISSUE, ON SOME VEHICLES,
20 WHEREBY 5-4 DOWNSHIFTING, IS LESS THAN DESIRED AND
21 MALFUNCTION INDICATOR LAMP (MIL) WILL ILLUMINATE AND
22 REMOVING, DISASSEMBLING AND REPLACING C-CLUTCH SNAP
23 RING AND TRANSMISSION." Additionally, in or around February 2015,
24 FCA released its third transmission software update for vehicles equipped with
25 the ZF 9HP Automatic Transmission in response to consumer complaints

26 ³¹ See Automotive News, *Jeep 9-speed needs a reset again* (May 26,
27 2015), [http://www.autonews.com/article/20140526/OEM06/305269979/jeep-9-](http://www.autonews.com/article/20140526/OEM06/305269979/jeep-9-speed-needs-a-reset-again)
28 speed-needs-a-reset-again (last visited July 8, 2015).

³² *Id.*
³³ *Id.*

1 reporting conditions such as “sudden lunges from unexpected downshifts, a lack
2 of kickdown upon entering highways, front-axle vibration in low gears, and
3 complete failures in which the transmission shifts into neutral while driving and
4 lights up the dash with warning lights.”³⁴ FCA issued TSB #21-015-15 on or
5 around March 4, 2015, relating to above-mentioned software update.

6 67. The alleged Transmission Defect was inherent in each FCA vehicle
7 equipped with the ZF 9HP Automatic Transmission and was present in each
8 FCA vehicle equipped with the ZF 9HP Automatic Transmission at the time of
9 sale.

10 68. The existence of the Transmission Defect is a material fact that a
11 reasonable consumer would consider when deciding whether to purchase or lease
12 an FCA vehicle that was equipped with the ZF 9HP Automatic Transmission.
13 Had Plaintiffs and other Class Members known that the Class Vehicles were
14 equipped with defective transmissions, they would not have purchased or leased
15 the Class Vehicles equipped with the ZF 9HP Automatic Transmissions or would
16 have paid less for them.

17 69. Reasonable consumers, like Plaintiffs, reasonably expect that a
18 vehicle’s transmission is safe, will function in a manner that will not pose a
19 safety hazard, and is free from defects. Plaintiffs and Class Members further
20 reasonably expect that FCA will not sell or lease vehicles with known safety
21 defects, such as the Transmission Defect, and will disclose any such defects to its
22 consumers when it learns of them. They did not expect FCA to fail to disclose
23 the Transmission Defect to them and to continually deny the defect.

24 **FCA Has Actively Concealed the Transmission Defect**

25 70. While FCA has been fully aware of the Transmission Defect in the

26 ³⁴ See Car and Driver, *Holy Shift: ZF 9-speed Automatic Problems Mount, Chrysler Releases Third Software Update for Jeep Cherokee* (Feb. 4, 2015,
27 1:55PM), [http://blog.caranddriver.com/holy-shift-zf-9-speed-automatic-
28 problems-mount-chrysler-releases-third-software-update-for-jeep-cherokee/](http://blog.caranddriver.com/holy-shift-zf-9-speed-automatic-problems-mount-chrysler-releases-third-software-update-for-jeep-cherokee/) (last visited July 8, 2015).

1 Class Vehicles, it actively concealed the existence and nature of the defect from
2 Plaintiffs and Class Members at the time of purchase, lease, repair, and
3 thereafter. Specifically, FCA failed to disclose or actively concealed at and after
4 the time of purchase, lease, or repair:

- 5 (a) any and all known material defects or material nonconformity
6 of the Class Vehicles, including the defects relating to the ZF
7 9HP Automatic Transmission;
- 8 (b) that the Class Vehicles, including their ZF 9HP Automatic
9 Transmissions, were not in good in working order, were
10 defective, and were not fit for their intended purposes; and
- 11 (c) that the Class Vehicles and their ZF 9HP Automatic
12 Transmissions were defective, despite the fact that FCA
13 learned of such defects through alarming failure rates,
14 customer complaints, and other internal sources, as early as
15 November 2013.

16 71. In fact, ever before releasing the Class Vehicles on the market, FCA
17 knew about the Transmission Defect and delayed the vehicle's release because of
18 it. Nevertheless, FCA never disclosed the Transmission Defect to Class
19 Members.

20 72. As a result of the Transmission Defect, FCA was inundated with
21 complaints regarding the ZF 9HP Automatic Transmission. As mentioned
22 above, FCA issued several Technical Service Bulletins ("TSBs") and
23 transmission software updates to its dealers in the United States, acknowledging
24 defects in the ZF 9HP Automatic Transmission. FCA has issued several
25 Technical Service Bulletins ("TSBs"), as well as three transmission software
26 updates, to its dealers in the United States, acknowledging defects in the 9HP
27 Automatic Transmission. For example, FCA issued TSB #SB-21-013-13 on or
28 around November 14, 2013 to its dealers, covering the 2014 Jeep Cherokee, and

1 informed them of the procedure to be followed in the event customers “indicate
2 that their transmission shift quality does not meet their expectations” and poor
3 shift quality is identified during “New Vehicle Preparation ‘Road Test’.”

4 Further, FCA issued TSB #SB-21-014-13 on or around December 19, 2013 to its
5 dealers, covering the 2014 Jeep Cherokee, and informed them that “ON SOME
6 JEEPS, WITH NEW SOFTWARE ROBUSTNESS IMPROVEMENTS,
7 EXPERIENCING INCONSISTENT AND/OR HARSH1-2 or 2-3 UPSHIFTS.”

8 73. However, on information and belief, consumers continued to
9 experience problems with their vehicles despite the purported fix, including, but
10 not limited to: rough, delayed, or sudden shifting or failure to shift; grinding or
11 other loud noises during shifting; harsh engagement of gears; sudden or harsh
12 accelerations/decelerations; sudden loss of power; premature transmission wear;
13 and transmission failure.

14 74. Additionally, and as noted above, FCA’s TSB from or around May
15 15, 2014, which supersedes the December 2013 TSB (#SB-21-014-13)
16 previously mentioned, addressed customer complaints regarding the
17 transmission’s poor shifting and included a “five-minute software reset” and, in
18 some cases, a 78-minute “adaptive drive learn” test performed by the service
19 technician to ensure appropriate shifting.³⁵ A Chrysler spokesperson told
20 Automotive News that the software update was in response to “customer
21 feedback” and “to improve satisfaction.”³⁶ Despite issuing three successive
22 Technical Service Bulletins and two software updates within the first six months
23 of production, Sergio Marchionne, CEO of Fiat Chrysler Automobiles, told
24 consumers in May 2014 that “he was not concerned about the quality of the nine-
25 speed automatic transmission.”

26
27 ³⁵ See Automotive News, *Jeep 9-speed needs a reset again* (May 26,
28 2015), <http://www.autonews.com/article/20140526/OEM06/305269979/jeep-9-speed-needs-a-reset-again> (last visited July 8, 2015).

³⁶ *Id.*

1 75. Yet, consumer complaints persisted and FCA's promises again fell
2 short when it issued TSB #81-016-1053 on or around October 1, 2014, covering
3 the 2014-2015 Jeep Cherokees and 2015 Chrysler 200, informing dealers that the
4 "TRANSMISSION MAY NOT ALLOW THE TRANSAXLE TO SHIFT GEAR
5 DUE TO TRANSMISSION CONTROL MODULE SOFTWARE." In February
6 2015, FCA issued TSB #21-008-15, covering the 2014-2015 Jeep Cherokees and
7 2015 Chrysler 200, providing to dealers "INFORMATION REGARDING AN
8 ISSUE, ON SOME VEHICLES, WHEREBY 5-4 DOWNSHIFTING, IS LESS
9 THAN DESIRED AND MALFUNCTION INDICATOR LAMP (MIL) WILL
10 ILLUMINATE AND REMOVING, DISASSEMBLING AND REPLACING C-
11 CLUTCH SNAP RING AND TRANSMISSION." Additionally, in or around
12 February 2015, CarandDriver.com reported that FCA had released its third
13 transmission software update for vehicles equipped with the ZF 9HP Automatic
14 Transmission in response to consumer complaints reporting conditions such as
15 "sudden lunges from unexpected downshifts, a lack of kickdown upon entering
16 highways, front-axle vibration in low gears, and complete failures in which the
17 transmission shifts into neutral while driving and lights up the dash with warning
18 lights." On information and belief, consumers continued to experience problems
19 with their vehicles despite the fix, including, but not limited to: rough, delayed,
20 or sudden shifting or failure to shift; grinding or other loud noises during
21 shifting; harsh engagement of gears; sudden or harsh accelerations/decelerations;
22 sudden loss of power; premature transmission wear; and transmission failure.

23 76. On information and belief, the software upgrades outlined by the
24 various TSBs issued by FCA were ineffective at addressing the Transmission
25 Defect.

26 77. When consumers present the Class Vehicles to authorized FCA
27 dealers for repair of the transmission, rather than repair the problem under
28 warranty, FCA dealers either inform consumers that their vehicles are

1 functioning properly, or “as designed,” or conduct repairs or software updates
2 that merely mask the defect.

3 78. To this day, FCA still has not notified Plaintiffs and Class Members
4 that the Class Vehicles suffer from a systemic defect that causes the transmission
5 to malfunction.

6 CLASS ACTION ALLEGATIONS

7 79. Plaintiffs bring this lawsuit as a class action on behalf of themselves
8 and all others similarly situated as members of the proposed Plaintiff Classes
9 pursuant to Federal Rules of Civil Procedure 23(a), 23(b)(2) and/or 23(b)(3).
10 This action satisfies the numerosity, commonality, typicality, adequacy,
11 predominance, and superiority requirements of those provisions.

12 80. The Class and Sub-Class are defined as:

13 **Class:** All individuals residing in the United States of
14 America, including its territories, who purchased or
15 leased any FCA vehicle equipped with a ZF 9HP
16 Automatic Transmission for family, household, or
personal use and maintained continuous possession of
the Class Vehicle.

17 **CLRA Sub-Class:** All members of the Class who are
18 “consumers” within the meaning of California Civil
Code § 1761(d).

19 **Implied Warranty Sub-Class:** All members of the
20 Class who purchased or leased their vehicles in the
State of California.

21 81. Excluded from the Class and Sub-Class are: (1) Defendant, any
22 entity or division in which Defendant has a controlling interest, and their legal
23 representatives, officers, directors, assigns, and successors; (2) the Judge to
24 whom this case is assigned and the Judge’s staff; (3) any Judge sitting in the
25 presiding state and/or federal court system who may hear an appeal of any
26 judgment entered; and (4) those persons who have suffered personal injuries as a
27 result of the facts alleged herein. Plaintiffs reserve the right to amend the Class
28 and Sub-Class definitions if discovery and further investigation reveal that the

1 Class and Sub-Class should be expanded or otherwise modified.

2 82. There is a well-defined community of interest in the litigation and
3 each subclass is readily ascertainable.

4 83. Numerosity: Although the exact number of prospective class
5 members is uncertain and can only be ascertained through appropriate discovery,
6 the number is great enough such that joinder is impracticable. The disposition of
7 prospective class members' claims in a single action will provide substantial
8 benefits to all parties and to the Court. The prospective class members are
9 readily identifiable from information and records in Defendant's possession,
10 custody, or control, as well as from records kept by the departments of motor
11 vehicles of the various states.

12 84. Typicality: The claims of the representative Plaintiffs are typical of
13 the claims of the all prospective class members in that the representative
14 Plaintiffs and the prospective class members purchased and leased a Class
15 Vehicle designed, manufactured, and distributed by FCA and equipped with a
16 defective ZF 9HP Automatic Transmission. The representative Plaintiffs, like all
17 prospective class members, have been damaged by Defendant's misconduct in
18 that they have incurred or will incur the cost of repairing or replacing the
19 defective transmission. Furthermore, the factual bases of FCA's misconduct are
20 common to all prospective class members and represent a common thread
21 resulting in injury to all prospective class members.

22 85. Commonality: There are numerous questions of law and fact
23 common to Plaintiffs and the prospective class members that predominate over
24 any question affecting individual prospective class members. These common
25 legal and factual issues include the following:

- 26 (a) Whether Class Vehicles contain defects relating to the ZF
27 9HP Automatic Transmission;
- 28 (b) Whether the defects relating to the ZF 9HP Automatic

- 1 Transmission constitute an unreasonable safety risk;
- 2 (c) Whether Defendant knew about the defects relating to the ZF
- 3 9HP Automatic Transmission and, if so, how long Defendant
- 4 has known of the defect;
- 5 (d) Whether the defective nature of the ZF 9HP Automatic
- 6 Transmission constitutes a material fact;
- 7 (e) Whether Defendant has a duty to disclose the defective nature
- 8 of the ZF 9HP Automatic Transmission to Plaintiffs and
- 9 prospective class members;
- 10 (f) Whether Plaintiffs and the prospective class members are
- 11 entitled to equitable relief, including, but not limited to, a
- 12 preliminary and/or permanent injunction;
- 13 (g) Whether Defendant knew or reasonably should have known of
- 14 the defects relating to the ZF 9HP Automatic Transmission
- 15 before selling and leasing Class Vehicles to prospective class
- 16 members;
- 17 (h) Whether Defendant should be declared financially responsible
- 18 for notifying all prospective class members of the problems
- 19 with the Class Vehicles and for the costs and expenses of
- 20 repairing and replacing the defective ZF 9HP Automatic
- 21 Transmission;
- 22 (i) Whether Defendant is obligated to inform prospective class
- 23 members of their right to seek reimbursement for having paid
- 24 to diagnose, repair, or replace the defective ZF 9HP
- 25 Automatic Transmission; and
- 26 (j) Whether Defendant breached the implied warranty of
- 27 merchantability pursuant to the Song-Beverly Act.

28 86. Adequate Representation: Plaintiffs will fairly and adequately

1 protect prospective class members' interests. Plaintiffs have retained attorneys
2 experienced in prosecuting class actions, including consumer and product defect
3 class actions, and Plaintiffs intend to prosecute this action vigorously.

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

18 88. In the alternative, the Class may be certified because:

- 19 (a) The prosecution of separate actions by the individual
20 members of the Class would create a risk of inconsistent or
21 varying adjudication with respect to individual Class
22 Members, which would establish incompatible standards of
23 conduct for Defendant;
- 24 (b) the prosecution of separate actions by individual Class
25 Members would create a risk of adjudications with respect to
26 them that would, as a practical matter, be dispositive of the
27 interests of other Class Members not parties to the
28 adjudications, or substantially impair or impede their ability

1 to protect their interests; and
2 (c) Defendant has acted or refused to act on grounds generally
3 applicable to the Class, thereby making appropriate final and
4 injunctive relief with respect to the members of the Class as a
5 whole.

6 **FIRST CAUSE OF ACTION**
7 **(Violation of California’s Consumer Legal Remedies Act,**
8 **California Civil Code § 1750, et seq.)**

9 89. Plaintiffs incorporate by reference the allegations contained in the
10 preceding paragraphs of this Complaint.

11 90. Plaintiffs bring this cause of action on behalf of themselves and on
12 behalf of the members of the CLRA Sub-Class.

13 91. Defendant FCA US LLC is a “person” as defined by California
14 Civil Code § 1761(c).

15 92. Plaintiffs and CLRA Sub-class Members are “consumers” within the
16 meaning of California Civil Code § 1761(d) because they purchased their Class
17 Vehicles primarily for personal, family, or household use.

18 93. By failing to disclose and concealing the defective nature of the
19 transmissions from Plaintiffs and prospective Class Members, Defendant
20 violated California Civil Code § 1770(a), as they represented that the Class
21 Vehicles and their transmissions had characteristics and benefits that they do not
22 have and represented that the Class Vehicles and their transmissions were of a
23 particular standard, quality, or grade when they were of another. *See* Cal. Civ.
24 Code §§ 1770(a)(5) & (7).

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

1 95. Defendant knew that the Class Vehicles and their transmissions
2 suffered from an inherent defect, were defectively designed or manufactured, and
3 were not suitable for their intended use.

4 96. As a result of their reliance on Defendant's omissions, owners
5 and/or lessees of the Class Vehicles suffered an ascertainable loss of money,
6 property, and/or value of their Class Vehicles. Additionally, as a result of the
7 Transmission Defect, Plaintiffs and Class Members were harmed and suffered
8 actual damages in that the Class Vehicles' transmission components are
9 substantially certain to fail before their expected useful life has run.

10 97. Defendant was under a duty to Plaintiffs and Class Members to
11 disclose the defective nature of the transmissions and/or the associated repair
12 costs because:

- 13 (a) Defendant was in a superior position to know the true state of
14 facts about the safety defect in the Class Vehicles'
15 transmissions;
- 16 (b) Plaintiffs and Class Members could not reasonably have been
17 expected to learn or discover that their transmissions had a
18 dangerous safety defect until it manifested; and
- 19 (c) Defendant knew that Plaintiffs and Class Members could not
20 reasonably have been expected to learn of or discover the
21 safety defect.

22 98. In failing to disclose the defective nature of the transmissions,
23 Defendant knowingly and intentionally concealed material facts and breached its
24 duty not to do so.

25 99. The facts about the Transmission Defect that the Defendant
26 concealed from, or failed to disclose to, Plaintiffs and Class Members are
27 material in that a reasonable consumer would have considered them to be
28 important in deciding whether to purchase or lease the Class Vehicles or pay

1 less. Had Plaintiffs and Class Members known that the Class Vehicles’
2 transmissions were defective, they would not have purchased or leased the Class
3 Vehicles or would have paid less for them.

4 100. Plaintiffs and Class Members are reasonable consumers who do not
5 expect the transmissions installed in their vehicles to exhibit problems such as:
6 rough, delayed, or sudden shifting or failure to shift; grinding or other loud
7 noises during shifting; harsh engagement of gears; sudden or harsh
8 accelerations/decelerations; sudden loss of power; premature transmission wear;
9 and eventually, transmission failure. This is the reasonable and objective
10 consumer expectation relating to vehicle transmissions.

11 101. As a result of Defendant’s conduct, Plaintiffs and Class Members
12 were harmed and suffered actual damages in that, on information and belief, the
13 Class Vehicles experienced and may continue to experience problems such as:
14 rough, delayed, or sudden shifting or failure to shift; grinding or other loud
15 noises during shifting; harsh engagement of gears; sudden or harsh
16 accelerations/decelerations; sudden loss of power; premature transmission wear;
17 and eventually, transmission failure.

18 102. As a direct and proximate result of Defendant’s unfair or deceptive
19 acts or practices, Plaintiffs and Class Members suffered and will continue to
20 suffer actual damages.

21 103. Plaintiffs and the Class are entitled to equitable relief.

22 104. Plaintiffs provided Defendant with notice of its violations of the
23 CLRA pursuant to California Civil Code § 1782(a). Defendant failed to provide
24 appropriate relief for its violations of the CLRA. Thus, Plaintiffs seek monetary,
25 compensatory, and punitive damages, in addition to the injunctive and equitable
26 relief that they sought before.

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SECOND CAUSE OF ACTION

(Violation of California Business & Professions Code § 17200, *et seq.*)

105. Plaintiffs incorporate by reference the allegations contained in the preceding paragraphs of this Complaint.

106. Plaintiffs bring this cause of action on behalf of themselves and on behalf of the Class.

107. As a result of their reliance on Defendant’s omissions, owners and/or lessees of the Class Vehicles suffered an ascertainable loss of money, property, and/or value of their Class Vehicles. Additionally, as a result of the Transmission Defect, Plaintiffs and Class Members were harmed and suffered actual damages in that the Class Vehicles’ transmission components are substantially certain to fail before their expected useful life has run.

108. California Business & Professions Code § 17200 prohibits acts of “unfair competition,” including any “unlawful, unfair or fraudulent business act or practice” and “unfair, deceptive, untrue or misleading advertising.”

109. Plaintiffs and Class Members are reasonable consumers who do not expect their transmissions to exhibit problems such as: rough, delayed, or sudden shifting or failure to shift; grinding or other loud noises during shifting; harsh engagement of gears; sudden or harsh accelerations/decelerations; sudden loss of power; premature transmission wear; and eventually, transmission failure.

110. Defendant knew the Class Vehicles and their transmissions suffered from inherent defects, were defectively designed or manufactured, would fail prematurely, and were not suitable for their intended use.

111. In failing to disclose the defects with the transmission, Defendant has knowingly and intentionally concealed material facts and breached their duty not to do so.

112. Defendant was under a duty to Plaintiffs and Class Members to disclose the defective nature of the Class Vehicles and their transmissions:

- 1 (a) Defendant was in a superior position to know the true state of
- 2 facts about the safety defect in the Class Vehicles’
- 3 transmissions;
- 4 (b) Defendant made partial disclosures about the quality of the
- 5 Class Vehicles without revealing the defective nature of the
- 6 Class Vehicles and their transmissions; and
- 7 (c) Defendant actively concealed the defective nature of the Class
- 8 Vehicles and their transmissions from Plaintiffs and the Class.

9 113. The facts regarding the Transmission Defect that the Defendant
10 concealed from, or failed to disclose to, Plaintiffs and Class Members are
11 material in that a reasonable person would have considered them to be important
12 in deciding whether to purchase or lease Class Vehicles. Had Plaintiffs and
13 other Class Members known that the Class Vehicles’ ZF 9HP Automatic
14 Transmissions were defective and posed a safety hazard, then Plaintiffs and the
15 other Class Members would not have purchased or leased Class Vehicles
16 equipped with ZF 9HP Automatic Transmissions, or would have paid less for
17 them.

18 114. Defendant continues to conceal the defective nature of the Class
19 Vehicles and their transmissions even after Class Members began to report
20 problems. Indeed, Defendant continues to cover up and conceal the true nature
21 of the problem.

22 115. Defendant’s conduct was and is likely to deceive consumers.

23 116. Defendant’s acts, conduct and practices were unlawful, in that they
24 constituted:

- 25 (a) Violations of the California Consumer Legal Remedies Act;
- 26 (b) Violations of the Song-Beverly Consumer Warranty Act; and
- 27 (c) Violations of the express warranty provisions of California
- 28 Commercial Code section 2313.

1 117. By its conduct, Defendant has engaged in unfair competition and
2 unlawful, unfair, and fraudulent business practices.

3 118. Defendant's unfair or deceptive acts or practices occurred
4 repeatedly in Defendant's trade or business, and were capable of deceiving a
5 substantial portion of the purchasing public.

6 119. As a direct and proximate result of Defendant's unfair and deceptive
7 practices, Plaintiffs and the Class have suffered and will continue to suffer actual
8 damages.

9 120. Defendant has been unjustly enriched and should be required to
10 make restitution to Plaintiffs and the Class pursuant to §§ 17203 and 17204 of
11 the Business & Professions Code.

12 **THIRD CAUSE OF ACTION**

13 **(Breach of Implied Warranty Pursuant to Song-Beverly**
14 **Consumer Warranty Act, California Civil Code §§ 1792 and 1791.1, et seq.)**

15 121. Plaintiffs incorporate by reference the allegations contained in the
16 preceding paragraphs of this Complaint.

17 122. Plaintiffs bring this cause of action against Defendant on behalf of
18 themselves and on behalf of the members of the Implied Warranty Sub-Class.

19 123. At all relevant times, Defendant was the manufacturer, distributor,
20 warrantor, and/or seller of the Class Vehicles. Defendant knew or had reason to
21 know of the specific use for which the Class Vehicles were purchased or leased.

22 124. Defendant provided Plaintiffs and Class Members with an implied
23 warranty that the Class Vehicles and their components and parts are
24 merchantable and fit for the ordinary purposes for which they were sold.
25 However, the Class Vehicles are not fit for their ordinary purpose of providing
26 reasonably reliable and safe transportation because, *inter alia*, the Class Vehicles
27 and their transmissions suffered from an inherent defect at the time of sale and
28 thereafter are not fit for their particular purpose of providing safe and reliable

1 transportation.

2 125. Defendant impliedly warranted that the Class Vehicles were of
3 merchantable quality and fit for such use. This implied warranty included,
4 among other things: (i) a warranty that the Class Vehicles and their
5 transmissions that were manufactured, supplied, distributed, and/or sold by FCA
6 were safe and reliable for providing transportation; and (ii) a warranty that the
7 Class Vehicles and their transmissions would be fit for their intended use while
8 the Class Vehicles were being operated.

9 126. Contrary to the applicable implied warranties, the Class Vehicles
10 and their transmissions at the time of sale and thereafter were not fit for their
11 ordinary and intended purpose of providing Plaintiffs and Class Members with
12 reliable, durable, and safe transportation. Instead, the Class Vehicles are
13 defective, including, but not limited to, the defective design and manufacture of
14 their transmissions.

15 127. As a result of Defendant's breach of the applicable implied
16 warranties, owners and/or lessees of the Class Vehicles suffered an ascertainable
17 loss of money, property, and/or value of their Class Vehicles. Additionally, as a
18 result of the Transmission Defect, Plaintiffs and Class Members were harmed
19 and suffered actual damages in that the Class Vehicles' transmission components
20 are substantially certain to fail before their expected useful life has run.

21 128. Defendant's actions, as complained of herein, breached the implied
22 warranty that the Class Vehicles were of merchantable quality and fit for such
23 use in violation of California Civil Code §§ 1792 and 1791.1.

24 **FOURTH CAUSE OF ACTION**

25 **(Breach of Warranty under the Magnuson-Moss Warranty Act,**
26 **15 U.S.C. § 2303 et seq.)**

27 129. Plaintiffs incorporate by reference the allegations contained in the
28 preceding paragraphs of this Complaint.

1 130. Plaintiffs bring this cause of action on behalf of themselves and on
2 behalf of the Class.

3 131. Plaintiffs do not bring this cause of action with respect to any
4 alleged failure to repair or replace a component suffering from a design defect.

5 132. The Class Vehicles are a “consumer product” within the meaning of
6 the Magnuson-Moss Warranty Act, 15 U.S.C. § 2301(1).

7 133. Plaintiffs and Class Members are “consumers” within the meaning
8 of the Magnuson-Moss Warranty Act, 15 U.S.C. § 2301(3).

9 134. Defendant FCA US LLC is a “supplier” and “warrantor” within the
10 meaning of the Magnuson-Moss Warranty Act, 15 U.S.C. § 2301(4)-(5).

11 135. Defendant’s express warranty is a “written warranty” within the
12 meaning of the Magnuson-Moss Warranty Act, 15 U.S.C. § 2301(6).

13 136. FCA provided all purchasers and lessees of the Class Vehicles with
14 a New Vehicle Basic Limited Warranty and a Powertrain Limited Warranty. In
15 this Basic Limited Warranty, FCA expressly warranted that it would “**cover[] . . .**
16 **all parts and labor needed to repair any item on [the] vehicle** when it left the
17 manufacturing plant that is defective in material, workmanship or factory
18 preparation.” FCA promised to cover “any item on [the] vehicle” with the
19 exception of tires and unwired headphones under its Basic Limited Warranty, for
20 “36 months from the date it begins or for 36,000 miles on the odometer,
21 whichever occurs first.”

22 137. Furthermore, under the Powertrain Limited Warranty, FCA
23 expressly warranted that it would “**cover[] . . . the costs of all parts and labor**
24 **needed to repair a powertrain component** listed in [the] section . . . below that
25 is defective.” FCA promised to cover listed powertrain components under its
26 Powertrain Limited Warranty, including the transmission and transmission
27 control module “for up to 5 years or 100,000 miles on the odometer, whichever
28 occurs first.”

1 138. On information and belief, Defendant breached the express warranty
2 by purporting to repair the transmission and its component parts by replacing the
3 defective or damaged transmission components with the same defective
4 components and/or instituting temporary fixes, on information and belief, to
5 ensure that the Transmission Defect manifests outside of the Class Vehicles’
6 express warranty period.

7 139. Furthermore, Defendant impliedly warranted that the Class Vehicles
8 were of merchantable quality and fit for such use. This implied warranty
9 included, among other things: (i) a warranty that the Class Vehicles and their
10 transmissions that were manufactured, supplied, distributed, and/or sold by FCA
11 were safe and reliable for providing transportation; and (ii) a warranty that the
12 Class Vehicles and their transmissions would be fit for their intended use while
13 the Class Vehicles were being operated.

14 140. Contrary to the applicable implied warranties, the Class Vehicles
15 and their transmissions at the time of sale and thereafter were not fit for their
16 ordinary and intended purpose of providing Plaintiffs and Class Members with
17 reliable, durable, and safe transportation. Instead, the Class Vehicles are
18 defective, including, but not limited to, the defective design of their
19 transmissions.

20 141. Defendant’s breach of express and implied warranties has deprived
21 Plaintiffs and Class Members of the benefit of their bargain.

22 142. The amount in controversy of Plaintiffs’ individual claims meets or
23 exceeds the sum or value of \$25,000. In addition, the amount in controversy
24 meets or exceeds the sum or value of \$50,000 (exclusive of interests and costs)
25 computed on the basis of all claims to be determined in this suit.

26 143. Defendant has been afforded a reasonable opportunity to cure its
27 breach, including when Plaintiffs and Class Members brought their vehicles in
28 for diagnoses and repair of the transmission.

1 substantially certain to fail before their expected useful life has run.

2 151. Defendant provided all purchasers and lessees of the Class Vehicles
3 with the express warranty described herein, which became a material part of the
4 bargain. Accordingly, Defendant’s express warranty is an express warranty
5 under California law.

6 152. Defendant manufactured and/or installed the transmission and its
7 component parts in the Class Vehicles, and the transmission and its component
8 parts are covered by the express warranty.

9 153. FCA provided all purchasers and lessees of the Class Vehicles with
10 a New Vehicle Basic Limited Warranty and a Powertrain Limited Warranty. In
11 this Basic Limited Warranty, FCA expressly warranted that it would “**cover[] . . .**
12 **all parts and labor needed to repair any item on [the] vehicle** when it left the
13 manufacturing plant that is defective in material, workmanship or factory
14 preparation.” FCA promised to cover “any item on [the] vehicle” with the
15 exception of tires and unwired headphones under its Basic Limited Warranty, for
16 “36 months from the date it begins or for 36,000 miles on the odometer,
17 whichever occurs first.”

18 154. Furthermore, under the Powertrain Limited Warranty, FCA
19 expressly warranted that it would “**cover[] . . . the costs of all parts and labor**
20 **needed to repair a powertrain component** listed in [the] section . . . below that
21 is defective.” FCA promised to cover listed powertrain components under its
22 Powertrain Limited Warranty, including the transmission and transmission
23 control module , “for up to 5 years or 100,000 miles on the odometer, whichever
24 occurs first.”

25 155. On information and belief, Defendant breached the express warranty
26 by purporting to repair the transmission and its component parts by replacing the
27 defective or damaged transmission components with the same defective
28 components and/or instituting temporary fixes, on information and belief, to

1 ensure that the Transmission Defect manifests outside of the Class Vehicles’
2 express warranty period.

3 156. Plaintiffs were not required to notify FCA of the breach and/or were
4 not required to do so because affording FCA a reasonable opportunity to cure its
5 breach of written warranty would have been futile. Defendant was also on notice
6 of the defect from the complaints and service requests it received from Class
7 Members, from repairs and/or replacements of the transmission or a component
8 thereof, and through other internal sources.

9 157. As a direct and proximate cause of Defendant’s breach, Plaintiffs
10 and Class Members suffered, and continue to suffer, damages, including
11 economic damages at the point of sale or lease. Additionally, Plaintiffs and
12 Class Members either have incurred or will incur economic damages at the point
13 of repair in the form of the cost of repair.

14 158. Additionally, FCA breached the express warranty by performing
15 illusory repairs. Rather than repairing the vehicles pursuant to the express
16 warranty, FCA falsely informed class members that there was no problem with
17 their vehicle, performed ineffective software flashes, or replaced defective
18 components in the ZF 9HP Automatic Transmissions with equally defective
19 components, without actually repairing the vehicles.

20 159. Plaintiffs and Class Members are entitled to legal and equitable
21 relief against Defendant, including actual damages, consequential damages,
22 specific performance, attorneys’ fees, costs of suit, and other relief as
23 appropriate.

24 **RELIEF REQUESTED**

25 160. Plaintiffs, on behalf of themselves and all others similarly situated,
26 requests the Court to enter judgment against Defendant, as follows:

- 27 (a) An order certifying the proposed Class and Sub-Classes,
28 designating Plaintiffs as named representatives of the Class,

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- and designating the undersigned as Class Counsel;
- (b) A declaration that Defendant are financially responsible for notifying all Class Members about the defective nature of the ZF 9HP Automatic Transmission, including the need for periodic maintenance;
- (c) An order enjoining Defendant from further deceptive distribution, sales, and lease practices with respect to Class Vehicles;; compelling Defendant to remove, repair, and/or replace the Class Vehicles' ZF 9HP Automatic Transmissions with suitable alternative product(s) that do not contain the defects alleged herein; enjoining Defendant from selling the Class Vehicles with the misleading information; 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;
- (d) A declaration requiring Defendant to comply with the various provisions of the Song-Beverly Act alleged herein and to make all the required disclosures;
- (e) An award to Plaintiffs and the Class for compensatory, exemplary, and statutory damages, including interest, in an amount to be proven at trial; Any and all remedies provided pursuant to the Song-Beverly Act, including California Civil Code section 1794;
- (f) A declaration that Defendant must disgorge, for the benefit of the Class, all or part of the ill-gotten profits it received from the sale or lease of its Class Vehicles, or make full restitution to Plaintiffs and Class Members;

- 1 (g) An award of attorneys’ fees and costs, as allowed by law;
- 2 (h) An award of attorneys’ fees and costs pursuant to California
- 3 Code of Civil Procedure § 1021.5;
- 4 (i) An award of pre-judgment and post-judgment interest, as
- 5 provided by law;
- 6 (j) Leave to amend the Complaint to conform to the evidence
- 7 produced at trial; and
- 8 (k) Such other relief as may be appropriate under the
- 9 circumstances.

DEMAND FOR JURY TRIAL

11 161. Plaintiffs demand a trial by jury of any and all issues in this action
12 so triable.

13 Dated: December 4, 2017

Respectfully submitted,
Law Office of Howard A. Gutman

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16 By: /s/ Howard A. Gutman

Howard A. Gutman

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19 Dated: December 4, 2017

Respectfully submitted,
Capstone Law APC

20

21 By: /s/ Jordan L. Lurie

Jordan L. Lurie
Tarek H. Zohdy
Cody R. Padgett
Karen L. Wallace
Capstone Law APC
1875 Century Park East, Suite 450
Los Angeles, California 90067

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Attorneys for Plaintiffs Dolores Granillo,
Albert Granillo, and Desiree Nava

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