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Class action says Ford knew about 'inherent defect' in PowerShift transmission, never told car owners

Dana Herra (/author/dana-herra)

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A Plainfield woman has brought a class action suit against Ford, claiming the automaker knew the PowerShift transmission it offers on Fiestas and Focuses is defective, but has never publicly acknowledged the defect or offered restitution to vehicle owners.

Plaintiff Danielle Anderson filed suit Jan. 29 against Ford Motor Company. In that complaint, she said she bought in 2014 a new Ford Fiesta equipped with the optional PowerShift transmission – a \$1,095 upgrade she said Ford claims combines the fuel economy and shifting speed of a manual transmission with the convenience of an automatic.

About 14 months after buying the vehicle, the complaint said, Anderson took the car in for service, because the transmission was allegedly slipping, stuttering, jerking, accelerating without warning, and experiencing delayed downshifts and difficulty stopping – all problems she asserted are symptoms of an inherent defect in the PowerShift transmission.

“Had Ford disclosed its knowledge of the Transmission Defect, and the fact that it posed a potential safety risk ... Plaintiff would not have purchased her 2014 Ford Fiesta, or would not have paid the purchase price charged by Ford,” the lawsuit

states.

The complaint alleged the PowerShift transmission has a flawed design that causes it to slip, buck, jerk, get hot, stutter, accelerate suddenly, downshift slowly and have difficulty stopping, as well as wearing and failing prematurely. The lawsuit claimed Ford has been aware of the problem since it began offering the transmission in 2010, as evidenced by repeated Technical Service Bulletins it issued to technicians at its dealerships, but never notified customers of the problems.

“Ford further perpetuated the cover-up by eventually issuing two ‘Customer Satisfaction Programs’ that simply offered additional ineffectual repairs without disclosing the truth about the Transmission Defect to the public,” Anderson’s complaint stated. “Customers whose vehicles were supposedly repaired have continued to experience the Transmission Defect.”

The suit was filed on behalf of Anderson and anyone in the U.S. who purchased or leased a 2011 through 2015 Ford Fiesta or Focus equipped with a PowerShift transmission. It also included subclasses of purchasers or lessees who live in Illinois, who are defined as “consumers” by the Illinois Consumer Fraud and Deceptive Practices Act, or who purchased or leased their vehicle in the state of Illinois.

The lawsuit alleged Ford violated the Illinois Consumer Fraud and Deceptive Business Practices Act by concealing the alleged defect from consumers; breached its implied warranty by allegedly selling cars with defective transmissions and by allegedly performing window-dressing repairs that did not actually solve the problem; and breached its express warranty, as the vehicles came with a bumper-to-bumper limited warranty and powertrain limited warranty, but Ford still charged consumers for repairs or repaired the transmissions with the same allegedly defective parts.

The suit also charged Ford with unjust enrichment and fraudulent concealment.

The plaintiff requested the court prevent Ford from selling any more vehicles with PowerShift transmissions without informing potential buyers of the defect; force Ford to replace the class members’ transmissions with a “suitable alternative;” award compensatory, exemplary and statutory damages, including interest and the \$1,095 each buyer paid for the transmission; award full restitution or the profits Ford received through the sale or lease of 2011 through 2015 Fiestas and Focuses; and pre- and post-judgment interest and court costs.

Anderson is represented by attorneys Thomas A. Zimmerman Jr., Amelia S. Newton, Jordan M. Rudnick, Matthew C. De Re and Nickolas J. Hagman of the Zimmerman Law Offices, of Chicago.

Organizations in this story

Ford Motor Company

(/organizations/645065736-ford-motor-company/stories)

1 American Rd
Dearborn, MI 48126

Zimmerman Law Offices, P. C.

(/organizations/644583165-zimmerman-law-offices-p-c/stories)

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Chicago, IL 60603

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