

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

**REBECCA ROMEO, JOE ROMEO, DIANE BÉLAND,  
ELYSE CHOINIÈRE, LINDA GOODMAN, AND TRACY CORSI**

Plaintiffs

- and -

**FORD MOTOR COMPANY and  
FORD MOTOR COMPANY OF CANADA, LIMITED**

Defendants

Proceeding under the *Class Proceedings Act, 1992*

**AFFIDAVIT OF GLENN BRANDYS (Sworn July 26, 2017)  
(Motion for Certification)**

I, Glenn Brandys, of the City of Toronto, in the Province of Ontario, make oath and say:

1. I am a lawyer with the law firm Charney Lawyers P.C., counsel for the plaintiffs in this action, and as such I have knowledge of the matters in this affidavit. Where I do not have firsthand knowledge, I have specified the source of the information and I hereby state that I verily believe such information to be true.

**Australian Competition and Consumer Commission commences proceedings**

2. Attached hereto as **Exhibit “A”** is a press release entitled “ACCC takes action against Ford” by the Australian Competition and Consumer Commission (“ACCC”) and published on their website on July 26, 2017. The press release announces that the ACCC has commenced legal

proceedings against Ford Motor Company of Australia Limited (“Ford”) in the Federal Court, alleging that Ford “engaged in unconscionable and misleading or deceptive conduct, and made false or misleading representations in its response to customer complaints” related to Ford models equipped with the Dual Clutch Transmission. The press release states:

“The ACCC has instituted proceedings against Ford Motor Company of Australia Limited (Ford) alleging that it engaged in unconscionable and misleading or deceptive conduct, and made false or misleading representations in its response to customer complaints.

The customer complaints were about Ford’s Focus, Fiesta and EcoSport vehicles supplied in Australia between 2011 and 2016, which featured a type of transmission known as PowerShift Transmission (PST).

The ACCC alleges that about half of the 70,000 vehicles sold had at least one repair relating to the PST. Customers made complaints to Ford and its dealers about their car’s excessive shuddering and jerking when accelerating, loss of gear selection and sudden loss of power and/or excessive noisiness from the PST.

From 2011 to May 2015, Ford allegedly refused to provide a refund or replacement vehicle to consumers, even after vehicles had undergone multiple repairs that had not fixed the issue. In most cases, Ford only provided replacement vehicles in accordance with its “PowerShift Ownership Loyalty Program”, which required consumers to make a significant payment towards a replacement vehicle.

‘The ACCC alleges that Ford misrepresented to customers who made complaints that the issues with their vehicles were caused by the way the driver handled the vehicle, even though Ford was aware of systemic issues with the vehicles from at least 2013,’ ACCC Chairman Rod Sims said.

..

‘The ACCC alleges that Ford’s conduct towards customers who had complained of issues with their vehicles was unconscionable. It is also alleged that Ford then on-sold vehicles surrendered as part of the Powershift Ownership Loyalty Program to wholesalers and customers, without disclosing the systemic or specific issues experienced with those vehicles,’ Mr Sims said.”

3. On July 26, 2017, I searched the Federal Court of Australia’s “Federal Law Search” database for proceedings commenced in July, 2017, in which the Australian Competition and Consumer Commission is a party. Attached hereto as **Exhibit “B”** is a printout of the entry for a

proceeding filed on July 26, 2017, titled “AUSTRALIAN COMPETITION AND CONSUMER COMMISSION v FORD MOTOR COMPANY OF AUSTRALIA LIMITED” and affixed with court file number VID821/2017. The entry notes that an originating application was filed by the ACCC on July 26, 2017 and the first case management hearing is scheduled for August 11, 2017.

**Class member registrants**

4. At paragraph 4 of my affidavit, sworn April 13, 2017 (“prior affidavit”), I had stated that there have been over 1,800 registrants on Charney Lawyers P.C.’s webpage related to this prospective class action.

5. I have reviewed the registrations since the swearing of my prior affidavit. Since April 13, 2017, there have been an additional 334 registrants.

6. Some of the 334 new registrants provided the following anecdotal accounts. I am advised by having read the anecdotal accounts described below and verily believe the accounts to be true:

- (a) “On yet another occasion it was intimated by the dealership that I didn't know how to properly drive a Powershift Dual Clutch transmission and that I should watch a youtube video.”
- (b) “Complained 3 times regarding the shuddering of the Transmission, the responses were: [t]he weather has been very hot causing it to shudder, [y]ou are not driving it properly, [t]he Transmission needs to learn your driving style, [c]ant replace clutch because its operation is still within Fords guidelines.”
- (c) “The dealership never acknowledges the problem, and has said ‘it could be the way you are driving the car’ when we have complained about the transmission concerns. For the longest time they had us believing there was nothing wrong and it was our fault because of the way it was being driven.”
- (d) Transmission changed 4 times since purchase. Every 17000-20000 kms I need to get it changed. Call for a road test. Wait a month for the pieces to come. Then

another month for an appointment. Must endure the jolting shaking rattling and grinding of the transmission... You press on gas and it just shakes and then takes off.... It's unsafe and terrifying.”

- (e) “I think I've taken my car in over 6+ times because of the transmission - it's been replaced 4 or 5 times and the same thing always ends up happening. It shudders, doesn't switch gears properly. I don't feel safe driving it long distances. I commute for work. [I]t was the very first brand new car I've ever owned and It has been such a disappointment.”
- (f) “I traded in my Ford Ranger for this brand new ford Fiesta but now I owe WAY more then its worth and can't afford to take a loss on trading in again. The manager at Ford told me my only option is to trade it in or keep bringing it in but in the 3 years I have been bringing it in for this problem nothing has been resolved the problem continues and its been such a stress on me, The car is no good, and the dealerships cant fix the problem.”

### **Transport Canada documents from *Information Act, RSC 1985, c A-1* request**

7. As stated in paragraph 14 of my prior affidavit, I had submitted a request on behalf of Charney Lawyers P.C. under the *Access to Information Act, RSC 1985, c A-1 (Access to Information Act)*, seeking Transport Canada’s documents related to the Ford Fiesta and Focus models equipped with the Dual Clutch Transmission.

8. On April 26, 2017, we received records from Transport Canada in response to this request. The records included complaint detail reports from Transport Canada which reported safety concerns with the Dual Clutch Transmission in the Class Vehicles. Attached hereto as **Exhibit “C”** are copies of three complaint detail reports which included notes from Transport Canada investigators. The investigators’ notes included safety concerns:

“...Field investigator discussed the inspection with TC investigator and stated that the vehicle was somewhat innerving to drive as the hesitation on acceleration could make crossing traffic or merging with traffic more dangerous. Field investigator noted clunking and rattling similar to that observed by field investigator on file 2016-0263.”

9. As stated in my prior affidavit at paragraph 22, Transport Canada has an active safety defect investigation related to the 2011-2016 Ford Fiesta and 2012-2016 Ford Focus concerning “Loss of Propulsion in Vehicles Equipped with the DPS6, Dual-Clutch PowerShift Six-Speed Automatic Transmission”.

10. On July 26, 2017, I viewed the Transport Canada webpage, which listed the investigation as still active. Attached hereto as **Exhibit “D”** is a screen capture of the listed active defect investigations on Transport Canada’s website as of July 26, 2017.

11. I swear this affidavit in support of the plaintiff’s motion for certification and for no improper purpose.

**SWORN BEFORE ME** at the )  
 )  
City of Toronto, in the Province of )  
 )  
Ontario, this 26th day of July, 2017 )  
 )  
 )  
 )

  
\_\_\_\_\_  
(A Commissioner, etc.)

  
\_\_\_\_\_  
**GLENN BRANDYS**



## ACCC takes action against Ford

26 July 2017

The ACCC has instituted proceedings against Ford Motor Company of Australia Limited (Ford) alleging that it engaged in unconscionable and misleading or deceptive conduct, and made false or misleading representations in its response to customer complaints.

The customer complaints were about Ford's Focus, Fiesta and EcoSport vehicles supplied in Australia between 2011 and 2016, which featured a type of transmission known as PowerShift Transmission (PST).

The ACCC alleges that about half of the 70,000 vehicles sold had at least one repair relating to the PST. Customers made complaints to Ford and its dealers about their car's excessive shuddering and jerking when accelerating, loss of gear selection and sudden loss of power and/or excessive noisiness from the PST.

From 2011 to May 2015, Ford allegedly refused to provide a refund or replacement vehicle to consumers, even after vehicles had undergone multiple repairs that had not fixed the issue. In most cases, Ford only provided replacement vehicles in accordance with its "PowerShift Ownership Loyalty Program", which required consumers to make a significant payment towards a replacement vehicle.

"The ACCC alleges that Ford misrepresented to customers who made complaints that the issues with their vehicles were caused by the way the driver handled the vehicle, even though Ford was aware of systemic issues with the vehicles from at least 2013," ACCC Chairman Rod Sims said.

It is also alleged that in most cases Ford refused to provide a refund or a replacement vehicle unless customers participated in the Powershift Ownership Loyalty Program by making a substantial payment for a replacement vehicle, which was on average \$7,000. As a result, customers who could not afford to make these payments felt that they had no option but to continue to use their vehicles.

"The ACCC alleges that Ford's conduct towards customers who had complained of issues with their vehicles was unconscionable. It is also alleged that Ford then on-sold vehicles surrendered as part of the Powershift Ownership Loyalty Program to wholesalers and customers, without disclosing the systemic or specific issues experienced with those vehicles," Mr Sims said.

"The ACCC is alarmed about the level of non-compliance with the Australian Consumer Law in the new car industry, which has been laid bare in our new car retailing market study due out next month. Cars are the second-most expensive purchase most consumers will ever make and if they fail to meet a consumer guarantee, people are automatically entitled to a remedy."

"The ACCC urges all vehicle manufacturers to ensure their complaints handling processes provide the remedies that consumers are entitled to get under the Australian Consumer Law or, like Ford, they will find themselves in court," Mr Sims said.

The ACCC is seeking declarations, injunctions, pecuniary penalties, consumer redress orders, corrective advertising, and compliance program obligations.

Further information on consumer guarantees is available at <https://www.accc.gov.au/consumers/consumer-rights-guarantees/consumer-guarantees>

Use our [Letter of Demand tool](#) if you are having trouble exercising your consumer guarantee rights.

### Release number:

MR 121/17

### ACCC Infocentre:

Use this form to [make a general enquiry](#).

### Media enquiries:

Media team - 1300 138 917

Ms Meg Macfarlan - (03) 9290 1836 or 0408 995 408

This is Exhibit A referred to in the  
affidavit of Glenn Brandy  
sworn before me, this 26th  
day of July, 2017  
[Signature]  
A commissioner for taking affidavits

AUDIENCE [Business](#) [Consumers](#) [Media](#)

TOPICS [Consumer rights](#)

Family Court of Australia | Federal Court of Australia | Federal Circuit Court of Australia

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## Applications for file

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### File details

**Court:** Federal Court of Australia, Victoria Registry

**Number:** VID821/2017

**Title:** AUSTRALIAN COMPETITION AND CONSUMER COMMISSION v FORD MOTOR COMPANY OF AUSTRALIA LIMITED

**Filing Date:** 26-Jul-2017

**Finalised  
Date:**

This is Exhibit B referred to in the  
affidavit of Glenn Brandy  
sworn before me, this 26th  
day of July, 2017

[Signature]  
A commissioner for taking affidavits

### Additional options for this file

[List of orders](#)

### Existing applications

Application title  
Type  
Filed  
Status  
Finalised  
-

#### CONSUMER PROTECTION

Unconscionable conduct  
26-Jul-2017  
Open

#### Court Events and Orders

| Date        | Time  | Reason                        | Presiding Officer(s) | Location | Outcome | Orders |
|-------------|-------|-------------------------------|----------------------|----------|---------|--------|
| 11-Aug-2017 | 10:15 | First Case Management Hearing | Justice Middleton    |          |         |        |

#### Documents Filed

| Date        | Time  | Document Title          | Filed By                                     |
|-------------|-------|-------------------------|--|
| 26-Jul-2017 | 09:54 | Concise Statement       | Australian Competition & Consumer Commission |
| 26-Jul-2017 | 09:54 | Originating Application | Australian Competition & Consumer Commission |

#### Parties

| Role | Name | End Date |
|------|------|----------|
|------|------|----------|

7/26/2017

File details - applications for file

|                    |   |
|--------------------|---|
| Applicant          | Australian Competition & Consumer Commission              |
| Respondent         | Ford Motor Company of Australia Limited (ACN 004 116 223) |
| Provisional Docket | National Operations Registrar                             |

**Contact** Legal Representative Applicant Webb Henderson

**Address:** Level 18, 420 George Street , SYDNEY 2000  
**Business Phone:** 02 8214 3510

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Transport Canada - Motor Vehicle Safety - Public Complaints Database

13/09/2016

Complaint Detail Report

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Log Number: 2016-0263

|                       |                   |                           |
|-----------------------|-------------------|---------------------------|
| Log Number: 2016-0263 | Coded By: ECRO    | Date Opened: 17/02/2016   |
| Type: Vehicle         | Field Inv.: KMCL  | Date Closed: 21/04/2016   |
| Status: Deactivated   | Analyst: TSAU     | Report Date: 01/02/2016   |
| Received Via: Web     | Received By: WEBP | Incident Date: 19/12/2015 |
| File: 3280-09-24      | TSB:              | TC Recall:                |
| Reference #:          | CMVSS:            | Mfr Recall:               |
|                       |                   | Talk to Mfr: Yes          |
|                       |                   | Acknowledged: Yes         |

General Vehicle Information

|                    |               |                      |
|--------------------|---------------|----------------------|
| Model: FIESTA      | Other Model:  | Model Year: 2014     |
| Make: FORD         | Other Make:   | Manufacturer: FORD   |
| Vehicle Class: Car |               | Body Type: Hatchback |
| VIN: [REDACTED]    | Verified: Yes | Odometer: 34403 KM   |

Detailed Vehicle Information

|                        |                       |                         |
|------------------------|-----------------------|-------------------------|
| Date Mfrd: 01/05/2013  | Purchased: 24/09/2013 | Purchase Type: New      |
| Motive Power: Gasoline | Displacement: 1.6L    | Transmission: Automatic |
| Fuel System: EFI       | Drive: Front          | Restraint: Dual Airbag  |
| Shifter Type: Floor    |                       |                         |

Options

|          |                     |                       |              |
|----------|---------------------|-----------------------|--------------|
| Air: Yes | Power Steering: Yes | Cruise Control: Yes   | ASL: Unknown |
| ABS: Yes | Power Brakes: Yes   | Traction Control: Yes | ESC: Yes     |

|                                |                            |
|--------------------------------|----------------------------|
| Seat Belt Type: Lap + Shoulder | Location: 11               |
| Release Type: Top Release      | Retractor Type: ELR - VSWS |
| Seat Type: Bucket              | Tongue Type: Sliding       |

Accessories

Incident Information

|                         |                  |          |            |               |
|-------------------------|------------------|----------|------------|---------------|
| Vehicle Speed: 20 km/h  | Accident Details | Other: 0 | Injured: 0 | Fatalities: 0 |
| Any Prior Collision: No | Occupants        | Total: 1 | Injured: 0 | Fatalities: 0 |
| Crash Involved: No      |                  |          |            |               |
| Due to problem: No      |                  |          |            |               |
| Property Damage: No     |                  |          |            |               |
| Fire: No                |                  |          |            |               |

This is Exhibit C referred to in the  
 affidavit of Glenn Brandy  
 sworn before me, this 26th  
 day of July, 2017  
[Signature]  
 A commissioner for taking affidavits



Transport Canada - Motor Vehicle Safety - Public Complaints Database

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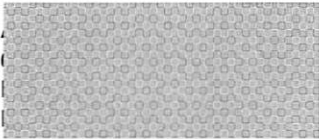
Complaint Detail Report

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Log Number: 2016-0263

**Name and address information**

Surname:  
Address:



First Name: [Redacted]  
Role: Complainant  
Language: ENG  
Pager:  
Email: [Redacted]

Home: [Redacted]  
Business: [Redacted] Ext.  
Fax: [Redacted]  
Cellular:

Comments:

**Component Fault Information**

| <u>System</u> | <u>Component</u>          | <u>Fault</u>        | <u>Avail</u> | <u>Front</u> | <u>Rear</u> | <u>Left</u> | <u>Right</u> | <u>Recd</u> |
|---------------|---------------------------|---------------------|--------------|--------------|-------------|-------------|--------------|-------------|
| Powertrain    | TRANSMISSION<br>AUTOMATIC | POOR<br>PERFORMANCE | Unknown      |              |             |             |              | No          |

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Canada

## Transport Canada - Motor Vehicle Safety - Public Complaints Database

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Log Number: 2016-0263

## Complaint Events

| <u>Date</u> | <u>Analyst</u> | <u>Action</u>       | <u>Event</u>   | <u>Date Due</u> | <u>Received</u> |
|-------------|----------------|---------------------|--|-----------------|-----------------|
| 02/02/2016  | ECRO           | Research            | Searched PCDB for Fiesta, Transmission Automatic and found 17 related complaints. Added search results to P drive.   |                 |                 |
| 15/02/2016  | TSAU           | Note                | added to 3280 file   |                 |                 |
| 17/02/2016  | TSAU           | Assign To Team      | emailed KMCL with details of what we are looking for.  | 09/03/2016      | 16/03/2016      |
| 01/03/2016  | KMCL           | Call To             | -BVIN-<br>Call to Complainant  |                 |                 |
| 01/03/2016  | KMCL           | Vehicle Examination | - Interview<br>-BVIN-<br>Vehicle Examination Completed   |                 |                 |
| 01/03/2016  | KMCL           | Email To            | - Complainant getting clutch replacement on Thursday (03/03/2016)<br>- Likely to try and retest the vehicle following clutch replacement.<br>-BVIN-<br>Email to Complainant          |                 |                 |
| 01/03/2016  | KMCL           | Email From          | - See if the dealership would be willing to let you keep the removed clutch pack. May be debris, oil, or damage to clutch disks.<br>-BVIN-<br>Email from Complainant                 |                 |                 |
| 03/03/2016  | KMCL           | Email From          | - Was thinking about getting the part as well.<br>- Will ask, hopefully they're cooperative.<br>-BVIN-<br>Email from Complainant   |                 |                 |
| 03/03/2016  | KMCL           | Email To            | - Ford Technician said, is a warranty part and needs to be returned to Ford<br>- Also didn't want Complainant to take pictures of the clutch pack.<br>-BVIN-<br>Email to Complainant |                 |                 |
|             |                |                     | - Would it be alright with you if I contacted the dealership?<br>- Would be good to see the clutch if possible.  |                 |                 |

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Canada

## Transport Canada - Motor Vehicle Safety - Public Complaints Database

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Complaint Detail Report

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Log Number: 2016-0263

|            |      |                      |   |            |
|------------|------|----------------------|---|------------|
| 03/03/2016 | KMCL | Email From           | -BVIN-<br>Email from Complainant  |            |
|            |      |                      | - Sure you can give them a call.  |            |
| 03/03/2016 | KMCL | Call To              | -BVIN-<br>Call to Dealership  |            |
|            |      |                      | - Request to see the clutch and transaxle as it comes out of the vehicle.   |            |
| 03/03/2016 | KMCL | Part Examination     | -BVIN-<br>Clutch and Transaxle Examination  |            |
| 03/03/2016 | KMCL | Email To             | -BVIN-<br>Email to Complainant  |            |
|            |      |                      | - Asking if possible to drive the vehicle in a more reserved manner until Monday when able to retest the vehicle. |            |
| 03/03/2016 | KMCL | Email From           | -BVIN-<br>Email from Complainant  |            |
|            |      |                      | - COMP will avoid using the vehicle until Monday when it can be retested.   |            |
| 04/03/2016 | KMCL | Email To             | -BVIN-<br>Email to Complainant  |            |
|            |      |                      | - Monday @ 10:00am?   |            |
| 04/03/2016 | KMCL | Email From           | -BVIN-<br>Email from Complainant  |            |
|            |      |                      | - Monday @ 10am works fine.   |            |
| 16/03/2016 | KMCL | Submission From Team | Submission from team  | 16/03/2016 |
| 17/03/2016 | ECRO | Download             | Downloaded team file from FTP server to P drive.  |            |
| 17/03/2016 | ECRO | Discuss              | With TSAU to let him know about the downloaded file.  |            |
| 18/03/2016 | TSAU | Accept Team Report   | review and accept team report   | 16/03/2016 |
| 04/04/2016 | TSAU | Review               | and summarize file for deact - issue being being reviewed under 3280 file   |            |
| 21/04/2016 | TLEH | Deactivate           |   |            |

|                           |
|---------------------------|
| <b>Complaint Comments</b> |
|---------------------------|

During the weekend before Christmas 2015, I was driving the Ford Fiesta in a neighbourhood. I was turning left at a stop-sign when the clutch slipped and I lost drive (speed) in my turn. The clutch had been acting up before this incident over the course of two years

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Transport  
Canada

Transports  
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**Transport Canada - Motor Vehicle Safety - Public Complaints Database**

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**Log Number: 2016-0263**

with grinding and shaking and slipping (especially from a complete stop). During a clutch slippage, the RPM increases drastically while the speed drops.

An automatic clutch that is slipping is a safety hazard. Had I been in a light-controlled intersection during my loss of power (speed), I could very well have been hit on the side. This has been reported to a ford dealership and I am getting a replacement clutch, but it has been estimated to arrive in over a month, meaning I am subject to more of the issues stated above including danger to life while driving.

This is an official complaint on the quality and safety of the Ford Powershift Transmission and Clutch system. It is unsafe.

**Team Report**

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## Transport Canada - Motor Vehicle Safety - Public Complaints Database

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Log Number: 2016-0263

---Report by BVIN---

COMPLAINT

The vehicle is equipped with a dual clutch automatic transmission. The complainant has experienced several potential transmission issues: hard shifting, vehicle shaking on take-off, and losing drive engagement through intersections and turns.

INTERVIEW

The complainant reported the following.

There were several instances where the complainant had become concerned that his vehicle was not working properly.

In one instance the complainant had been driving on a city street and brought the vehicle to a four-way stop. He applied throttle and steering inputs to turn the vehicle to the left. Approximately half way through the turn the vehicle lost positive drive engagement and the vehicle speed dropped. The complainant used the momentum of the vehicle to complete the turn before he released and reapplied the throttle. He did some research to determine his experience was in line with the symptoms of a clutch slip.

Another time, he had been driving the vehicle on a highway at 100 km/h for approximately ten minutes when the vehicle began shaking violently, similar to the condition created by an unbalanced wheel. The vehicle was accelerated to 120 km/h and then slowed to 90 km/h in an attempt to correct the shaking condition. He considered pulling the vehicle off the highway when the shaking subsided approximately fifteen minutes after it had begun. He discussed the possibility of the unbalance shaking being related to potential snow build up, but questioned how it could start and end while the vehicle was already in motion.

At different times he had experienced hard shifting patterns while driving the vehicle. The hard shifts had been present since approximately one month following purchase of the vehicle. He questioned the dealership about the hard shifting and was informed that it would likely fade over time. The hard shifts had lessened in frequency, but still occurred from time to time and more so when his wife was driving the vehicle.

The complainant had the vehicle checked by the dealership during oil changes without the clutch issue being corrected. The dealership arranged to have the clutch replaced as a final effort to address the complainant's concerns.

The vehicle had been subject to an estimated 80% city driving, ranging primarily from 40-60 km/h.

INVESTIGATION-VEHICLE INSPECTION-

The vehicle was driven to the investigator's office for two different driving examinations and one examination of clutch and trans-axle-bell housing components completed at the dealership during the clutch replacement procedure.

Initially the vehicle was driven to the investigator's office and taken for a test drive to define the baseline of the complainant's experience and complaints before the clutch pack component had been replaced.

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**-- Test Drive #1 --**

The vehicle was driven for approximately one and a half hours, during which time Clutch slip and Hard shifting conditions were reproduced. During the test drive there were audible grinding, pulsed ringing noises, and what sounded like marbles or debris emitting from the gear box area. The grinding and marble/debris noises could not be identified.

**--- Clutch Slip ---**

A clutch slip condition was reproduced at low speed while driving up hill. The vehicle was driven on a hill for approximately twenty four meters at an estimated 10° progressive slope. The vehicle was brought to a stop on the hill and the brakes released. The vehicle's hill assist feature held the vehicle at a stand-still for approximately four to five seconds before releasing and rolling backward down the hill. The brake was applied to stop the vehicle. The brake was then released and approximately 1/32nd of the accelerator pedal's full travel was consistently applied to the vehicle. The clutch could be felt engaging the driveline and the vehicle rolled forward up the hill. The vehicle continued smoothly up the hill.

During the second attempt the vehicle was brought up to speed to allow shifting into second gear. The throttle was then reduced to an approximate 1/32nd of full pedal travel and the vehicle's speed and RPM's were allowed to drop until just above an expected downshift. The speed and RPM's were held for the duration of the hill climb. The vehicle began to exhibit a forward directional pulsing that could be felt across the entire vehicle accompanied by a shaking or rumbling. The power applied by the engine seemingly pulsing as the vehicle was in a battle between engine power and gravity. The occurrence seemed similar to a worn out clutch or clutch that hadn't been fully engaged while under heavy load. The rumbling resembled that of a manual transmission during an early shift with the engine struggling to bring the vehicle up to speed. During the pulsing the engine noise and RPM's remained somewhat consistent while power engagement could be felt slipping ON and OFF.

There was no replication of a clutch slip event during a flat ground take-off or cornering.

**--- Hard Shift ---**

When the vehicle was driven with inconsistent throttle applications hard shifts could be reproduced.

Example: apply 1/2 throttle through shifts of 1st to 2nd gears and just prior to or during shifts 2nd to 3rd gears introduce a 3/4 throttle application. The vehicle's clutch appeared to engage late or at increased RPM's causing a shaky/hard take-off in 3rd gear. Likewise, if the vehicle had been driven at full throttle through 1st and 2nd gear shifts then reduced just prior to or during shifts of 2nd to 3rd gears the vehicle could be felt shaking as it attempted to bring the vehicle up to speed with reduced throttle or quickly decided to re-downshift to 2nd causing a lapse/hesitation in power application.

Additionally, the investigator had experienced hard shifting when test driving an exemplary vehicle. The exemplary vehicle owner's driving habits were less aggressive than the complainant's. When driven more aggressively and in a similar manner to that of the complainant the exemplary vehicle could be felt miscalculating shift patterns and causing a shake or buck feeling across the vehicle.

**--- Vehicle Shake ---**

The vehicle shake condition felt by the complainant on the highway was not able to be reproduced during the initial driving test.

**--- Clutch and Bell Housing Examination ---**

The vehicle was driven to a dealership by the complainant for replacement of the clutch pack component. The investigator joined

Transport  
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Canada

## Transport Canada - Motor Vehicle Safety - Public Complaints Database

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the service technician during the clutch replacement procedure and was witness to the removal of the clutch pack from the bell-housing of the trans-axle.

There were no visible indications of component failure. The clutch was coated in a light black dust indicated by the service technician to be a dust buildup from normal operation of the dry clutch system. The clutch could not be disassembled as it was riveted closed and was to be returned to the manufacturer following warranty service.

Inside the bell-housing there was more evidence of the clutch dust buildup. Along with the dust collection there was a noticeable ring of unknown thick grease-like buildup around the bell-housings inner face located approximately 5 to 8 cm inside of the bell-housings gasket/sealing surface. The unknown buildup appeared somewhat thick in places and not loose like the collection of clutch dust granules that had mostly fallen to the basin of the bell-housing.

There was some noticeable rusting of the gasket/sealing surface surrounding the bell-housing, and rusting of the gasket/seal itself. Rusting was also visible on the engine side of the gasket/seal mating surface.

Inside the bell-housing there was some noticeable surface rusting on parts of the clutch fork assemblies used to press the release bearings that operate the dual clutch system.

The service technician had also removed the clutch release bearing assembly from the bell housing and placed it on the bench. The inside of the release bearing assembly had been coated with a thick dark coloured lubricant and spray markings were visible on the top plate of the release bearing assembly.

The service technician, who has been working primarily on clutch replacements, said there was nothing wrong with the clutch hardware and the clutch and shifting problems are likely related to software. The technician also mentioned that the vehicle would be getting a revised seal kit, and the newest revision of the clutch pack component.

## —Repair Invoice—

The vehicle was repaired at the dealership and the repair invoice was provided by the complainant. The invoice indicated that the customer reports the car shudders when accelerating from a stop. The following corrections were shown on the invoice:

- Reprogram the PCM / TCM
- Perform pinpoint test per WSM procedure (noted to be outside of expected limits)
- Replace both inner input shaft seals and clutch
- Post road test
- Remove and replace both front lower control arm bolts which were seized in place

## — Test Drive #2 —

Secondary test drive of the vehicle was done following the clutch pack replacement at the dealership. The vehicle was driven for approximately two hours without any ability to reproduce clutch slip, hard shift, or vehicle shaking conditions. Hard shifts were replicable with inconsistent throttle application.

The vehicle was driven through the same uphill driving tests and inconsistent throttle applications in an attempt to recreate the before seen clutch slip and hard shift conditions. None of the attempts were able to reproduce the complainant's concerns. The audible grinding, and marble/debris noises were no longer present in the vehicle and the vehicle operated smoothly.

Towards the end of the second driving test the same audible pulsed ringing could be heard coming from the front area of the vehicle. The sound occurred during deceleration and the investigator determined that it was the right front brake disk rubbing the



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Log Number: 2016-0263

pads or caliper once heated. The rotor seemed to make contact at a few differing location around the brake-disk surface. The ringing sounds were only produced once the brakes became heated. It was not determined if the brakes were dragging causing heating or if the heating was a result of regular use. The complainant was to report to the dealership for further diagnosis of the brake contact.

**- Overall Impressions -**

An overall impression of the vehicle is that it drives much like an automatic, so long as there is consistent and smooth throttle application.

The vehicle is apparently capable of learning driving habits and develops a base-line of expected throttle application. This ability may cause the vehicle to miscalculate how quickly to engage the clutch during take-off and shifting when driven by a different driver.

Miscalculation of clutch engagement speed may occur at take-off and shifting requiring the driver to reduce then reapply throttle in order to overcome shifting and clutching errors. The clutch may misjudge the driver's throttle application and clutch engagement speed when inconsistent throttle is applied, causing the vehicle to shake or hesitate during take-off and shifting.

The clutch does release when throttle is released, eliminating the "engine-brake" feel of a manual transmission during deceleration and the buck or shaking feeling in low speed gears.

**RESEARCH**

The investigator conducted research into the dual clutch and gearbox assembly found in this particular model of vehicle. A video outlining the components and function of the dual clutch transmission was discovered on the internet and a link is provided below.

The presenter in the video noted a thick grease-like buildup found on inside surface of the bell housing located approximately 5 to 8 cm (2") below the gasket/sealing surface. This is similar to what was found with the case vehicle.

The presenter also described similar spray markings of thick blue grease found on the top plate of the dual clutch release bearing. This is also similar to what was found with the case vehicle.

It may be possible for grease to be forced centripetally from the release bearing, located at the center of the clutch, outward contaminating the clutch surfaces.

<https://www.youtube.com/watch?v=6iCRnAUftvI>

-55:10 (heavy blue grease)(lubricates release bearing)(found: sprayed in a line around the housing outward from the clutch)

-57:20 (grease found on top plate)

**SEARCHES**

-Transport Canada Recalls-

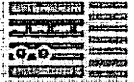
[Search: 2013-2015 Ford Fiesta]

No related recalls.



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- NHTSA Recalls-

[Search: 2014 Ford Fiesta]

No related recalls.

- NHTSA Investigations-

[Search: 2014 Ford Fiesta]

No investigations found.

- NHTSA Complaints-

[Search: 2014 Ford Fiesta]

(Hard shifting, vehicle shaking)

NHTSA ID Number: 10824143, 10788125, 10669427, 10638657, 10821193, 10743277, 10723095, 10654113, 10652933, 10605887, 10823497, 10820135, 10807343, 10759286, 10723892, 10722660, 10713534, 10679487, 10822466, 10819646, 10819517, 10817016, 10811260, 10794607, 10790168, 10789346, 10789244, 10789034, 10788947, 10787643, 10785555, 10785474, 10783534, 10780259, 10778601, 10761951, 10759775, 10759667, 10759321, 10733048, 10721167, 10716645, 10701950, 10693850, 10692843, 10690748, 10682358, 10680133, 10672792, 10671489, 10671262, 10669840, 10662301, 10661975, 10659845, 10659153, 10654317, 10654287, 10652327, 10652295, 10652016, 10650436, 10650079, 10643443, 10640115, 10630733, 10618159, 10614720, 10605777

(Stalled and Air conditioning ran hot)

NHTSA ID Number: 10764984

(Lost hill assist feature)

NHTSA ID Number: 10816555

(Transmission overheating warning)

NHTSA ID Number: 10785223

(Unpredictable shift)

NHTSA ID Number: 10628654

- NHTSA Service Bulletins -

[Search: 2014 Ford Fiesta]

Service Bulletin No.: SB-15B22

NHTSA ID Number: 10058725

ON CERTAIN VEHICLES, TRANSMISSION CONTROL MODULE (TCM) HAD DEVELOPED ELECTRICAL CIRCUIT FAILURES, RESULTING IN AN INTERMITTENT TRANSMISSION ENGAGEMENT LOSS WHILE DRIVING OR A LACK OF POWER OR NO START AND SOFTWARE NEEDS TO BE REPLACED

Service Bulletin No.: TSB15-0121

NHTSA ID Number: 10058674

FORD: 2011-2015 FIESTA AND 2012-2015 FOCUS MAY SHOW CONCERNS OF LOSS OF TRANSMISSION ENGAGEMENT WHILE DRIVING OR LOSS OF POWER

Service Bulletin No.: TSB15-0120

NHTSA ID Number: 10058673

FORD: 2012-2015 FOCUS AND 2011-2015 FIESTA MAY EXHIBIT TRANSMISSION FLUID LEAKAGE AND EXCESSIVE TRANSMISSION CLUTCH SHUDDER ON LIGHT ACCELERATION ON VEHICLES THAT HAVE A DPS6 AUTOMATIC TRANSMISSION

Service Bulletin No.: SB45289

NHTSA ID Number: 10058618

FORD: INOPERATIVE OIL CHANGE NOW INDICATOR ON FIESTA'S, WITH AUTOMATIC TRANSMISSION, VEHICLES



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**Log Number: 2016-0263**

NEEDS REPROGRAMMING TO LATEST CALIBRATION TO RESOLVE CONCERN.

Service Bulletin No.: 15-0043

NHTSA ID Number: 10057872

FORD 2011-2014 MODEL YEAR FIESTA AND FOCUS VEHICLES EQUIPPED WITH A DPS6 AUTOMATIC TRANSMISSION WILL EXPERIENCE, ON LIGHT ACCELERATION, CLUTCH SHUDDERING.

Service Bulletin No.: ASI-44732

NHTSA ID Number: 10057861

FORD: THE CLUTCH ASSEMBLY SHOULD NOT BE REPLACED ON DPS6 TRANSMISSION IF NOT COMPLETED 1000 MILES (1600K) THAT IS REQUIRED FOR BREAKING IN DUAL CLUTCH FRICTION MATERIAL. MODEL 2014-15 FOCUS, FIESTA.

Service Bulletin No.: 15-0017

NHTSA ID Number: 10057230

FORD FIESTA 2011-2015 EXTENDED WARRANTY FOR THE AUTOMATIC TRANSMISSION CONTROL MODULE. SEE DOCUMENT SEARCH BUTTON FOR OWNERS LETTER.

Service Bulletin No.: CSP-14-M-01

NHTSA ID Number: 10057061

FORD: DUE TO EXCESSIVE TRANSMISSION CLUTCH SHUDDERING THAT SOME VEHICLES EXPERIENCE DURING ACCELERATION, A LEAKING INPUT OF SHAFT SEALS CAUSE FLUID CONTAMINATION OF CLUTCH. MODEL 2011-14 FIESTA.

Service Bulletin No.: TSB-14-0131

NHTSA ID Number: 10056925

FORD: ON SOME VEHICLES, WITH LIGHT ACCELERATION, TRANSMISSION CLUTCH WOULD SHUDDER, EXCESSIVELY, AND POSSIBLY WOULD LEAK TRANSMISSION FLUID FROM CLUTCH HOUSING. MODEL 2011-14 FIESTA, FOCUS.

Service Bulletin No.: CSP-14M01

NHTSA ID Number: 10056390

FORD: SEE DOCUMENT SEARCH BUTTON FOR OWNER LETTER. DUE TO POSSIBLE CONTAMINATION FLUID OF CLUTCH, CAUSING A LEAKAGE INPUT SHAFT SEALS, THE TRANSMISSION WILL EXPERIENCE EXCESSIVE SHUDDER OF CLUTCH DURING LIGHT ACCELERATION. MODEL 2011-2014 FIESTA.

Service Bulletin No.: TSB-14-0047

NHTSA ID Number: 10055320

FORD: WHEN TAKING OFF FROM A STOP, USING LIGHT ACCELERATION, THE AUTOMATIC TRANSMISSION WOULD EXHIBIT AN INTERMITTENT TRANSMISSION SHUDDER AND MAY OR MAY NOT BE LEAKING TRANSMISSION FLUID FROM CLUTCH HOUSING. MODEL 2011-2014 FIESTA, FOCUS.

Service Bulletin No.: ASI-44209

NHTSA ID Number: 10054875

FORD: A MESSAGE IS DISPLAYED REGARDING THE TRANSMISSION OVER HEATING, DUE TO DIAGNOSTIC TROUBLE CODES (DTC) AND MESSAGE CAN BE DISPLAY WITHOUT OVERHEATING OF TRANSMISSION. MODEL 2011-2014 FIESTA, FOCUS.

- Manufacturer VIN Search Tool -

Field Service Action Number: 12M02

WARRANTY EXTENSION COVERING ACCESSORY PROTOCOL INTERFACE MODULE (APIM)



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**Log Number: 2016-0263**

Field Service Action Number: 14M01

TRANSMISSION CLUTCH SHUDDER/TRANSMISSION INPUT SHAFT SEAL WARRANTY EXTENSION

COMMENTS

The vehicle was driven for approximately one and a half hours prior to repair during which time clutch slip and hard shifting conditions were reproduced. During the test drive there were audible grinding, pulsed ringing noises, and what sounded like marbles or debris emitting from the gear box area.

The clutch pack was replaced at the dealership and the PCM/ TCM reprogrammed. There were no visible indications of failure. A ring of thick grease-like buildup around the bell-housings inner face was observed located approximately 5 to 8 cm inside of the bell-housings gasket/sealing surface. The inside of the clutch release bearing assembly was coated with a thick dark coloured lubricant and spray markings were visible on the inside face of the release bearing's top plate. A secondary test drive of the vehicle done after repairs was unable to reproduce clutch slip, hard shift or vehicle shaking conditions. Hard shifts were replicable with inconsistent throttle application.

**Summary**

TC Summary

Vehicle experienced various drivability issues that the complainant feels may have an impact on the safe operation of the vehicle.

The field investigator was able to replicate most of the concerns prior to the vehicle being repaired by the dealership technician. There was some clutch slippage observed by the field investigator and it felt like the transmission was getting caught between gears. Field investigator was unable to reproduce the loss of propulsion concern that the complainant states can happen when accelerating and/ or making a turn.

The manufacturer has released many TSBs that address the majority of the symptoms that the complainant has described.

At this time, the file should be deactivated as this issue is being reviewed under file 3280-09-24.



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**Log Number: 2016-0360**

|                       |                   |                           |
|-----------------------|-------------------|---------------------------|
| Log Number: 2016-0360 | Coded By: ECRO    | Date Opened: 17/02/2016   |
| Type: Vehicle         | Field Inv.: UNBT  | Date Closed: 04/05/2016   |
| Status: Deactivated   | Analyst: TSAU     | Report Date: 12/02/2016   |
| Received Via: Web     | Received By: WEBP | Incident Date: 31/01/2013 |
| File: 3280-09-24      | TSB:              | TC Recall:                |
| Reference #:          | CMVSS:            | Mfr Recall:               |
|                       |                   | Talk to Mfr: Yes          |
|                       |                   | Acknowledged: Yes         |

**General Vehicle Information**

|                    |              |                      |
|--------------------|--------------|----------------------|
| Model: FIESTA      | Other Model: | Model Year: 2012     |
| Make: FORD         | Other Make:  | Manufacturer: FORD   |
| Vehicle Class: Car |              | Body Type: Hatchback |
| VIN: [REDACTED]    | Verified: No | Odometer: 73000 KM   |

**Detailed Vehicle Information**

|                        |                       |                         |
|------------------------|-----------------------|-------------------------|
| Date Mfrd:             | Purchased: 01/04/2012 | Purchase Type: New      |
| Motive Power: Gasoline | Displacement: L       | Transmission: Automatic |
| Fuel System:           | Drive: Front          | Restraint:              |
| Shifter Type:          |                       |                         |

**Options**

|              |                         |                           |              |
|--------------|-------------------------|---------------------------|--------------|
| Air: Unknown | Power Steering: Unknown | Cruise Control: Yes       | ASL: Unknown |
| ABS: Yes     | Power Brakes: Unknown   | Traction Control: Unknown | ESC: Unknown |

|                 |                 |
|-----------------|-----------------|
| Seat Belt Type: | Location:       |
| Release Type:   | Retractor Type: |
| Seat Type:      | Tongue Type:    |

**Accessories**

**Incident Information**

|                         |                         |        |            |               |
|-------------------------|-------------------------|--------|------------|---------------|
| Vehicle Speed: 15 km/h  |                         |        |            |               |
| Any Prior Collision: No | <b>Accident Details</b> | Other: | Injured:   | Fatalities:   |
| Crash Involved: No      | <b>Occupants</b>        | Total: | Injured: 0 | Fatalities: 0 |
| Due to problem: No      |                         |        |            |               |
| Property Damage: No     |                         |        |            |               |
| Fire: No                |                         |        |            |               |



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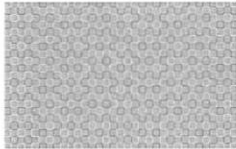
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Log Number: 2016-0360

Name and address information

Surname:  
Address:



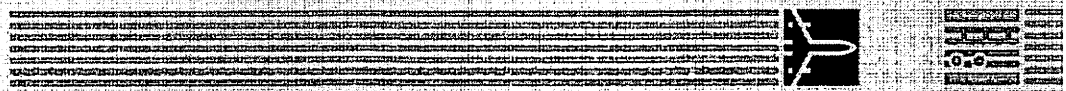
First Name: [Redacted]  
Role: Complainant  
Language: ENG  
Pager:  
Email: [Redacted]

Home:  
Business: [Redacted] Ext.  
Fax:  
Cellular:

Comments:

Component Fault Information

| <u>System</u> | <u>Component</u>          | <u>Fault</u>        | <u>Avail</u> | <u>Front</u> | <u>Rear</u> | <u>Left</u> | <u>Right</u> | <u>Recd</u> |
|---------------|---------------------------|---------------------|--------------|--------------|-------------|-------------|--------------|-------------|
| Powertrain    | TRANSMISSION<br>AUTOMATIC | POOR<br>PERFORMANCE | Unknown      |              |             |             |              | No          |

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## Complaint Events

| <u>Date</u> | <u>Analyst</u> | <u>Action</u>        | <u>Event</u>  | <u>Date Due</u> | <u>Received</u> |
|-------------|----------------|----------------------|---|-----------------|-----------------|
| 12/02/2016  | ECRO           | PCDB Search          | Searched for Fiesta, Transmission Automatic and found 20 related complaints. Added search results to P drive.   |                 |                 |
| 15/02/2016  | TSAU           | Note                 | added to 3280 file  |                 |                 |
| 17/02/2016  | TSAU           | Assign To Team       | emailed team with details of what we are looking to have completed  | 09/03/2016      | 23/03/2016      |
| 23/02/2016  | UNBT           | Call To              | Complainant, she stated she would be available on the 5th for vehicle inspection.   |                 |                 |
| 02/03/2016  | UNBT           | Call To              | Complainant. She is no longer available on the 5th. Next available date is the 19th.  |                 |                 |
| 15/03/2016  | UNBT           | Call To              | Complainant. She is no longer available on the 19th. She is going to call team back to confirm a new time. Team to follow up if no response.                      |                 |                 |
| 16/03/2016  | TLEH           | Note                 | team is having issues with the complainant, she keeps cancelling the vehicle inspection, team will submit report and provide update once inspection is completed. |                 |                 |
| 22/03/2016  | UNBT           | Update File          |   |                 |                 |
| 23/03/2016  | UNBT           | Update File          |   |                 |                 |
| 23/03/2016  | UNBT           | Submission From Team | Submission from team  |                 | 23/03/2016      |
| 31/03/2016  | TSAU           | Accept Team Report   | - review and accept team report   |                 |                 |
| 11/04/2016  | TSAU           | Email To             | team - has there been any progress in scheduling a test drive/ inspection?  |                 |                 |
| 11/04/2016  | TSAU           | Email From           | team - they have tried repeatedly to get in touch with complainant to schedule road test. Team believes that complainant has lost interest in cooperating.        |                 |                 |
| 11/04/2016  | TSAU           | Discuss              | with TLEH - complainant not responsive - will accept Team report as is.   |                 |                 |
| 11/04/2016  | TSAU           | Email To             | team - advised that TC will accept report as is because complainant is no longer cooperating.   |                 |                 |
| 04/05/2016  | TLEH           | Deactivate           |   |                 |                 |

## Complaint Comments

Ford maxe dual clutch in the fiestas and focus cars which are automatic cars with a standard transmission. There has been nothing but issues with these for everyone in the world. It accelerates, wont pick up speed, shudder while driving. I've been on the trans canada highway and have seen it take a good minute for the car to pick up speed or on the reverse start slowing down for a light

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**Log Number: 2016-0360**

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and the car revs up and wants to take off. I dont understand with canadas safety laws why there hasn't been a mandatory recall made on these vehicles for the safety of residents. They are deff unsafe cars. Everyone is concerned about safety but yet no recall .. Instead i get a recall for a latch.. Come on canada catch up

**Team Report**



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Log Number: 2016-0360

**PROBLEM:**

The owner has experienced transmission problems in her 2012 Ford Fiesta Hatchback. The vehicle experiences shuddering, grinding and difficulty picking up speed upon acceleration.

**INVESTIGATION:**

There were no Transport Canada recalls found relating to the 2012 Ford Fiesta Hatchback.  
Applicable NHTSA recalls:

There were no NHTSA recalls found relating to the 2012 Ford Fiesta Hatchback.

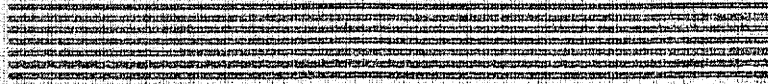
There were 97 NHTSA complaints related to transmission issues in 2012 Ford Fiesta Hatchback models. Seventy-six of the complaints referred to shaking, vibrations, grinding and shuddering of the transmission, particularly when accelerating from low speeds (NHTSA ID #'s 10849900, 10839481, 10839206, 10837638, 10836933, 10824669, 10824024, 10823014, 10821417, 10820677, 10820238, 10818846, 10812056, 10808860, 10808190, 10807331, 10806501, 10790452, 10790136, 10789799, 10788167, 10787925, 10785211, 10780617, 10780038, 10776526, 10766692, 10760415, 10749237, 10745668, 10735241, 10735025, 10724859, 10724377, 10723289, 10721899, 10716817, 10714948, 10701598, 10700726, 10694272, 10692414, 10681756, 10679083, 10679051, 10672043, 10671906, 10651219, 1061567, 10667205, 10661243, 10658673, 10650041, 10639137, 10631827, 10630417, 10627153, 10621570, 10617532, 10611291, 10609449, 10608808, 10605523, 10567271, 10561843, 10561244, 10560473, 10558376, 10555168, 10554917, 10553793, 10549509, 10519681, 10513382, 10496885, 10490617). There were also 17 complaints relating to vehicles stalling or almost stalling while driving (NHTSA ID #'s 10839161, 10837989, 10808860, 10807198, 10790770, 10785885, 10783289, 10780181, 10763299, 10759610, 10748436, 10744725, 10691701, 10643522, 10614773, 10567662, 10537401). Finally, there were 4 complaints regarding transmission issues followed by the illumination of the "Transmission Malfunction, Service Now" light on the instrument panel (NHTSA ID #'s 10826077, 10809302, 10790470, 10789033).

There were no applicable NHTSA investigations.

**Applicable Technical Service Bulletins:**

There were 16 applicable service bulletins for 2012 Ford Fiesta models. SB-15B22 refers to Transmission Control Module electrical circuit failures in certain models. This failure results in transmission engagement loss during operation. TSB15-0121 refers to concerns relating to loss of transmission engagement. TSB15-0120 relates to transmission fluid leaks that result in transmission shudder during light acceleration in models with DPS6 automatic transmissions. 14M01 relates to an extended warranty due to excessive transmission clutch and fluid leaks. 15-0043 relates to shudders experienced during light acceleration in models with DPS6 automatic transmissions. 44852 refers to the cleaning of bell housing and clutch using solvent. When cleaning, exposure of solvent to the input shaft seal should be avoided. 15-0017 relates to an extended warranty for automatic transmission control modules. CSP-14-M-01 relates to clutch shuddering during acceleration, which results in shaft seal leaks that may cause fluid to contaminate the clutch. TSB-14-0131 relates to transmission fluid leaks from the clutch housing during light acceleration. ASI-44679 relates to the appearance of inaccurate readings from the transmission control module while monitoring APP1 PID. CSP-14M01 relates to fluid contamination of the clutch, which may cause leaks in the input shaft seals. As a result, the transmission clutch shudders excessively during acceleration. TSB-14-0066 refers to a loud scraping and grinding noise from the transmission while coasting in cold temperatures. TSB-14-0047 relates to accelerations from a stopped position. The transmission shudders and may leak transmission fluid from the clutch housing. ASI-44283 relates to scraping and grinding noises exhibited while the vehicle is coasting or lightly accelerating in cold temperatures. ASI-44184 relates to the effective cleaning of transmission fluid that has leaked onto the clutch assembly using a metal parts cleaner. TSB-13-5-12 relates to scraping and grinding noises heard while coasting in cold temperatures.

**Complainant Interview:**

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Log Number: 2016-0360

The complainant was the owner of the 2012 Ford Fiesta Hatchback. During an interview with Team Investigators the owner stated that she has been experiencing issues with the transmission in her vehicle for over a year. She said the issue is particularly bad when she begins to accelerate the vehicle from a stopped position or decelerates to bring the vehicle to a stopped position. The transmission lags and makes a grinding noise. The driver has brought the vehicle into the dealership on numerous occasions. The service technicians told her that this was normal behaviour for the vehicle as it is equipped with a dual-clutch automatic transmission, which operates similarly to a manual transmission. The driver stated that she is hesitant to drive the vehicle on high speed facilities because she fears that the vehicle will stall or fail to accelerate/decelerate when needed. She also stated that she avoids long distance travel while using the vehicle due to the transmission issue. The owner stated that, as far as servicing history, the vehicle has had its battery replaced. She is the original purchaser of the vehicle.

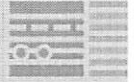
**Summary**

## TC Summary:

Complainant reported multiple issues with her dual clutch transmission. Complainant did not reference any specific incident that occurred.

Complainant was not available for a road test with a field investigator.

The subject of this complaint is being reviewed under file 3280-09-24, as such the file is to be deactivated.



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**Log Number: 2016-0636**

|                         |                   |                         |
|-------------------------|-------------------|-------------------------|
| Log Number: 2016-0636   | Coded By: SMAC    | Date Opened: 23/03/2016 |
| Type: Vehicle           | Field Inv.: DFAU  | Date Closed: 21/04/2016 |
| Status: Deactivated     | Analyst: TSAU     | Report Date: 15/03/2016 |
| Received Via: Telephone | Received By: SMAC | Incident Date:          |
| File: 3280-09-24        | TSB:              | TC Recall:              |
| Reference #:            | CMVSS:            | Mfr Recall:             |
|                         |                   | Talk to Mfr: Yes        |
|                         |                   | Acknowledged: Yes       |

**General Vehicle Information**

|                    |               |                      |
|--------------------|---------------|----------------------|
| Model: FIESTA      | Other Model:  | Model Year: 2012     |
| Make: FORD         | Other Make:   | Manufacturer: FORD   |
| Vehicle Class: Car |               | Body Type: Hatchback |
| VIN: [REDACTED]    | Verified: Yes | Odometer: 84844 KM   |

**Detailed Vehicle Information**

|                        |                       |                         |
|------------------------|-----------------------|-------------------------|
| Date Mfrd: 01/08/2011  | Purchased: 01/05/2013 | Purchase Type: Used     |
| Motive Power: Gasoline | Displacement: 1.6L    | Transmission: Automatic |
| Fuel System: EFI       | Drive: Front          | Restraint: Dual Airbag  |
| Shifter Type: Floor    |                       |                         |

**Options**

|          |                     |                       |          |
|----------|---------------------|-----------------------|----------|
| Air: Yes | Power Steering: Yes | Cruise Control: Yes   | ASL: Yes |
| ABS: Yes | Power Brakes: Yes   | Traction Control: Yes | ESC: Yes |

|                                |                             |
|--------------------------------|-----------------------------|
| Seat Belt Type: Lap + Shoulder | Location:                   |
| Release Type: Top Release      | Retractor Type: ELR - VS/WS |
| Seat Type: Bucket              | Tongue Type: Sliding        |

**Accessories**

**Incident Information**

|                          |                         |          |            |               |
|--------------------------|-------------------------|----------|------------|---------------|
| Vehicle Speed:           |                         |          |            |               |
| Any Prior Collision: Yes | <b>Accident Details</b> | Other: 0 | Injured: 0 | Fatalities: 0 |
| Crash Involved: No       | <b>Occupants</b>        | Total: 1 | Injured: 0 | Fatalities: 0 |
| Due to problem: No       |                         |          |            |               |
| Property Damage: No      |                         |          |            |               |
| Fire: No                 |                         |          |            |               |



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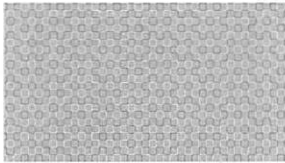
Complaint Detail Report

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Log Number: 2016-0636

**Name and address information**

Surname:  
Address:



First Name: [Redacted]  
Role: Complainant  
Language: ENG  
Pager:  
Email: [Redacted]

Home: [Redacted]  
Business:  
Fax:  
Cellular:

Comments:

**Component Fault Information**

| <u>System</u> | <u>Component</u>          | <u>Fault</u>        | <u>Avail</u> | <u>Front</u> | <u>Rear</u> | <u>Left</u> | <u>Right</u> | <u>Recd</u> |
|---------------|---------------------------|---------------------|--------------|--------------|-------------|-------------|--------------|-------------|
| Powertrain    | TRANSMISSION<br>AUTOMATIC | POOR<br>PERFORMANCE | Unknown      |              |             |             |              | No          |



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**Complaint Events**

| <u>Date</u> | <u>Analyst</u> | <u>Action</u>       | <u>Event</u>   | <u>Date Due</u> | <u>Received</u> |
|-------------|----------------|---------------------|--|-----------------|-----------------|
| 16/03/2016  | SMAC           | Email To            | TSAU, coded with 3280.   |                 |                 |
| 17/03/2016  | TSAU           | Review              | complaint  |                 |                 |
| 23/03/2016  | TLEH           | Assign To Team      |  | 31/03/2016      | 31/03/2016      |
| 23/03/2016  | TSAU           | Email To            | DFAU - FYI we have assigned this file to you - we are looking to better understand the impact on safety of the drivability concerns.   |                 |                 |
| 23/03/2016  | DFAU           | Email To            | TSAU - I'm on it, chat to you soon Sir.  |                 |                 |
| 23/03/2016  | DFAU           | Call To             | TSAU - briefly discussed the particulars of the complaint. TSAU suggested I should try to arrange to take the vehicle for a test-drive, to ascertain more information about the reported "shutter", etc.   |                 |                 |
| 24/03/2016  | DFAU           | Call To             | complainant. We arranged a tentative meeting for me to test driver her vehicle, on Tuesday, March 29/16, after the holiday, (Easter), weekend, as her children would be back in school and she could partake in the test drive. I suggested I would call her first thing Tuesday morning to confirm our meeting. She is very happy that Transport Canada is following up with her complaint. |                 |                 |
| 28/03/2016  | DFAU           | Call To             | complainant to reschedule our test-drive from tomorrow until Wednesday - due to better predicted weather conditions. The weather tomorrow, Tuesday) is predicting snow, rain, fog along the coast, etc. whereas Wednesday is predicting full sun and warm temp. The complainant agreed that this definitely sounds like better weather to test-drive her vehicle.                            |                 |                 |
| 30/03/2016  | DFAU           | Vehicle Examination | travelled to complainant's home. Met the complainant and we jointly performed a test-drive to better understand the nature of her complaint. She is very happy that Transport Canada is interested in her safety concerns with the vehicle.  |                 |                 |

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|            |      |                      |   |            |
|------------|------|----------------------|---|------------|
| 30/03/2016 | DFAU | Call To              | TSAU - I attempted to call several times, but telephone system refused to let me in to TSAU's voicemail box. I subsequently called the receptionist for the defects department - and she attempted to put me through to TSAU's voicemail box.... no luck. I opted to send an e-mail to TSAU with a quick update of my test-drive results. |            |
| 31/03/2016 | TSAU | Call To              | DFAU to discuss vehicle inspection and testing, report will be coming in today.   |            |
| 31/03/2016 | DFAU | Call From            | TSAU - good chat. We discussed the various sounds/performance of the vehicle. I said I would be downloading the pictures and video files later this morning, and will send them, and my field report to him this afternoon.   |            |
| 31/03/2016 | DFAU | Note                 | downloaded digital photos and video clips from yesterday's test-drive, from camera to computer.   |            |
| 31/03/2016 | DFAU | Note                 | back to work on field report and completing the PCDB fields.  |            |
| 31/03/2016 | DFAU | Note                 | performed internet searches for similar complaints, recalls, and TSB.   |            |
| 31/03/2016 | DFAU | Note                 | completed field report and added it to the PCDB. Updated data fields within PCDB.   |            |
| 31/03/2016 | DFAU | Note                 | correspondence files, digital photos, video clips, etc. were send to Transport Canada via FTP.  |            |
| 31/03/2016 | DFAU | Email To             | TSAU, TLEH and ECO with notification that photos, videos, etc. have been posted to their FTP site.<br>I also indicated that I would be submitting this complaint file for review via the PCDB in the next few moments.  |            |
| 31/03/2016 | ECRO | Download             | Downloaded team report from FTP server to P drive.  |            |
| 31/03/2016 | DFAU | Note                 | complaint file submitted for review by Transport Canada on this date via the PCDB.  |            |
| 31/03/2016 | DFAU | Submission From Team | Submission from team  | 31/03/2016 |
| 31/03/2016 | ECRO | Email To             | TSAU to let him know about the downloaded file.   |            |
| 31/03/2016 | TSAU | Accept Team Report   | - review and accept team report   |            |
| 04/04/2016 | TSAU | Review               | and summarize file for deact as issue is being reviewed under 3280 file   |            |
| 21/04/2016 | TLEH | Deactivate           |   |            |



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**Complaint Comments**

The complainant claims that her vehicle is very dangerous to drive due to poor transmission operation. She also claims the clutches have been replaced five (5) times and that the TCM software has been updated.

She is required to drive aggressively for the vehicle to accelerate. It shutters on take off. She can also feel a clunk since the TCM software update.

She comes to a stop or a yield and she goes to accelerate, the vehicle will move forward but will not pick up speed. The engine RPM's do not go up either.

**Team Report**



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**Problem:**

Vehicle experiences sporadic transmission issues including shudders and clunks during operation.

**Investigation:**

1. Discussed the situation with the complainant.

The complainant stated that she purchased the vehicle in used condition on May 1st 2013.  
Currently the vehicle has 84,844 kms on it.

The complainant stated that the issues with the transmission have occurred over the past couple of years.  
She stated that her dealership has had the vehicle into their shop 4 or 5 times to reprogram the transmission's computer, and/or install new clutch components, etc.  
To-date, none of the repairs have solved the problems.

The complainant is very concerned about the safety of her vehicle, and "reached out through social media" for information.  
She was informed that this make/model vehicle has numerous complaints associated with transmission troubles.

The complainant opted to contact Transport Canada with news of her situation.

2. Examination/Test-drive of the vehicle:

The interior and exterior conditions of this vehicle were quite well maintained.  
The complainant stated that her dealership performs all of the required service work.

During the test drive, the complainant initially drove the vehicle and attempted to coax the various reported performance issues from the transmission.  
She was unable to re-create the "shudder-effect", but was able to elicit a few "clunks" from the left front wheel area.  
The complainant basically followed a few main streets and kept her travel speeds relatively constant.

Subsequently, the writer test-drove the vehicle and travelled at slower speeds through residential subdivisions - requiring numerous stops/starts/accelerations/braking/coasting/maneuvers etc.

Eventually a pattern was discovered where the "clunk" noise from the left front wheel area could be generated most times.  
The noise appeared to be more prevalent during a downshift of the transmission - while the vehicle was coasting.

This writer was not able to create the reported "vehicle shudder" upon acceleration.  
The writer noted that during most acceleration events the vehicle's engine would "pause" before revving.  
This short pause created a delay in the acceleration of the vehicle - which could affect its ability to safely merge into the flow of traffic, or pull away from a stop sign, etc.

Quite by chance, (during a static test of the transmission's brake interlock system on the complainant's slightly sloped asphalt driveway), a "clunk" noise was generated every time the vehicle was shifted from Park into Neutral, and then back into Park.

The vehicle would roll backwards slightly and once the vehicle was back in Park, and the brakes released - a clunk could be heard coming from the left front wheel area.

Attempts were made to record these noises using a video camera - but unfortunately the noise of the running engine, and/or surrounding ambient noises masked/degraded the "targeted" noise to the point that it could not be clearly heard.





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**3. Communication with Transport Canada:**

Transport Canada has received an abundance of similar public complaints for this make/model vehicle.

**4. Searched Transport Canada's On-Line Recalls System:**

No recalls were found that pertained to this problem for this make/model/year vehicle.

**5. Searched NHTSA's On-Line Defect Investigation & Public Complaints System:**

No recalls were found that pertained to this problem for this make/model/year vehicle.

Over 100 public complainants involving transmission issues were found for this make/model/year vehicle.  
(please refer to the correspondence section for the initial NHTSA printout page).

**6. Searched AllData's DIY website:**

Several TSB's for this make/model/year were found.

Several of which specifically listed: clutch shudder, fluid leaks and transmission replacement.

**Conclusion:**

This appears to be a very wide spread issue.

**Summary**

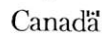
**TC Summary:**

Vehicle is experiencing various drivability issues that the complainant feels compromises the safe operation of the vehicle.

Field investigator was unable to reproduce some of the complainants issues as the vehicle had major repairs including replacement of the clutches and seals as well as reprogramming of the TCM as recent as February 3 of this year (eight weeks prior to inspection). Complainant alleges that issues are still present even after the latest attempt to repair them. Field investigator discussed the inspection with TC investigator and stated that the vehicle was somewhat innerving to drive as the hesitation on acceleration could make crossing traffic or merging with traffic more dangerous. Field investigator noted clunking and rattling similar to that observed by field investigator on file 2016-0263.

Manufacturer has issued numerous TSBs that address the issues experienced by the complainant.

At this time the file is to be deactivated as the issue is being reviewed under 3280-09-24.



Transport Canada (<http://www.tc.gc.ca/eng/menu.htm>)

Home → Road Transportation → Motor Vehicle Safety → Safe Vehicles → Active Defect Investigations

## Active Defect Investigations

Defect Investigations and Recalls Division  
Motor Vehicle Safety Directorate

If you believe that you may be experiencing a safety-related problem with your vehicle, your tires or a child car seat, whether or not it is listed below, please complete the on-line [Defect Complaint Form](https://www.wapps.tc.gc.ca/Saf-Sec-Sur/7/PCDB-BDPP/fc-cp.aspx?lang=eng) (<https://www.wapps.tc.gc.ca/Saf-Sec-Sur/7/PCDB-BDPP/fc-cp.aspx?lang=eng>) or contact us.

The following table provides a list of active Transport Canada defect investigations. These investigations into potential defects are being conducted to determine whether actual safety-related defects exist within the associated group of motor vehicles, tires and child car seats. Further information concerning the Defect Investigations program may be found on our Defect Investigations and Recalls web page.

| TC File No. | Year, Make, Model  | Potential Safety-Related Defect  | Date Opened |
|-------------|--|--|-------------|
| 3280-14-55  | 2010-2013 Kia Soul   | Overheating Seat Warmers   | Apr 2017    |
| 3280-09-24  | 2011-2016 Ford Fiesta<br>2012-2016 Ford Focus  | Loss of Propulsion in Vehicles Equipped with the DPS6, Dual-Clutch PowerShift Six-Speed Automatic Transmission   | Nov 2016    |
| 3280-09-60  | 2011-2015 Ford Explorer  | Rear Suspension Toe Link Failures (Different Model Year Range and Different Failure Mode Than TC Recall No. 2016-182 ( <a href="http://www.wapps.tc.gc.ca/Saf-Sec-Sur/7/VRDB-BDRV/search-recherche/detal.aspx?lang=eng&amp;mk=427313712135921186718659126157111758015164486248004745&amp;md=EXPLORE&amp;fy=0&amp;ty=9999&amp;ts=0&amp;ay=0&amp;m=2016182&amp;cf=SearchResult&amp;pg=0">http://www.wapps.tc.gc.ca/Saf-Sec-Sur/7/VRDB-BDRV/search-recherche/detal.aspx?lang=eng&amp;mk=427313712135921186718659126157111758015164486248004745&amp;md=EXPLORE&amp;fy=0&amp;ty=9999&amp;ts=0&amp;ay=0&amp;m=2016182&amp;cf=SearchResult&amp;pg=0</a> )) Resulting in a Loss of Vehicle Control | Sep 2016    |
| 3280-38-10  | 2009 Hyundai Elantra<br><br><a href="http://eng/motorvehiclesafety/canadian-vehicles-driver-airbag-inflator-produced-arc.html">Other Vehicle Makes and Models<br/>/eng/motorvehiclesafety/canadian-vehicles-driver-airbag-inflator-produced-arc.html</a> | The Driver Airbag Inflator Produced by ARC Automotive, Inc. May Rupture During Frontal Airbag Deployment Resulting in Metal Fragments Being Propelled into the Passenger Compartment   | July 2016   |
| 3280-03-65  | 2010-2011 Nissan Versa   | Loss of Electric Power Steering Assist   | July 2016   |
| 3280-03-63  | 2011-2014 Ford F-150   | Loss of Electric Power Steering Assist   | Nov 2015    |
| 3280-03-58  | 2010-2012 Ford Fusion<br>2010-2012 Lincoln MKZ   | Loss of Power Steering Assist  | Dec 2014    |
| 3280-07-39  | 2004-2008 Ford F-150<br>2005-2006 Ford Expedition<br>2006-2008 Lincoln Mark LT<br>2005-2006 Lincoln Navigator  | Engine Stall Due to the Failure of the Fuel Pump Driver Module (FPDM)  | Dec 2014    |
| 3280-10-48  | 2013 Hyundai Santa Fe Sport  | Panoramic Sunroof Glass Panel Breakage   | Apr 2014    |
| 3280-08-47  | 2011-2013 Ford F-150 with 3.5L V6 GTDI EcoBoost Engine   | Unexpected Reduction in Engine Power During Hard Acceleration  | July 2013   |
| 3280-03-57  | 2009-2013 Dodge Journey<br>2007-2013 Dodge Avenger<br>2007-2013 Chrysler Sebring/Chrysler 200  | Power Steering Hose Failure  | Jan 2013    |
| 3280-10-44  | 2000-2011 Forest River Fifth Wheel Travel Trailers   | Failure of the Chassis Frame at the Pin Box  | Oct 2011    |
| 3280-10-43  | 2000-2011 Keystone Fifth Wheel Travel Trailers   | Failure of the Chassis Frame at the Pin Box  | Oct 2011    |
| 3280-08-40  | 2006-2010 Ford F150 Pickup Trucks  | Spacing Between Brake and Accelerator Pedals   | Sep 2010    |

Date modified:  
2017-07-10

This is Exhibit D referred to in the affidavit of Glen Brandy

sworn before me, this 26th

day of July, 2017

A commissioner for taking affidavits

**REBECCA ROMEO et al.**

**Plaintiffs**

**-and-**

**FORD MOTOR COMPANY and  
FORD MOTOR COMPANY OF CANADA, LIMITED  
Defendants**

**Court File No.: CV-15-539855-00-CP**

***ONTARIO*  
SUPERIOR COURT OF JUSTICE**

**Proceedings commenced in TORONTO**

**AFFIDAVIT OF GLENN BRANDYS**

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