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10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA

12 ANNE ARUNDEL COUNTY,
13 MARYLAND,

14 Plaintiff,

15 v.

16 HYUNDAI MOTOR COMPANY,
17 HYUNDAI MOTOR AMERICA, KIA
18 CORPORATION, and KIA AMERICA,
19 INC.,

20 Defendants.

No. 8:23-cv-01998

COMPLAINT

JURY TRIAL DEMANDED

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I. INTRODUCTION

1. There is an inextricable link between preventing vehicle theft and protecting public safety. Making sure cars are not sitting ducks that are simple to steal protects both property and the public by keeping dangerous drivers in stolen vehicles off the roads. Two car manufacturers made a business decision not to equip the vehicles they sell with standard anti-theft technology, leaving counties and cities across the nation to deal with massive public safety consequences. Despite taking some initial steps to discourage thefts, Defendants have been unable to abate the dangerous crime wave unleashed on communities nationwide—a crime wave that continues to this day.

2. The days of “hotwiring” cars with nothing more than a screwdriver are largely over. In most recent car models, the ignition key emits a radio signal that prompts a computer in the car to disengage an immobilizer device and allows the car to start and move. But recent Hyundai and Kia models are a glaring exception.

3. For most model years between 2011 and 2022, long after other carmakers adopted immobilizer technology that ensured car ignitions could not be started without their keys, Defendants Hyundai Motor Company (“HMC”), Hyundai Motor America (“HMA” and, with HMC, collectively “Hyundai”), Kia Corporation (“KC”), and Kia America, Inc. (“KA” and, with KC, collectively “Kia”) intentionally ignored industry-standard practices in the name of profit. Specifically, upon information and belief, at all relevant times, Defendants designed, manufactured, and distributed the following automobile models without engine immobilizers: Hyundai Accent, Elantra, Elantra GT, Elantra Coupe, Elantra

1 Touring, Genesis Coupe, Kona, Palisade, Santa Fe, Santa Fe Sport, Santa Fe XL,
2 Sonata, Tucson, Veloster, Venue, and Veracruz; and the Kia Forte, K5, Optima,
3 Rio, Sedona, Seltos, Sorento, Soul, and Sportage. These vehicles, when
4 manufactured and sold without engine immobilizers, are referred to hereinafter as
5 the “Susceptible Vehicles.”

6 4. As a result, online videos demonstrate how easy it is to steal Hyundai
7 and Kia vehicles. In many cases, thieves use tools no more advanced than a USB
8 cable. Hyundai’s and Kia’s business decisions to reduce costs, and thereby boost
9 profits, by forgoing common anti-theft technology have resulted in a dangerous rash
10 of thefts. This vehicular crime wave has had a significant impact on law
11 enforcement operations, emergency services, and public safety, particularly for
12 Anne Arundel County, Maryland (“Plaintiff” or “Anne Arundel County”).

13 5. In the 1960s and 1970s, all that was needed for a successful vehicle
14 heist was a little brute force (to crack open the ignition column) and a key-shaped
15 object to start the car and drive off within seconds. Thanks to modern technology,
16 this is no longer the case for most cars.

17 6. Hyundai and Kia are unique among automobile manufacturers in
18 failing to install engine immobilizers in most of their cars. This is not because the
19 technology is somehow beyond them—in fact, Hyundai and Kia vehicles sold in
20 the European and Canadian markets incorporate vehicle immobilizers, because
21 regulations there expressly require them. In the United States, meanwhile, Hyundai
22 and Kia have decided to trade public safety for profits.
23

1 7. The difference between the proportion of Hyundai and Kia vehicle
2 models with immobilizers compared to all other manufacturers is staggering: for
3 the 2015 model year, for example, only **26%** of Hyundai and Kia vehicles in the
4 United States were equipped with immobilizers, compared to **96%** of vehicles from
5 all other manufacturers.¹

6 8. Hyundai and Kia are aware of the well-documented benefit of
7 immobilizer technology in preventing thefts, as they opted to install engine
8 immobilizers in their higher end models and in all of their 2023 vehicles.

9 9. Hyundai's and Kia's decisions to put profits over public safety have
10 had devastating consequences for Plaintiff and their residents. Defendants' failure
11 to install an industry-standard immobilization technology or other reasonable anti-
12 theft device, notwithstanding decades of academic literature and research
13 supporting the deterrent effects of such technology,² has opened the floodgates to
14 vehicle theft, reckless driving, crime spree, and endangered public safety.

15 10. This epidemic started in Milwaukee and spread nationwide. By June
16 2021, the Milwaukee Police Department reported that the theft of Hyundai and Kia
17 vehicles had increased by 2,500% since the previous year, with an average of 30
18

19
20 ¹ *Hyundai and Kia theft losses*, 38 HLDI Bull. 28, 2 (Dec. 2021),
21 [https://www.iihs.org/media/0e14ba17-a3c2-4375-8e66-](https://www.iihs.org/media/0e14ba17-a3c2-4375-8e66-081df9101ed2/opm7QA/HLDI%20Research/Bulletins/hldi_bulletin_38-28.pdf)
22 [081df9101ed2/opm7QA/HLDI%20Research/Bulletins/hldi_bulletin_38-28.pdf](https://www.iihs.org/media/0e14ba17-a3c2-4375-8e66-081df9101ed2/opm7QA/HLDI%20Research/Bulletins/hldi_bulletin_38-28.pdf)
23 [\(emphasis added\).](https://www.iihs.org/media/0e14ba17-a3c2-4375-8e66-081df9101ed2/opm7QA/HLDI%20Research/Bulletins/hldi_bulletin_38-28.pdf)

² Richard A. Posner, *An Economic Theory of the Criminal Law*, 85 Colum. L. Rev.
6, 1193–1231 (1985),
[https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=2827&context=](https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=2827&context=journal_articles)
[journal_articles.](https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=2827&context=journal_articles)

1 cars being stolen per day.³ This trend then spread nationwide, enabled by millions
2 of Hyundai and Kia vehicles lacking immobilizers or other reasonable anti-theft
3 measures. As explained below, the crime wave continues to this day in communities
4 coast to coast—and those communities are left to pay the price.

5 11. Vehicle theft is not only a property crime affecting vehicle owners, but
6 it also constitutes a grave threat to public safety. Vehicle theft goes hand in hand
7 with reckless driving, which in turn can result in injuries and/or death. It can result
8 in increased violence, as many car owners are unlikely to part with their vehicles
9 willingly. It also consumes law enforcement and emergency resources and deprives
10 the public of safe streets and sidewalks.

11 12. The skyrocketing rate of Kia and Hyundai vehicle thefts has drastically
12 impacted County and police resources for Plaintiff. Its residents are subjected to
13 increasingly dangerous conditions on their streets, as car thieves (many of them
14 teenagers)⁴ are taking advantage of Hyundai's and Kia's failures and engaging in
15 reckless driving, endangering Plaintiff's employees, residents, and property.

18 ³ James Gilboy, *Why Milwaukee Might Sue Hyundai, Kia Over Stolen Car*
19 *Epidemic*, thedrive.com (Dec. 11, 2021, 11:15 AM),
20 [https://www.thedrive.com/news/43454/why-milwaukee-might-sue-hyundai-kia-](https://www.thedrive.com/news/43454/why-milwaukee-might-sue-hyundai-kia-over-stolen-car-epidemic)
21 [over-stolen-car-epidemic](https://www.thedrive.com/news/43454/why-milwaukee-might-sue-hyundai-kia-over-stolen-car-epidemic).

22 ⁴ See Mark A. Cohen & Alex R. Piquero, *New evidence on the monetary value of*
23 *saving a high-risk youth*, A. R. JOURNAL OF QUANTITATIVE CRIMINOLOGY, 25,
25–49, (2009),
[https://www.researchgate.net/publication/225637886_New_Evidence_on_the_M](https://www.researchgate.net/publication/225637886_New_Evidence_on_the_Monetary_Value_of_Saving_a_High_Risk_Youth)
[onetary_Value_of_Saving_a_High_Risk_Youth](https://www.researchgate.net/publication/225637886_New_Evidence_on_the_Monetary_Value_of_Saving_a_High_Risk_Youth).

1 13. Defendants' conduct has created a public nuisance that could have
2 been avoided had they followed industry-wide standards and installed immobilizer
3 devices or taken other reasonable measures to deter thefts of their vehicles.

4 14. Among other harms, Plaintiff has been forced to divert funds and risk
5 officer and public safety to combat the growing burden caused by increased
6 Hyundai and Kia vehicle thefts and their many associated dangers, including
7 reckless driving.

8 **II. JURISDICTION AND VENUE**

9 **A. Subject Matter Jurisdiction**

10 15. This Court has subject matter jurisdiction pursuant to 28 U.S.C.
11 § 1332(a), as the amount in controversy exceeds \$75,000 and there is complete
12 diversity between the parties. Anne Arundel County is regarded as a citizen of the
13 State of Maryland, for the purposes of diversity jurisdiction. *Bullard v. City of*
14 *Cisco, Texas*, 290 U.S. 179, 187 (1933). Defendants HMA and KA are citizens of
15 the State of California, where they are headquartered and incorporated. Defendants
16 HMC and KC are both multinational automakers, headquartered in Seoul, South
17 Korea.

18 **B. Personal Jurisdiction**

19 16. This Court has general personal jurisdiction over Defendants HMA
20 and KA because they are incorporated and headquartered in the State of California.
21 HMA and KA have transacted and done business in the State of California and in
22 this judicial district.
23

1 17. As detailed below, this Court has specific jurisdiction over HMC and
2 KC under the long-arm statute of California based on (1) their forum-related
3 activities from which this case arises; (2) the forum-related activities of HMC's
4 primary domestic subsidiary, HMA, which HMC substantially controls; and (3) the
5 forum-related activities of KC's primary domestic subsidiary, KA, which KC
6 substantially controls.

7 **1. HMC's and KC's Forum-Related Activities**

8 18. HMC is a South-Korea based company, and its substantial activities
9 directed at the United States give rise to and relate to Plaintiff's claims.

10 19. In a recent complaint to enforce its trademark rights, HMC represented
11 that it "currently designs, manufactures, markets, distributes, and sells a wide range
12 of automobile and related automobile parts to over 190 countries throughout the
13 world, including the United States, under the trademark 'Hyundai.' "⁵

14 20. HMC and KC design, manufacture, market, distribute, and sell the
15 Susceptible Vehicles under their registered trademarks "Hyundai" and "Kia,"
16 respectively. Between 2011 and 2022, when the Susceptible Vehicles were sold and
17 distributed in Plaintiff's jurisdiction, HMC and KC purposefully availed themselves
18 of the United States' legal protections by registering and maintaining registrations
19 with the United States government for trademarks associated with their vehicles and
20 parts, which HMC and KC used to identify and distinguish their respective vehicles
21 and parts in the United States, this district, and Plaintiff's jurisdiction.

22
23 ⁵ First Amended Complaint at 6, *Hyundai Motor Am., Inc. v. Midwest Indus.*
Supply Co., No. 2:17-cv-3010-JCM-GWF (D. Nev. Nov. 21, 2018), Dkt. No. 34.

1 21. HMC and KC purposefully availed themselves of markets in the
2 United States, including in this district and Plaintiff's jurisdiction, as each company
3 sold approximately 500 thousand vehicles per year in this market through their
4 respective domestic subsidiaries, HMA and KA.

5 22. HMC and KC manufactured over eight million of the Susceptible
6 Vehicles, which were delivered to HMA and KA for sale in the United States. Upon
7 information and belief, HMC and KC manufactured the majority of the Susceptible
8 Vehicles overseas in South Korea. However, HMC and KC segregated the
9 Susceptible Vehicles intended for sale in the United States and shipped those
10 vehicles to the United States with full knowledge and intent that HMA and KA
11 would distribute them across the country.

12 23. HMC and KC purposely availed themselves of markets in the United
13 States by regularly submitting applications to the Environmental Protection Agency
14 to obtain certification required for the sale of their vehicles in the United States.⁶

15 24. Rather than passively placing the Susceptible Vehicles into the stream
16 of commerce, HMC and KC intentionally targeted the distribution of the
17
18

19 ⁶ See, e.g., Letter from Hyundai America Technical Center to Director Linc Wehrly
20 re: Request for GHG credit for High Efficiency Alternator Technology (June 10,
21 2019), [https://www.epa.gov/sites/default/files/2019-07/documents/kmc-off-cycle-](https://www.epa.gov/sites/default/files/2019-07/documents/kmc-off-cycle-ghg-credit-high-efficiency-alternator-2019-06-10.pdf)
22 [ghg-credit-high-efficiency-alternator-2019-06-10.pdf](https://www.epa.gov/sites/default/files/2019-07/documents/kmc-off-cycle-ghg-credit-high-efficiency-alternator-2019-06-10.pdf) (writing on behalf of KC,
23 f/k/a Kia Motors Corporation); see also Letter from Hyundai America Technical
Center to Director Linc Wehrly re: Request for GHG Off-Cycle Credit for HVAC
Brushless Motor Technology in 2020 Model Year and later HMC vehicles (Dec.
15, 2020), [https://www.epa.gov/system/files/documents/2022-09/hyundai-ghg-](https://www.epa.gov/system/files/documents/2022-09/hyundai-ghg-credit-pwm-hvac-blm-apl-2020-12-15.pdf)
[credit-pwm-hvac-blm-apl-2020-12-15.pdf](https://www.epa.gov/system/files/documents/2022-09/hyundai-ghg-credit-pwm-hvac-blm-apl-2020-12-15.pdf).

1 Susceptible Vehicles into United States markets specifically, because engine
2 immobilizers are not expressly required by law to sell the vehicles in this country.

3 25. HMC and KC played instrumental roles in HMA's and KA's analysis
4 and decision-making processes related to the design and/or manufacture of the
5 Susceptible Vehicles lacking engine immobilizers sold in the United States.

6 26. Upon information and belief, HMC and KC both were involved in
7 monitoring vehicle thefts of the Susceptible Vehicles, as reported by their respective
8 subsidiaries, HMA and KA.

9 **2. HMC's and KC's Control Over Their Respective**
10 **Subsidiaries**

11 27. HMC and KC exercise control over HMA and KA, respectively,
12 through both formal and informal means.

13 28. Upon information and belief, HMC and KC possess the power to
14 appoint board members to HMA and KA, respectively, and both HMC and KC have
15 exercised this power.

16 29. HMC operates a "Global Command and Control Center" with "walls
17 covered with television screens and computer monitors" that track "every operating
18 line at 27 plants in the world, in real time, 24 hours a day, 365 days a year."⁷
19
20
21

22

⁷ William J. Holstein, *Hyundai's Capabilities Play*, 70 Strategy & Bus. 62, 67–68
23 (Spring 2013), [https://digitaledition.strategy-
business.com/publication/?m=6320&i=145911&p=70&ver=html5](https://digitaledition.strategy-business.com/publication/?m=6320&i=145911&p=70&ver=html5).

1 30. The production chief for a Hyundai plant in Alabama noted that if there
2 is “a hiccup at any of those boards, headquarters wants to know what needs to be
3 done about it—right now[.]”⁸

4 31. Upon information and belief, KC representatives similarly monitor
5 Kia’s global operations from HMC’s Global Command and Control Center.

6 32. Senior South Korean executives for HMC and KC also regularly visit
7 Hyundai and Kia plants and offices throughout the United States, including HMA’s
8 and KA’s California headquarters, both of which are located in this district.

9 33. The common executives for HMC and HMA frequently overlap. Jose
10 Muñoz, for example, is the current Global Chief Operating Officer of HMC and
11 serves as the President and CEO of HMA. Meanwhile, Brian Latouf serves as the
12 Global Chief Safety Officer for HMC and serves as the Chief Safety Officer of
13 HMA.

14 34. KC and KA also share executive employees. SeongKyu (Sean) Yoo
15 serves as President and CEO of KA, as well as Senior Managing Director of KC.
16 Additionally, HMC and KC have overlapping management, with Eui-Sun Chung
17 serving as the President of KC and the Executive Vice Chairman of HMC.

18 35. Last, HMC and KC control the public name and brand of HMA and
19 KA, respectively.

20 **C. Venue**

21 36. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391
22 because Defendants transact substantial business in this district. Venue is also

23 _____
⁸ *Id.* at 68.

1 proper for HMA and KA because they are headquartered here, have research and
2 development offices here, and a substantial part of the events/omissions giving rise
3 to the claims occurred in this district.

4 **III. PARTIES**

5 **A. Plaintiff**

6 37. Anne Arundel County, Maryland is a chartered county of the State of
7 Maryland established under Article XI-A of the State Constitution with powers
8 conferred upon it by, inter alia, Titles 9 and 10 of the Local Government Article of
9 the Annotated Code of Maryland. Pursuant to the Annotated Code of Maryland, the
10 County, as a charter county, has the authority to sue. *See* MD. Loc. Gov't Code
11 Ann., § 9-201(2021). Pursuant to Sec. 103 of the Anne Arundel County Charter, all
12 legal proceedings on behalf of its constituent offices and departments are brought
13 by the County in its corporate name, Anne Arundel County, Maryland.

14 38. Anne Arundel County is the fourth largest county in Maryland by
15 population. Anne Arundel County provides many services for its residents,
16 including public health, public assistance, and law enforcement services,
17 emergency care, and services for families and children.

18 **B. Defendants**

19 **1. Hyundai Motor Company**

20 39. Defendant Hyundai Motor Company is a multinational automaker
21 headquartered in Seoul, South Korea. HMC, together with Defendants Kia
22 Corporation, Kia America, Inc., and Hyundai Motor America, comprise the
23 Hyundai Motor Group, which designs, manufactures, and distributes the

1 Susceptible Vehicles referenced in this Complaint. HMC is the parent of Hyundai
2 Motor America.

3 **2. Hyundai Motor America**

4 40. Defendant Hyundai Motor America is an automobile designer,
5 manufacturer, distributor, and/or servicer of new motor vehicles under the Hyundai
6 brand doing business within the United States. HMA is incorporated and
7 headquartered in the State of California. HMA's principal place of business is
8 located at 10550 Talbert Avenue, Fountain Valley, California. HMA distributes,
9 markets, leases, warrants, and oversees regulatory compliance and warranty claims
10 for Hyundai-brand vehicles through a network of over 800 dealers throughout the
11 United States from its headquarters in California. Defendant HMA engages in
12 continuous and substantial business in California.

13 **3. Kia Corporation**

14 41. Defendant Kia Corporation is a multinational automaker
15 headquartered in Seoul, South Korea. KC is the parent corporation of Kia America,
16 Inc. As of December 31, 2017, Defendant KC's largest shareholder was HMC,
17 which holds 33.88% of KC's stock.⁹

18 **4. Kia America, Inc.**

19 42. Defendant Kia America, Inc. is a manufacturer and distributor of new
20 motor vehicles under the Kia brand and is incorporated and headquartered in the
21 State of California. KA's principal place of business is located at 111 Peters Canyon

22 ⁹ *The Future: Kia Motors Annual Report 2017* at 11, Kia,
23 [https://worldwide.kia.com/int/company/ir/archive/annual-
report/download/B200002757/F200012579](https://worldwide.kia.com/int/company/ir/archive/annual-report/download/B200002757/F200012579) (last visited July 25, 2023).

1 Road, Irvine, California. KA distributes, markets, leases, warrants, and oversees
2 regulatory compliance and warranty claims for Kia-brand vehicles through a
3 network of over 700 dealers throughout the United States from its headquarters in
4 California. Defendant KA engages in continuous and substantial business in
5 California.

6 IV. THE KIA HYUNDAI THEFT WAVE

7 A. Measures to Prevent Vehicle Thefts Have Existed for Over a 8 Century

9 43. Since the invention of gasoline-powered automobiles at the close of
10 the nineteenth century, consumers have needed effective ways to keep their vehicles
11 from being stolen. Thus, efforts to prevent theft or unauthorized access to
12 automobiles have tracked vehicle development. In 1919, St. George Evans and
13 Edward B. Birkenbeuel invented the first electric immobilizer/vehicle security
14 system.¹⁰

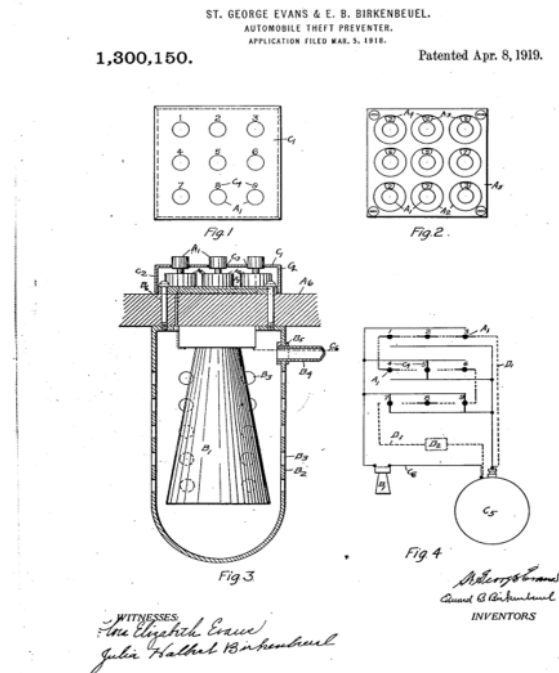
15 44. Labeled the “Automobile-Theft Preventer” the purpose of Evans and
16 Birkenbeuel’s invention was relatively straightforward: “to provide a means for
17 automatically signaling an attempt to move an automobile by unauthorized persons;
18 and to provide a means for locking the electric circuit open, in which case it will be
19 impossible to move the car by its own power.”¹¹

20 45. Evans and Birkenbeuel’s immobilizer/alarm system consisted of a
21 three-by-three switch panel that connected to the car’s battery, horn, and ignition.
22

23 ¹⁰ U.S. Patent No. 1,300,150 (issued Apr. 8, 1919).

¹¹ *Id.* at col. 1 ll. 14–20.

Upon exiting his vehicle, a driver could turn a few switches on the panel to different positions that, until released, would divert electricity to the horn instead of the ignition should an unauthorized user attempt to start the vehicle.



Sketches for Evans & Birkenbeuel's "Automobile Theft Preventer"¹²

46. The timing of the first immobilizer patent coincided with Congress's enactment of the National Motor Vehicle Theft Act, 18 U.S.C. § 2311 *et seq.*, which made the interstate transportation of stolen vehicles a federal crime. The law passed, in part, to respond to the growing number of automobile thefts around the country, especially in midwestern cities.

47. As time passed and technology advanced, the United States pursued further efforts to promulgate vehicle safety standards. These efforts were also fueled

¹² *Id.* at figs. 1, 2, 3, 4.

1 by the post-war rise in vehicle thefts among juveniles and young adults, “who took
2 cars for joyriding and transportation.”¹³

3 48. In 1966, Congress passed the National Traffic and Motor Vehicle
4 Safety Act (the “Safety Act”), with the aim of administering new motor vehicle and
5 traffic safety standards.¹⁴ Administration of the Safety Act was overseen by the
6 newly created Department of Transportation through its sub-agency: the National
7 Highway Traffic Safety Administration, f/k/a/ the National Traffic Safety Bureau
8 (“NHTSA”).

9 49. Pursuant to its statutory authority under the Safety Act, NHTSA
10 promulgated numerous federal motor vehicle safety standards (“FMVSS”). Among
11 these standards, FMVSS 114¹⁵ requires minimum theft-protection standards for
12 nearly all passenger vehicles in the United States:

13 S1. Scope. This standard specifies vehicle performance
14 requirements intended to reduce the incident of crashes
15 resulting from theft and accidental rollaway of motor
vehicles.

16 S2. Purpose. The purpose of this standard is to decrease
17 the likelihood that a vehicle is stolen, or accidentally set in
motion.
18

19
20 ¹³ Anthony Dixon & Graham Farrell, *Age-period-cohort effects in half a century of*
21 *motor vehicle theft in the United States*, 9 Crime Sci. 17, 1, 3 (2020),
<https://crimesciencejournal.biomedcentral.com/articles/10.1186/s40163-020-00126-5>.

22 ¹⁴ National Traffic and Motor Vehicle Safety Act, Pub. L. 89–563, 80 Stat. 718
(1966).

23 ¹⁵ Standard No. 114; Theft protection and rollaway prevention, 49 C.F.R.
§ 571.114 (2010) (“FMVSS 114”).

1 S3. Application. This standard applies to all passenger
 2 cars, and to trucks and multipurpose passenger vehicles
 3 with GVWR of 4,536 kilograms (10,000 pounds) or less.

4 . . .

5 S5.1 Theft Protection.

6 S5.1.1 Each vehicle must have a starting system which,
 7 whenever the key is removed from the starting system
 8 prevents:

- 9 (a) The normal activation of the vehicle's engine or
 10 motor; and
- 11 (b) Either steering, or forward self-mobility, of the
 12 vehicle, or both.

13 . . .

14 S5.2.2 Except as specified in S5.2.4, the vehicle must be
 15 designed such that the transmission or gear selection
 16 control cannot move from the "park" position, unless the
 17 key is in the starting system.¹⁶

18 50. The main motivation for creating FMVSS 114 was NHTSA's
 19 recognition "that stolen cars constitute a major hazard to life and limb on the
 20 highways. The evidence shows that cars operated by unauthorized persons are far
 21 more likely to cause unreasonable risk of accident, personal injury, and death than
 22 those which are driven by authorized individuals."¹⁷

23 51. As early as 1966, studies showed "there were an estimated 94,000
 stolen cars involved in accidents"—with "18,000 of these accidents result[ing] in
 injury to one or more people."¹⁸ Accordingly, NHTSA recognized that "a reduction

¹⁶ *Id.*

¹⁷ Motor Vehicle Safety Standard No. 114; Theft Protection; Passenger Cars, 33
 Fed. Reg. 83, 6,471 (Apr. 27, 1968), <https://www.govinfo.gov/content/pkg/FR-1968-04-27/pdf/FR-1968-04-27.pdf#page=1>.

¹⁸ *Id.*

1 of the incidence of auto theft would make a substantial contribution to motor vehicle
 2 safety” and “protect the many innocent members of the public who are killed and
 3 injured by stolen cars each year.”¹⁹ To address this safety risk, which is largely tied
 4 to “car thieves who could bypass the ignition lock . . . the agency decided to require
 5 a device, which would prevent either self-mobility or steering even if the ignition
 6 lock were bypassed.”²⁰

7 52. An industry-standard engine immobilizer is the most effective way to
 8 satisfy this requirement, “because it locks out the engine control module if an
 9 attempt is made to start the vehicle without the correct key or to bypass the
 10 electronic ignition system.”²¹ Defendants’ choice not to use this industry-standard
 11 anti-theft technology predictably led to rampant car thefts and resulted in a threat to
 12 public safety and an ongoing public nuisance.

13 53. In the late 1980s and early 1990s, vehicle theft increased dramatically
 14 in the United States.²² The most common method for stealing a car involved

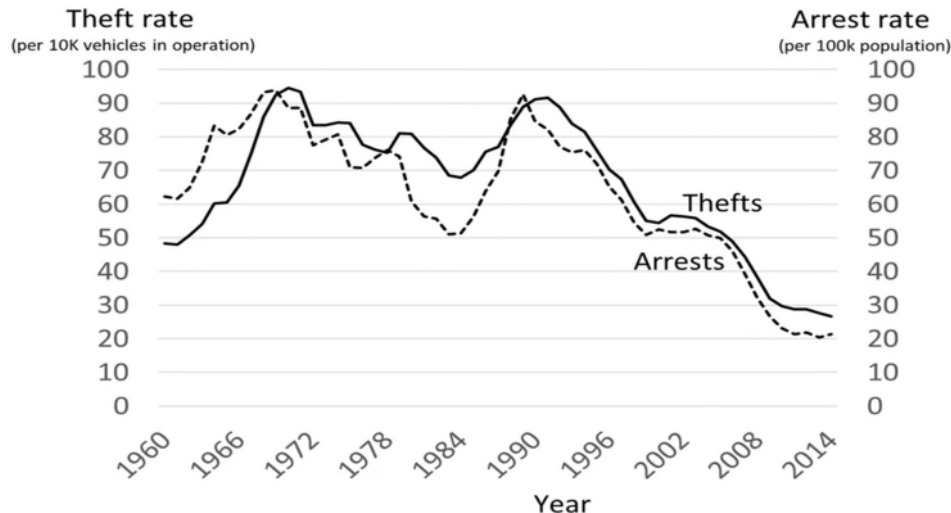
15 ¹⁹ *Id.*

16 ²⁰ Federal Motor Vehicle Safety Standards; Theft Protection, 71 Fed. Reg. 17,753
 17 (Apr. 7, 2006), <https://www.govinfo.gov/content/pkg/FR-2006-04-07/pdf/06-3358.pdf>; *see also* Motor Vehicle Safety Standard No. 114; Theft Protection;
 18 Passenger Cars, 33 Fed. Reg. 83, 6,471 (Apr. 27, 1968),
 19 <https://www.govinfo.gov/content/pkg/FR-1968-04-27/pdf/FR-1968-04-27.pdf#page=1>.

20 ²¹ Jacqueline Glassman, *Interpretation ID : GF005229-2*, NHTSA (Sept. 24, 2004),
 21 <https://www.nhtsa.gov/interpretations/gf005229-2#:~:text=This%20responds%20to%20your%20letter,114%2C%20Theft%20Protection>.

22 ²² Anthony Dixon & Graham Farrell, *Age-period-cohort effects in half a century of*
 23 *motor vehicle theft in the United States*, 9 Crime Sci. 17, 1, 3 (2020),
<https://crimesciencejournal.biomedcentral.com/articles/10.1186/s40163-020-00126-5>.

bypassing the motor's ignition switch, otherwise known as "hotwiring." The graph below illustrates the dramatic rise in car thefts during this time period.²³



Vehicle thefts per 10,000 vehicles in operation, and vehicle theft arrests per 100,000 population, 1960-2014

54. In a precursor to the contemporary crisis, in the late 1980's to early 1990's, General Motors cars were stolen at elevated rates due to the relative ease with which a thief could bypass the ignition lock.²⁴ The ease with which those cars could be stolen spurred a trend of youths – some as young as ten years old – engaging in automobile theft and joyriding.²⁵

55. In the years that followed, General Motors, and nearly all other automotive manufacturers, adopted the anti-theft technology of passive vehicle

²³ *Id.* at fig. 1.

²⁴ See Tim Farley, *Thieves Put GM Models at Top of List*, *The Oklahoman*, (Sept. 11, 1988, 12 AM), <https://www.oklahoman.com/story/news/1988/09/11/thieves-put-gm-models-at-top-of-list/62639884007/>.

²⁵ See Stephen Buckley, *D.C. Police Report Increase in Car Thefts by Youngsters*, *The Washington Post*, (Feb. 1, 1990), <https://www.washingtonpost.com/archive/politics/1990/02/01/dc-police-report-increase-in-car-thefts-by-youngsters/fa2c16c0-55a9-4866-8514-8f8e4abfdcf7/>.

1 immobilizers for cars distributed to the American market, which were patented in
2 1993.²⁶ Unlike Evans and Birkenbeuel’s invention nearly 75 years prior, the vehicle
3 immobilizer would render the engine operable only “if the correct key having coded
4 information is used[,]” rather than relying on concealed switches or memorizing
5 keypad combinations.²⁷

6 56. In essence, the vehicle immobilizers of the 1990s worked by checking
7 the “fingerprint” of a car key based on electronic codes the key sends to the vehicle.
8 They prevented hotwiring by ensuring that a car would not start if the key was not
9 present—whether or not the ignition switch was turned or bypassed.

10 57. Although the mechanism behind the vehicle immobilizer was more
11 intricate than the original 1919 invention, the overall purpose remained the same:
12 “to make the vehicle more difficult to steal.”²⁸

13 58. The invention proved successful and, less than five years later, the
14 European Union mandated that all new passenger cars from 1998 onward be
15 equipped with an electronic engine immobilizer.²⁹ Similar mandates soon followed
16 in Australia, New Zealand, and Canada.

17 59. As engine immobilizers became the industry standard among
18 manufacturers, at least one study in the Netherlands suggested that immobilizers
19

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21 ²⁶ Int’l Patent Publ’n No. WO 93/13968 (filed Jan. 7, 1993).

22 ²⁷ *Id.*

23 ²⁸ *Id.*

²⁹ Commission Directive 95/56/EC, 1995 O.J. (L286) 1 (amending Council Directive 74/61/EEC to require the installation of immobilizers and alarm systems in motor vehicles beginning in October 1998).

1 “lowered the overall rate of car theft on average by about 40 percent during
2 1995-2008.”³⁰

3 60. By 2011, studies concluded “that good quality electronic immobilizers
4 [have] bec[o]me car theft’s killer technology” and proved to be 32.7% “more
5 effective in reducing car theft than alarms” and 42.2% “more effective than central
6 locking.”³¹

7 61. Equally critical, academic studies support the proposition that “[f]rom
8 the early 1990s onwards, it gradually became less easy for adolescents to begin
9 offending as an increasing proportion of vehicles became secure” because the
10 “young offenders did not have the skill or experience to overcome the new vehicle
11 security technology, particularly electronic immobilizers.”³² As the rate of young
12
13

14 ³⁰ Jan C. van Ours & Ben Vollaard, *The Engine Immobiliser: A Non-Starter for*
15 *Car Thieves*, TILEC Discussion Paper No. 2013-001, SSRN (Jan. 14, 2013),
16 <https://deliverypdf.ssrn.com/delivery.php?ID=127087120097029119078084107081001030022041017031027078099093024106009075127118002030001121005122042126107027087095100026018070046034013064088076022067085110020010058066038090085019017108089031127069111086113121096030001027069090090007106081078030084&EXT=pdf&INDEX=TRUE>.
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19 ³¹ Graham Farrell *et al.*, *The Crime Drop and the Security Hypothesis*, 48(2) J. Res.
20 Crime & Delinq. 147, 163, 169 (2011),
21 https://www.researchgate.net/profile/Graham-Farrell/publication/255589010_The_Crime_Drop_and_the_Security_Hypothesis/links/54f3b830cf299c8d9e537d9/The-Crime-Drop-and-the-Security-Hypothesis.pdf.
22

23 ³² Anthony Dixon & Graham Farrell, *Age-period-cohort effects in half a century of motor vehicle theft in the United States*, 9 Crime Sci. 17, 1, 7 (2020),
<https://crimesciencejournal.biomedcentral.com/articles/10.1186/s40163-020-00126-5>.

1 offenders decreased due to improved vehicle security, “fewer adolescents” went on
2 to experience “criminal career onset and continuance.”³³

3 **B. Hyundai and Kia Deviated from the Industry Standard by**
4 **Electing Not to Include Immobilizers in the Susceptible Vehicles**

5 62. Studies by the Highway Loss Data Institute (“HLDI”) showed “that
6 vehicle theft losses decreased significantly after factory-installed passive
7 immobilizing antitheft devices were introduced.”³⁴ Specifically, HLDI studies
8 between 1996 and 2013 all showed decreases in theft losses for vehicles with engine
9 immobilizers studied in those years, including General Motors, BMW, Ford, and
10 Nissan.³⁵ A 2013 HLDI study “found that thieves were sometimes targeting the
11 older model years of a vehicle series without immobilizers, such as the Honda Civic
12 and Honda Accord.”³⁶

13 63. Despite decades of research and findings that immobilizers
14 significantly reduced vehicle theft and the consequential public safety risks, “only
15 26 percent of Hyundai and Kia” 2015 vehicle models had “passive immobilizers as
16 standard equipment, compared with 96 percent of other manufacturers.”³⁷

18 ³³ *Id.*; see also Graham Farrell, *Forty years of declining burglary in the United*
19 *States: Explanation and evidence relating to the security hypothesis*, 35 Sec. J.
20 444, 458 (2022) <https://link.springer.com/article/10.1057/s41284-021-00284-4>
(arguing that “making crime more difficult to commit may be the most effective
21 way to reduce juvenile crime and progression to adult crime”).

22 ³⁴ *Hyundai and Kia theft losses*, 38 HLDI Bull. 28, 1 (Dec. 2021),
https://www.iihs.org/media/0e14ba17-a3c2-4375-8e66-081df9101ed2/opm7QA/HLDI%20Research/Bulletins/hldi_bulletin_38-28.pdf.

23 ³⁵ *Id.* at 2.

³⁶ *Id.*

³⁷ *Id.* at 5.

1 64. The low percentage of Hyundai and Kia vehicles with immobilizers is
2 especially concerning given that, during this same time period, Hyundai and Kia
3 were installing immobilizers in their models for sale in the European and Canadian
4 markets.³⁸

5 65. Nor are Defendants unfamiliar with the benefits of installing
6 immobilizers in the American market. A NHTSA standard separate from FMVSS
7 114 requires automobile manufacturers to label parts to reduce the demand for
8 stolen cars and chop shops (where stolen cars are disassembled so that their valuable
9 parts can be sold).³⁹ Manufacturers can apply for exemptions from this labeling
10 requirement based on the inclusion of anti-theft technology, because vehicles with
11 anti-theft technology are much harder to steal in the first place and thus much less
12 likely to be “chopped” for parts. In March of 2007, Hyundai requested an exemption
13 from the labeling requirement for its 2008 Hyundai Azera line based on its inclusion
14 of an immobilizer in that model. Thus, Hyundai recognized the efficacy of
15 immobilizers in reducing vehicle theft.⁴⁰

16
17 ³⁸ Hyundai first began exporting its cars to parts of Europe, the United Kingdom,
18 and Canada between 1978 and 1984. *See Over 50 years of progress: the history of*
19 *Hyundai*, Hyundai Newsroom (Apr. 6, 2019),
[https://www.hyundai.news/eu/articles/press-releases/over-50-years-of-progress-](https://www.hyundai.news/eu/articles/press-releases/over-50-years-of-progress-the-history-of-hyundai.html)
20 [the-history-of-hyundai.html](https://www.hyundai.news/eu/articles/press-releases/over-50-years-of-progress-the-history-of-hyundai.html). Similarly, Kia vehicles were introduced into
European and Canadian markets in the 1990s.

21 ³⁹ Requirements for passenger motor vehicles, 49 C.F.R. § 541.5 (June 1, 2011).

22 ⁴⁰ Petition for Exemption From the Vehicle Theft Prevention Standard; Hyundai-
23 Kia America Technical Center, Inc., 72 Fed. Reg. 39,661 (July 19, 2007),
<https://www.govinfo.gov/content/pkg/FR-2007-07-19/pdf/FR-2007-07-19.pdf>;
see also Petition for Exemption From the Vehicle Theft Prevention Standard;
Hyundai-Kia America Technical Center, Inc., 75 Fed. Reg. 1,447 (Jan. 11, 2010),
<https://www.govinfo.gov/content/pkg/FR-2010-01-11/pdf/2010-236.pdf> (NHTSA

66. Yet, despite knowing the unquestionable benefit of engine immobilizers, Hyundai and Kia offered immobilizers only in a few of their more expensive models, like the Azera, until the last year or so. Their decisions have compounded the harms to low-income communities.⁴¹ Consumers without resources to afford these higher end models are more likely to live in areas with higher crime rates and are likely less able to pay for alternative transportation or for the cost of repairing a recovered, but damaged, vehicle after a theft.

67. In September 2022, HLDI found that Hyundais and Kias are stolen at nearly twice the rate of other vehicles in the automobile industry. Specifically, “Hyundais and Kias without immobilizers had a vehicle theft claim rate of 2.18 per 1,000 insured vehicle years” while the remainder of the industry, combined, had a theft claim rate of 1.21.⁴²

68. Defendants’ decision not to install the simple and highly effective immobilizer or other reasonable anti-theft measure in the Susceptible Vehicles between 2011 and 2022, in contrast to the vast majority of car manufacturers that did choose to install immobilizers in nearly all of their vehicles, has, foreseeably, led to the epidemic plaguing Plaintiff.

notice granting an identical exemption for the Kia Amanti vehicle line beginning in model year 2009 based on Defendant Kia’s representation that the immobilizer installation for that specific model should substantially reduce theft rates).

⁴¹ Tom Krisher, *Thieves key on hack that leaves Hyundai, Kia cars vulnerable*, AP News (Sept. 21, 2022, 10:21 PM), <https://apnews.com/article/social-media-milwaukee-theft-eed3be407c1b7cb725ae607b8d86bcdf> (noting that “[m]any of the vulnerable Hyundais and Kias are often bought by lower-income people” because, as stated by HLDI Senior VP Matt Moore, those cars “are relatively inexpensive vehicles when purchased new”).

⁴² *Id.* (“An insured vehicle year is equal to one vehicle insured for one year.”).

C. The Lack of Industry Standard Anti-Theft Devices in Most Hyundai and Kia Vehicles Has Led to a Wave of Thefts

69. Kia and Hyundai chose to flout the industry standard and sell their vehicles without any reasonable anti-theft measures, which made those vehicles more susceptible to theft. As would-be car thieves learned of Defendants' decisions, the incidence of theft for Susceptible Vehicles increased, relative to other models, from 2015 to 2020.⁴³

70. However, this progression became an explosion in late 2020, when a group of teenagers began posting "how-to" videos detailing how simple it was to steal Susceptible Vehicles.⁴⁴ That group, the "Kia Boyz," became notorious for posting videos of youth engaging in reckless driving after stealing Kias and Hyundais.⁴⁵ As the videos detailed, a thief need only break a window, remove the

⁴³ See *NICB's Hot Wheels: America's 10 Most Stolen Vehicles*, NICB (Aug. 1, 2016), <https://www.nicb.org/sites/files/2017-11/2015-Hot-Wheels-Report.pdf>; *NICB's Hot Wheels: America's 10 Most Stolen Vehicles*, NICB (July 12, 2017), <https://www.nicb.org/sites/files/2017-11/2016-Hot-Wheels-Report.pdf>; *2017 Hot Wheels Report*, NICB (Sept. 18, 2018), <https://www.nicb.org/news/news-releases/2017-hot-wheels-report>; *NICB's Hot Wheels: America's 10 Most Stolen Vehicles*, NICB (Nov. 19, 2019), <https://www.nicb.org/sites/files/2020-01/2018%20Hot%20Wheels%20Report.pdf>; *NICB's Hot Wheels: America's Top Ten Most Stolen Vehicles*, NICB (Oct. 13, 2020), <https://www.nicb.org/HotWheels2019>; and *NICB Releases Annual 'Hot Wheels' Report: America's Top Ten Most Stolen Vehicles*, NICB (Oct. 12, 2021), <https://www.nicb.org/news/news-releases/nicb-releases-annual-hot-wheels-report-americas-top-ten-most-stolen-vehicles>.

⁴⁴ Greg Rosalsky, *Someone stole my truck. I got a crash course on the wild black market for stolen cars*, NPR (Aug. 23, 2022, 6:30 AM), <https://www.npr.org/sections/money/2022/08/23/1118457271/someone-stole-my-truck-i-got-a-crash-course-on-the-wild-black-market-for-stolen->

⁴⁵ Chris DiLella & Andrea Day, *TikTok challenge spurs rise in thefts of Kia, Hyundai cars*, CNBC (Sept. 9, 2022, 9:11 PM),

1 plastic cowl under the steering column, and use a USB connector (such as the
 2 ubiquitous mobile phone charging cable) to turn the ignition switch and start these
 3 unsecure cars. In many instances, thieves are able to break into the Susceptible
 4 Vehicles and drive away in under one minute.

5 71. What followed the trending documentation of the unsecure Susceptible
 6 Vehicles was all too predictable: thefts of Kias and Hyundais skyrocketed.⁴⁶ In the
 7 first half of 2021, the number of stolen Kias and Hyundais in Milwaukee increased
 8 by more than thirty and fifteen times, respectively, when compared to the same
 9 period in 2020.⁴⁷ This dramatic increase was unique to Kias and Hyundais, which
 10 represented 67% of all cars stolen in that period, compared to only 6% of stolen
 11 cars in 2019.⁴⁸ This trend then spread nationwide.

12 **D. Car Thefts Imperil Public Safety**

13 72. Car thefts directly imperil public safety. By creating, facilitating,
 14 and/or otherwise contributing to a rash of car thefts, Defendants are responsible for
 15 a substantial risk to the public safety.

16
 17 <https://www.cnbc.com/2022/09/08/tiktok-challenge-spurs-rise-in-thefts-of-kia-hyundai-cars.html>.

18 ⁴⁶ *Videos Show Teens How to Steal Certain Kias and Hyundais With Only a USB*
 19 *Cable, Police Warn Amid Rising Thefts*, Inside Edition (Aug. 10, 2022, 1:51 PM),
 20 <https://www.insideedition.com/videos-show-teens-how-to-steal-certain-kias-and-hyundais-with-only-a-usb-cable-police-warn-amid>.

21 ⁴⁷ Sean Tucker, *Milwaukee Police Report Hyundais, Kias Stolen in Record*
 22 *Numbers*, Kelley Blue Book (Dec. 14, 2021, 5:27 PM), <https://www.kbb.com/car-news/milwaukee-police-report-hyundais-kias-stolen-in-record-numbers/>.

23 ⁴⁸ Matt Posky, *Summer of Theft Creating Bad Publicity for Hyundai, Kia, Truth*
 About Cars (Sept. 20, 2022 2:36 PM),
<https://www.thetruthaboutcars.com/cars/kia/summer-of-theft-creating-bad-publicity-for-hyundai-kia-44496971>.

1 73. NHTSA promulgated FMVSS 114 to reduce the instances of car theft,
2 because “stolen cars constitute a major hazard to life and limb on the highways.”⁴⁹
3 NHTSA concluded that the “evidence shows that cars operated by unauthorized
4 persons are far more likely to cause unreasonable risk of accident, personal injury,
5 and death than those which are driven by authorized individuals.”⁵⁰ The NHTSA
6 Administrator concluded that “a reduction in the incidence of auto theft would make
7 a substantial contribution to motor vehicle safety,” by reducing both injuries and
8 deaths to would-be car thieves, and by “protect[ing] the many innocent members of
9 the public who are killed and injured by stolen cars each year.”⁵¹

10 74. The reverse is true as well. An *increase* in the incidence of automobile
11 theft results in a substantial decrease in public safety. Defendants’ decision not to
12 equip their vehicles with reasonable anti-theft measures, such as an immobilizer,
13 has led to a clear rise in automobile thefts and the concomitant threats to public
14 safety. Stolen cars are often driven recklessly—particularly in this case, where cars
15 are stolen for joyriding or use in the commission of other crimes, rather than for
16 parts or resale—which poses a risk to both the operators of the stolen vehicle and
17 any lawful drivers or pedestrians who are unfortunate enough to cross their paths.

18 75. By creating a rash of car thefts, Defendants are responsible for a
19 substantial risk to public safety.
20

21 ⁴⁹ See Motor Vehicle Safety Standard No. 114; Theft Protection; Passenger Cars,
22 33 Fed. Reg. 6,471 (Apr. 27, 1968), <https://www.govinfo.gov/content/pkg/FR-1968-04-27/pdf/FR-1968-04-27.pdf#page=1>.

23 ⁵⁰ *Id.*

⁵¹ *Id.*

1 76. Reckless driving impacts the comfortable enjoyment of life, health,
2 and safety of others. Distinct from many instances of car theft, where the object is
3 converting the stolen vehicle (either whole or in parts), the recent wave of Hyundai
4 and Kia thefts often involves teenagers joyriding, posting videos of themselves
5 driving recklessly, and then abandoning the stolen vehicles—often after
6 collisions—at all hours of the day and night.

7 77. Social media platforms are rife with examples of this dangerous
8 conduct. Videos posted on these platforms highlight the very real dangers of this
9 phenomenon, including youth joyriding through school zones or through crowds of
10 bystanders, and drivers hitting other cars and then running from the scene.⁵² The
11 fact that many of the perpetrators are juveniles and therefore inexperienced
12 drivers—in many cases, too young to have a driver’s license or permit—adds to the
13 danger.

14 78. Police officers responding to vehicle thefts and other crimes stemming
15 from those same thefts also face serious safety threats. In Cleveland, officers have
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20 ⁵² See, e.g., @mixtapetrappers_, Instagram (Oct. 19, 2021),
21 <https://www.instagram.com/p/CVNhJg9D64B/?utm%20medium=copy%20link>;
22 @monloww_, TikTok (Oct. 10, 2022),
23 https://www.tiktok.com/@monloww_/video/7153012228067773738;
@414hypehouse, Instagram (Aug. 19, 2021),
<https://www.instagram.com/p/CSwsnhfAktd/>; @414hypehouse, Instagram (Sept.
10, 2021), <https://www.instagram.com/p/CTqCaYTANaC/>; @414hypehouse,
Instagram (Oct. 20, 2021), <https://www.instagram.com/p/CVRCCcU5AkwT/>.

1 been shot,⁵³ shot at,⁵⁴ and stabbed⁵⁵ when responding to and/or encountering a
 2 Hyundai or Kia theft incident. In Tonawanda, a police officer stopped a driver in a
 3 stolen Kia Sportage SUV and was dragged and “thrown onto the road” when the
 4 driver of the stolen Kia attempted to flee.⁵⁶ The officer was badly injured and
 5 subsequently hospitalized.⁵⁷

6 79. A substantial risk to public safety also arises in the event that the
 7 would-be thief is confronted in the act. In January 2023, a Cleveland man followed
 8 a Hyundai Sonata that struck his car mirror and did not stop. The driver and
 9 passenger of the Hyundai got out of the vehicle with guns and began shooting at
 10

11 ⁵³ Julia Bingel, *Cleveland police issue warrant for 17-year-old boy accused of*
 12 *shooting officer (body camera video)*, 19 News (Mar. 30, 2023, 8:51 AM),
 13 [https://www.cleveland19.com/2023/03/30/cleveland-police-issue-warrant-17-](https://www.cleveland19.com/2023/03/30/cleveland-police-issue-warrant-17-year-old-male-accused-shooting-officer/)
 14 [year-old-male-accused-shooting-officer/](https://www.cleveland19.com/2023/03/30/cleveland-police-issue-warrant-17-year-old-male-accused-shooting-officer/).

15 ⁵⁴ Ed Gallek & Peggy Gallek, *Thieves getting bolder: Police threatened, taunted,*
 16 *and shot by suspects in stolen KIAs*, Fox 8 (Mar. 20, 2023, 4:52 PM),
 17 [https://fox8.com/news/i-team/thieves-getting-bolder-police-threatened-taunted-](https://fox8.com/news/i-team/thieves-getting-bolder-police-threatened-taunted-and-shot-by-suspects-in-stolen-kias/)
 18 [and-shot-by-suspects-in-stolen-kias/](https://fox8.com/news/i-team/thieves-getting-bolder-police-threatened-taunted-and-shot-by-suspects-in-stolen-kias/).

19 ⁵⁵ Ed Gallek & Peggy Gallek, *Cleveland police officer stabbed in head with*
 20 *screwdriver*, Fox 8 (June 12, 2023, 2:12 PM), [https://fox8.com/news/cleveland-](https://fox8.com/news/cleveland-police-officer-stabbed-in-head-with-screwdriver/)
 21 [police-officer-stabbed-in-head-with-screwdriver/](https://fox8.com/news/cleveland-police-officer-stabbed-in-head-with-screwdriver/); see also John H. Tucker,
 22 *Suspect charged in screwdriver assault on off-duty Cleveland police officer*,
 23 *Cleveland.com* (June 15, 2023, 4:34 PM),
[https://www.cleveland.com/crime/2023/06/suspect-charged-in-screwdriver-](https://www.cleveland.com/crime/2023/06/suspect-charged-in-screwdriver-assault-on-off-duty-cleveland-police-officer.html)
[assault-on-off-duty-cleveland-police-officer.html](https://www.cleveland.com/crime/2023/06/suspect-charged-in-screwdriver-assault-on-off-duty-cleveland-police-officer.html).

⁵⁶ Stephen T. Watson, *Tonawanda officer badly injured when dragged by stolen*
vehicle is released from ECMC, Buffalo News (June 5, 2023),
[https://buffalonews.com/news/local/crime-and-courts/tonawanda-officer-badly-](https://buffalonews.com/news/local/crime-and-courts/tonawanda-officer-badly-injured-when-dragged-by-stolen-vehicle-is-released-from-ecmc/article_4768ae48-03d4-11ee-8593-4322704cd734.html#tracking-source=article-related-bottom)
[injured-when-dragged-by-stolen-vehicle-is-released-from-](https://buffalonews.com/news/local/crime-and-courts/tonawanda-officer-badly-injured-when-dragged-by-stolen-vehicle-is-released-from-ecmc/article_4768ae48-03d4-11ee-8593-4322704cd734.html#tracking-source=article-related-bottom)
[ecmc/article_4768ae48-03d4-11ee-8593-4322704cd734.html#tracking-](https://buffalonews.com/news/local/crime-and-courts/tonawanda-officer-badly-injured-when-dragged-by-stolen-vehicle-is-released-from-ecmc/article_4768ae48-03d4-11ee-8593-4322704cd734.html#tracking-source=article-related-bottom)
[source=article-related-bottom](https://buffalonews.com/news/local/crime-and-courts/tonawanda-officer-badly-injured-when-dragged-by-stolen-vehicle-is-released-from-ecmc/article_4768ae48-03d4-11ee-8593-4322704cd734.html#tracking-source=article-related-bottom).

⁵⁷*Id.*

1 him.⁵⁸ Police found nine bullet casings in the street and bullet holes in the front
 2 window of a nearby home and in a car parked on the street.⁵⁹ About one hour later,
 3 the same Hyundai, which had been reported stolen days earlier, was involved in a
 4 drive-by shooting.⁶⁰

5 80. This risk was also tragically demonstrated in Columbus, Ohio, when a
 6 4-year-old was killed in a hit-and-run involving a stolen Kia.⁶¹

7 81. Car thefts and reckless driving also create a substantial risk of physical
 8 harm to pedestrian bystanders. On February 8, 2023, a stolen Hyundai involved in
 9 a high-speed chase in Baltimore City crashed into another car and a 54-year-old
 10 pedestrian.⁶² Baltimore City is immediately north of the Anne Arundel County.
 11 Both cars careened into a nearby building, which collapsed on top of the vehicles
 12
 13
 14

15 ⁵⁸ Cory Shaffer, *Teens Lodge stolen Hyundai in Burger King drive-thru on two*
 16 *wheels after owner confronts them*, Cleveland.com (Feb. 3, 2023, 5:03 PM),
 17 [https://www.cleveland.com/court-justice/2023/02/teens-lodge-stolen-hyundai-in-](https://www.cleveland.com/court-justice/2023/02/teens-lodge-stolen-hyundai-in-burger-king-drive-thru-on-two-wheels-after-owner-confronts-them.html)
[burger-king-drive-thru-on-two-wheels-after-owner-confronts-them.html](https://www.cleveland.com/court-justice/2023/02/teens-lodge-stolen-hyundai-in-burger-king-drive-thru-on-two-wheels-after-owner-confronts-them.html).

18 ⁵⁹ *Id.*

19 ⁶⁰ *Id.*

20 ⁶¹ Carly D'Eon, *Man wanted in fatal hit-and-run of 4-year-old boy turns himself in*,
 21 10 WBNS (July 24, 2023, 6:04 AM),
 22 [https://www.10tv.com/article/news/local/arrest-warrant-issued-for-man-allegedly-](https://www.10tv.com/article/news/local/arrest-warrant-issued-for-man-allegedly-connected-to-fatal-hit-skip-south-franklinton/530-a8ab887d-8c43-48ea-8b4d-91ed5531a351)
[connected-to-fatal-hit-skip-south-franklinton/530-a8ab887d-8c43-48ea-8b4d-](https://www.10tv.com/article/news/local/arrest-warrant-issued-for-man-allegedly-connected-to-fatal-hit-skip-south-franklinton/530-a8ab887d-8c43-48ea-8b4d-91ed5531a351)
[91ed5531a351](https://www.10tv.com/article/news/local/arrest-warrant-issued-for-man-allegedly-connected-to-fatal-hit-skip-south-franklinton/530-a8ab887d-8c43-48ea-8b4d-91ed5531a351).

23 ⁶² Dan Belson, *Footage shows fatal crash into Baltimore building, collapse*
 following police pursuit of stolen car, Balt. Sun (Mar 2, 2023, 8:29 PM),
[https://www.baltimoresun.com/news/crime/bs-md-ci-cr-oag-crash-collapse-](https://www.baltimoresun.com/news/crime/bs-md-ci-cr-oag-crash-collapse-footage-20230303-rbd6j3tokfhkjduh3oktmo6ow4-story.html)
[footage-20230303-rbd6j3tokfhkjduh3oktmo6ow4-story.html](https://www.baltimoresun.com/news/crime/bs-md-ci-cr-oag-crash-collapse-footage-20230303-rbd6j3tokfhkjduh3oktmo6ow4-story.html)
[\[https://perma.cc/6UHA-S9GT\]](https://perma.cc/6UHA-S9GT).

1 and the pedestrian.⁶³ The pedestrian was pronounced dead at the scene, and five
 2 occupants of the two cars were injured.⁶⁴



11 **E. Car Thefts Drain Public Resources and Frustrate Public** 12 **Policy**

13 82. Plaintiff has expended significant time and resources responding to
 14 this public nuisance.

15 83. Additionally, the police and emergency resources Plaintiff has been
 16 forced to divert to respond to these thefts leaves fewer resources for combatting
 17 other crimes and enhancing community safety.⁶⁵

20 ⁶³ *Id.*

21 ⁶⁴ *Id.*

22 ⁶⁵ John Roman *et al.*, *Cost-Benefit Analysis for Crime Prevention: Opportunity*
 23 *Costs, Routine Savings and Crime Externalities*, 14 *Crime Prevention Stud.* 53–
 92 (Jan. 2002), https://www.researchgate.net/publication/28575336_Cost-Benefit_Analysis_for_Crime_Prevention_Opportunity_Costs_Routine_Savings_and_Crime_Externalities.

84. As a result of the skyrocketing rates of theft of Hyundai and Kia vehicles nationwide, some insurance companies are refusing to write policies for certain Hyundai and Kia models in certain locales, thereby increasing the potential number of uninsured motorists on the road.⁶⁶

V. THE CONTINUING PUBLIC NUISANCE AND DEFENDANTS' LATE, INSUFFICIENT RESPONSE

85. The rampant thefts of Hyundai and Kia vehicles are still impacting counties and municipalities nationwide, including Plaintiff, years after the rise in thefts of the Susceptible Vehicles first began.⁶⁷

86. Data from the Council on Criminal Justice shows that between 2019 and 2023 motor vehicle theft has increased an average of 104% across 30 cities in the United States.⁶⁸

⁶⁶ Peter Valdes-Dapena, *Some auto insurers are refusing to cover certain Hyundai and Kia models*, CNN (Jan. 28, 2023, 3:06 PM), <https://www.cnn.com/2023/01/27/business/progressive-state-farm-hyundai-kia/index.html>; see also Robert Higgs, *Progressive, State Farm halt new car insurance policies for high theft models of Kia and Hyundai*, Cleveland.com (Jan. 31, 2023, 1:06 PM), <https://www.cleveland.com/business/2023/01/progressive-state-farm-halt-new-car-insurance-policies-for-high-theft-models-of-kia-and-hyundai.html>; see also Joe Hernandez, *Dealers still sell Hyundais and Kias vulnerable to theft, but insurance is hard to get*, NPR (May 4, 2023, 5:00 AM), <https://www.npr.org/2023/05/04/1173048646/hyundai-kia-car-theft-tiktok-insurance-dealerships> (discussing how “a dozen” insurance companies denied coverage for the new owner of 2020 Kia Forte).

⁶⁷ Tom Krisher, *Hyundai and Kia thefts keep rising despite security fix*, AP News (May 9, 2023, 7:40 AM), <https://apnews.com/article/hyundai-kia-tiktok-theft-stolen-8e0a353d24be0e7bce36e34c5e4dac51>.

⁶⁸ Ernesto Lopez *et al.*, *Crime Trends in U.S. Cities: Mid-Year 2023 Update*, Council Crim. Just. (July 2023), <https://counciloncj.org/mid-year-2023-crime-trends/>.

87. Defendants' responses to the crises that they have created show they continue to prioritize profits over safety. Defendants have refused to implement a recall to install engine immobilizers in the Susceptible Vehicles, initially only suggesting that owners of Susceptible Vehicles use wheel locks and, for some government entities, offering wheel locks for them to distribute.⁶⁹ Unfortunately, the wheel locks are not entirely effective; Susceptible Vehicles with wheel locks in use have still been stolen and, in some instances, used in connection with other crimes, including shootings.⁷⁰ In addition, government entities are not set up to distribute automotive parts to residents.

88. More recently, Hyundai and Kia have begun rolling out a "software update" rather than installing immobilizers.⁷¹ As highlighted in the multistate letter sent on behalf of 18 Attorneys General (including the Maryland Attorney General,

⁶⁹ Elliot Hughes, *Kia, Hyundai will make security feature standard on new vehicles and distribute free steering wheel locks after surge of thefts*, Milwaukee J. Sentinel (July 19, 2021, 10:16 AM), <https://www.jsonline.com/story/news/crime/2021/07/19/kia-hyundai-handing-out-free-steering-wheel-locks-through-end-year/7963950002/>.

⁷⁰ Ashley Sears, *Milwaukee woman's Kia stolen twice, had steering wheel lock*, FOX 6 News Milwaukee (Sept. 28, 2021), <https://www.fox6now.com/news/milwaukee-womans-kia-stolen-twice>; see also David Rose, *'B****, I swear, b****, I'm gonna crack your phone:' Drive-by shooting suspect says to Tacoma woman*, FOX 13 Seattle (Jan. 25, 2023), <https://www.q13fox.com/news/b-i-swear-b-im-gonna-crack-your-phone-drive-by-shooting-suspect-says-to-tacoma-woman>; and Boy, 15, *fighting for his life after shooting involving stolen Kia in Minneapolis*, CBS News Minnesota (Apr. 6, 2023), <https://www.cbsnews.com/minnesota/video/boy-15-fighting-for-his-life-after-shooting-involving-stolen-kia-in-minneapolis/>.

⁷¹ *Hyundai and Kia Launch Service Campaign to Prevent Theft of Millions of Vehicles Targeted by Social Media Challenge*, NHTSA (Feb. 14, 2023), <https://www.nhtsa.gov/press-releases/hyundai-kia-campaign-prevent-vehicle-theft>.

1 Anthony G. Brown), Hyundai acknowledged that some of the affected vehicles
 2 cannot be updated, and Kia “confirmed that some unspecified number of affected
 3 vehicles cannot receive the updates.”⁷²

4 89. As acknowledged in the motion for preliminary approval of the class
 5 action settlement in the instant litigation, only 6.9 million of the approximately 9
 6 million Susceptible Vehicles are even eligible for the update.⁷³

7 90. In the three months immediately following Kia’s and Hyundai’s
 8 release of the software update, data gathered from the Associated Press showed
 9 “that the number of Hyundai and Kia thefts is still growing[.]”⁷⁴ The software
 10 update has not stopped the nuisance that the Susceptible Vehicles created and the
 11 expenses that Plaintiff has incurred and continues to incur.

12 91. The update’s efficacy has not been proven in the real world. There
 13 have been numerous reports of Kia and Hyundai vehicles being stolen after
 14

15 ⁷² Letter from Attorneys General to Ann Carlson, Acting Administrator of the
 16 National Highway Traffic Safety Administration (“Letter from Attorneys General
 17 to NHTSA”) at 6 (Apr. 20, 2023), <https://oag.dc.gov/sites/default/files/2023-04/AG%20Multistate%20Letter%20to%20NHTSA%204.20.2023%20%281%29.pdf>.

18 ⁷³ Consumer Class Pls.’ Notice Mot. & Renewed Mot. Prelim. Approval Class
 19 Action Settlement at 15, *In Re: Kia Hyundai Vehicle Theft Marketing, Sales*
 20 *Practices, and Products Liability Litigation*, 8:22-ml-03052-JVS-KES (C.D. Cal.
 21 Sept. 27, 2023), Dkt. No. 228; *see also* Carly Schaffner, *Kia, Hyundai anti-theft*
 22 *software fixes a work in progress*, Auto. News (June 2, 2023, 8:00 AM),
 23 <https://www.autonews.com/regulation-safety/kia-hyundai-antitheft-software-fix-needs-fixes> [<https://perma.cc/HGH7-ZHZF>] (noting that Defendants estimate
 “there are 9 million affected vehicles between them on the road”).

⁷⁴ *See* Tom Krisher, *Hyundai and Kia thefts keep rising despite security fix*, AP
 News (May 9, 2023, 7:40 AM), <https://apnews.com/article/hyundai-kia-tiktok-theft-stolen-8e0a353d24be0e7bce36e34c5e4dac51>.

1 receiving the software update, and Kia and Hyundai have identified scenarios where
2 the software logic fails.⁷⁵ For vehicles not covered by the update, Defendants are
3 offering nothing more than steering wheel locks or rebates for already purchased
4 wheel locks.⁷⁶ As noted by multiple Attorneys General, steering wheel locks “still
5 would not correct the underlying safety flaw . . . and . . . would impermissibly shift
6 the responsibility for fixing this problem from the company to the individual vehicle
7 owners.”⁷⁷

8 92. In addition, upon information and belief, the software update can
9 significantly inconvenience the drivers of the Susceptible Vehicles, making them
10 less likely to seek it out. Rather than install an actual immobilizer, the software
11 update doubles the length of the vehicles’ theft alarm sound and adds a new logic
12 check to the vehicles’ onboard computers that is intended to prevent the Engine
13 Control Unit from allowing the engine to start and run if the key fob is not used to
14 unlock the doors. This update will interfere with the usability of the Susceptible
15 Vehicles in many everyday situations.

18 ⁷⁵ Carly Shaffner, *Kia, Hyundai anti-theft software fixes a work in progress*, Auto.
19 News (June 2, 2023, 8:00 AM), [https://www.autonews.com/regulation-safety/kia-](https://www.autonews.com/regulation-safety/kia-hyundai-antitheft-software-fix-needs-fixes)
20 [hyundai-antitheft-software-fix-needs-fixes](https://www.autonews.com/regulation-safety/kia-hyundai-antitheft-software-fix-needs-fixes) [<https://perma.cc/HGH7-ZHZF>]
21 (discussing a February 2023 service bulletin issued from Kia to its dealers
22 regarding a software compatibility issue for Kia vehicles equipped with remote
23 start accessories; another bulletin issued from Kia in late-May of 2023
acknowledged that “the problem has not been remedied”).

⁷⁶ See Zac Palmer, *Hyundai launches software update to fix some of 4 million vehicles at risk of theft*, Yahoo! (Feb. 14, 2023),
<https://autos.yahoo.com/hyundai-launches-software-fix-4-155800221.html>.

⁷⁷ Letter from Attorneys General to NHTSA at 6.

93. As noted by the Attorneys General in their letter dated April 20, 2023, there are at least two other significant issues with the software update. First, “not all eligible vehicles can receive the updates immediately”—approximately two million vehicles with the “starting system flaw” are still awaiting eligibility for the update.⁷⁸ Meanwhile, these vehicles “will remain on the road, vulnerable to theft and posing a threat to public safety.”⁷⁹ Second, Defendants’ “voluntary service campaign” does not prompt certain “regulatory requirements and oversight and instead places additional burdens on individual vehicle owners.”⁸⁰

94. Owners of the Susceptible Vehicles have already experienced issues where the software update—which requires the car to be unlocked using the fob before starting, failing which the alarm will sound—conflicts with after-market remote start systems that they had installed, rendering the vehicles functionally inoperable. As one owner recently posted: “I have the update. I also have an aftermarket remote start. The remote start will set off my car alarm. You can turn

⁷⁸ *Id.* at 6–7. Additionally, media outlets report that customers are “having a difficult time getting through” to customer service representatives for Hyundai and Kia to inquire about the software update and their vehicle’s eligibility. *See Hyundai, Kia owners frustrated by customer call center wait times to get security upgrade*, WHIO TV 7 (Feb. 16, 2023, 8:47 PM), <https://www.whio.com/news/crime-and-law/hyundai-kia-owners-frustrated-by-customer-call-center-wait-times-get-security-update/SXRBN3OTHVC37OLC3735Y755ZU/>.

⁷⁹ Letter from Attorneys General to NHTSA at 7.

⁸⁰ *Id.*

1 the alarm off, but it will beep periodically and the headlights flash until you turn the
2 vehicle off.”⁸¹

3 95. There can be no doubt that communities nationwide are suffering
4 harmful downstream consequences because of business decisions Hyundai and Kia
5 made not to include reasonable anti-theft measures, such as immobilizer
6 technology, in certain vehicles. And as local governments have experienced
7 nationwide when vaping products and drugs have unleashed widespread harms
8 affecting public health and safety, local communities are left paying the price for
9 businesses’ decisions to boost their profits.

10 96. Prior to this software update, Hyundai turned this crisis of its own
11 making into a source of revenue, selling security kits for \$170, plus the cost of
12 installation.⁸² Defendants could have, and should have, initially included a fob-
13 integrated engine immobilizer, consistent with the industry standard. Even after the
14 cars were sold, Defendants could have implemented a mandatory recall. Instead,
15 Hyundai chose to make money from a crime wave it caused.

16 97. Because Hyundai and Kia have not implemented a mandatory recall
17 for the installation of immobilizers, millions of the Susceptible Vehicles remain on
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21 ⁸¹ Reddit (Feb. 15, 2023, 7:05 AM),
22 [[https://web.archive.org/web/20230311080407/https://www.reddit.com/r/kia/com
ments/11303m4/hyundai_and_kia_release_software_update_to/?sort=new](https://web.archive.org/web/20230311080407/https://www.reddit.com/r/kia/comments/11303m4/hyundai_and_kia_release_software_update_to/?sort=new)].

23 ⁸² Taryn Phaneuf, *Own a Kia or Hyundai? Here’s Why Your Insurance Rates
Could Go Up*, Nerd Wallet (Jan. 26, 2023, 1:31 PM),
<https://www.nerdwallet.com/article/insurance/kia-hyundai-theft>.

1 the road. A recent report from CARFAX found that 4.9 million Hyundais and Kias
2 remain susceptible to theft.⁸³

3 98. By failing to equip their vehicles with reasonable anti-theft measures,
4 such as the industry-standard engine immobilizer, Defendants have elected profits
5 over safety and created a public nuisance that continues to this day.

6 VI. IMPACTS ON PLAINTIFF

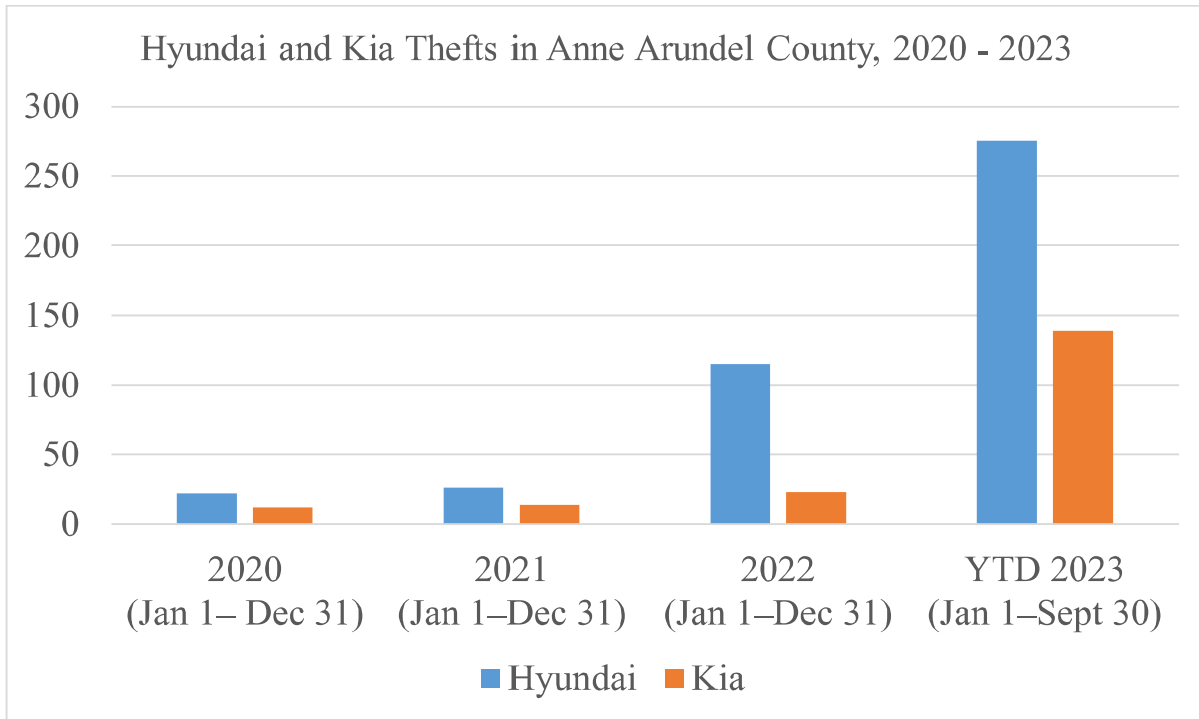
7 99. Anne Arundel County has experienced skyrocketing rates of Hyundai
8 and Kia vehicle thefts, starting in 2022. That year, Anne Arundel County recorded
9 approximately 138 thefts of Hyundai and Kia vehicles—a 245% increase from the
10 40 Hyundai and Kia thefts recorded in 2021.

11 100. From January to September of 2023, Anne Arundel County recorded
12 414 thefts of Hyundai and Kia vehicles—a 863% increase from the 43 stolen
13 Hyundais and Kias reported for January to September of 2022, and a 1,379%
14 increase from the 28 stolen in the same period in 2021.

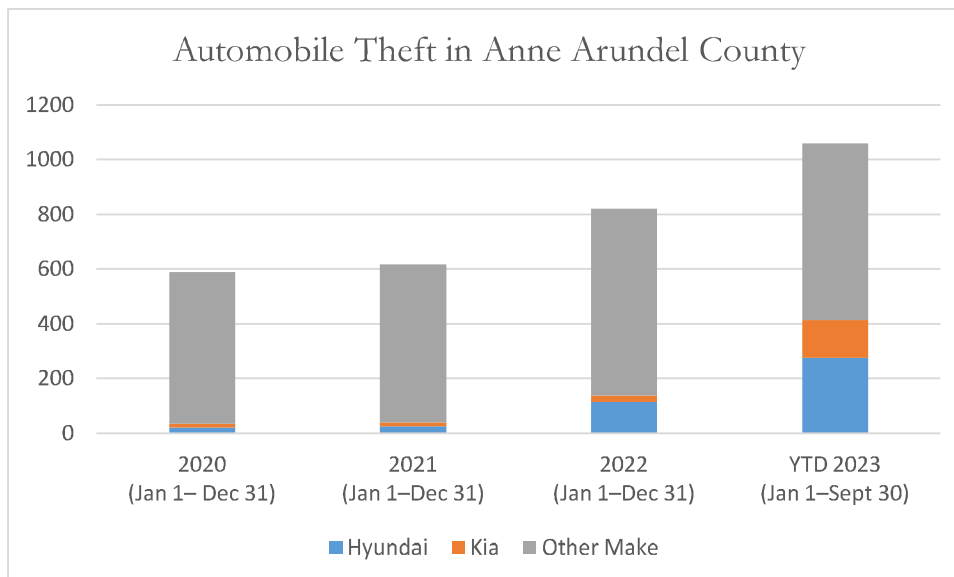
15 101. The rise in Hyundai and Kia thefts in Anne Arundel County noticeably
16 increased in the summer of 2022 before reaching unprecedented heights in recent
17 months.

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⁸³ Patrick Olsen, *Nearly 5 Million Hyundai and Kia Models Need Anti-Theft Repairs*, CARFAX Blog (July 19, 2023), <https://www.carfax.com/blog/kia-hyundai-theft-repairs>.



102. In 2020 and 2021, Hyundais and Kias accounted for approximately 6% of all vehicle thefts in Anne Arundel County. In 2022, Hyundai and Kia vehicles accounted for 17% or more of all vehicle thefts. As of September 30, 2023, Hyundais and Kias have made up approximately 39% of all motor vehicle thefts in Anne Arundel County this year.



1 103. During this same time period, attempted thefts of Hyundai and Kia
2 vehicles also dramatically increased. From January to September of 2023, Anne
3 Arundel County recorded 282 attempted thefts of Hyundais and Kias, a 40-fold
4 increase in such reports compared to the 7 over the same period in 2022.

5 104. The high rate of thefts has also led to increased threats to public safety.
6 For example, a stolen Hyundai with three boys ran a red light and hit another
7 vehicle.⁸⁴ In another incident, “[p]olice said five juveniles—a 14-year-old, two 13-
8 year-olds and two more children younger than 13—stole a Hyundai Sonata and
9 ditched it.”⁸⁵ They then stole a Kia SUV and, minutes later, crashed it into the yard
10 of a local resident of Anne Arundel County.⁸⁶ The next day, five more juveniles
11 were arrested when police officers were called to another hit-and-run crash
12 involving a stolen Kia SUV.⁸⁷

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18 ⁸⁴ Bryna Zumer, *3 teens crash stolen Towson car in Pasadena*, WMAR2 News
19 (Dec. 1, 2022), [https://www.wmar2news.com/news/local-news/3-teens-crash-](https://www.wmar2news.com/news/local-news/3-teens-crash-stolen-towson-car-in-pasadena)
20 [stolen-towson-car-in-pasadena](https://www.wmar2news.com/news/local-news/3-teens-crash-stolen-towson-car-in-pasadena).

21 ⁸⁵ Mike Hellgren, *Eight Baltimore teens apprehended for Kia, Hyundai thefts in*
22 *Anne Arundel County*, WJZ News (Aug. 2, 2023),
23 [https://www.cbsnews.com/baltimore/news/teenagers-charged-in-separate-](https://www.cbsnews.com/baltimore/news/teenagers-charged-in-separate-carjacking-car-theft-incidents-in-brooklyn/)
[carjacking-car-theft-incidents-in-brooklyn/](https://www.cbsnews.com/baltimore/news/teenagers-charged-in-separate-carjacking-car-theft-incidents-in-brooklyn/).

⁸⁶ *Id.*

⁸⁷ *5 teens charged after car theft in Brooklyn Park, crash in Glen Burnie*,
WBALTV11 (Aug. 3, 2023), [https://www.wbaltv.com/article/5-teens-charged-](https://www.wbaltv.com/article/5-teens-charged-stolen-car-crash-brooklyn-park-glen-burnie/44723846#)
[stolen-car-crash-brooklyn-park-glen-burnie/44723846#](https://www.wbaltv.com/article/5-teens-charged-stolen-car-crash-brooklyn-park-glen-burnie/44723846#).

1 105. Attempted thefts, even if unsuccessful, also imperil public safety.
2 When would-be-thieves are confronted, for example, they have been known to
3 shoot at victims attempting to protect their cars.⁸⁸

4 106. In addition to the dangers posed by attempted and completed thefts of
5 these vehicles (and the reckless driving that often accompanies the latter), stolen
6 Hyundais and Kias have been used to commit violent crimes. As Police Cpl. Chris
7 Anderson stated, stolen Hyundais and Kias are commonly used after the fact to
8 commit more crimes.⁸⁹ As one example, a stolen Hyundai was used in a drive-by
9 shooting on June 17, 2023, in which five cars and five homes were struck by
10 bullets.⁹⁰ The day before, two teenagers were arrested after they were found in the
11 back of a stolen Hyundai with a loaded semi-automatic handgun in the passenger
12 compartment.⁹¹ On August 1, 2023, a stolen Kia was used in an attempted armed
13 carjacking.⁹²

15 ⁸⁸ See, e.g., *Kia, Hyundai cars continue to be targeted in Anne Arundel County*,
16 WMAR2 News (Jun. 9, 2023), [https://www.wmar2news.com/local/kia-hyundai-](https://www.wmar2news.com/local/kia-hyundai-cars-continue-to-be-targeted-in-anne-arundel-county)
[cars-continue-to-be-targeted-in-anne-arundel-county](https://www.wmar2news.com/local/kia-hyundai-cars-continue-to-be-targeted-in-anne-arundel-county).

17 ⁸⁹ Jeff Hager, *Stolen vehicles tied to recent crimes in Anne Arundel County*,
18 WMAR2 News (Jun. 20, 2023), [https://www.wmar2news.com/crime-ties-to-](https://www.wmar2news.com/crime-ties-to-stolen-vehicles-anne-arundel-county)
[stolen-vehicles-anne-arundel-county](https://www.wmar2news.com/crime-ties-to-stolen-vehicles-anne-arundel-county).

19 ⁹⁰ Jessica Albert, *Stolen Hyundai used in drive-by shooting in Severn, police say*,
20 WJZ News (Jun. 19, 2023) [https://www.cbsnews.com/baltimore/news/stolen-](https://www.cbsnews.com/baltimore/news/stolen-hyundai-used-in-drive-by-shooting-in-severn-police-say/)
[hyundai-used-in-drive-by-shooting-in-severn-police-say/](https://www.cbsnews.com/baltimore/news/stolen-hyundai-used-in-drive-by-shooting-in-severn-police-say/).

21 ⁹¹ Josh Starkey, *Two teenage girls charged after police find stolen Hyundai, loaded*
22 *gun in Glen Burnie*, WBALTV11 (Jun. 19, 2023),
[https://www.wbaltv.com/article/teenage-girls-stolen-hyundai-loaded-gun-glen-](https://www.wbaltv.com/article/teenage-girls-stolen-hyundai-loaded-gun-glen-burnie/44255335)
[burnie/44255335](https://www.wbaltv.com/article/teenage-girls-stolen-hyundai-loaded-gun-glen-burnie/44255335).

23 ⁹² Anne Arundel County Police Dept., *Police Press Release – August 2, 2023*,
Police News (Aug. 2, 2023), [https://www.aacounty.org/police-department/about-](https://www.aacounty.org/police-department/about-us/news/police-press-release-august-2-2023)
[us/news/police-press-release-august-2-2023](https://www.aacounty.org/police-department/about-us/news/police-press-release-august-2-2023).

107. Not only is the public at large imperiled, but Hyundai and Kia's decision to place their profits over community safety has also endangered Anne Arundel County officers. In May of 2023, a stolen Kia Optima struck an investigating officer as it sped from the scene.⁹³ The officer became pinned between the Kia and his patrol car and was taken to the University of Maryland Shock Trauma Center.⁹⁴

VII. CAUSE OF ACTION

COUNT ONE — PUBLIC NUISANCE

108. Plaintiff incorporates each preceding paragraph as though fully set forth herein.

109. Defendants created and maintained a public nuisance that proximately caused injury to Plaintiff.

110. Defendants, through their designing, manufacturing, distribution, and sale of automobiles that are dangerously susceptible to theft, have created, contributed to, and maintained a public nuisance that substantially interferes with rights common to the general public, is offensive to community moral standards, and unlawfully obstructs the public's free use of public property.

111. Defendants' conduct has interfered, and continues to interfere, with the public's use of public streets and sidewalks in Anne Arundel County and has

⁹³ Barry Simms, *Police: Teens arrested in Glen Burnie after stolen car hit officer*, WBALTV11 (May 12, 2023), <https://www.wbaltv.com/article/teens-arrested-glen-burnie-stolen-car-hit-officer/43878461>.

94 *Id.*

1 endangered the safety, health, and comfort of the general public in Anne Arundel
2 County.

3 112. The public nuisance created and maintained by Defendants has
4 resulted, and continues to result, in significant damage and annoyance to Plaintiff.

5 113. In addition, Defendants' conduct has undermined law enforcement
6 efforts to deter vehicle theft and has otherwise diverted scarce law enforcement
7 resources.

8 114. At all relevant times, Defendants have been the manufacturers,
9 marketers, and/or distributors of the Susceptible Vehicles being stolen at record
10 rates and that are, at times, being used in the commission of violent crimes in Anne
11 Arundel County.

12 115. At all times relevant to this litigation, Defendants knew or had reason
13 to know of the hazards and dangers of forgoing installation of reasonable anti-theft
14 measures, such as engine immobilizers, in the Susceptible Vehicles and specifically
15 the increased risk of vehicle theft and public harm. Defendants knew or had reason
16 to know that the installation of engine immobilizers successfully decreased the rate
17 of car theft by as much as 40%. Defendants also knew or had reason to know that
18 the installation of immobilizers in their own vehicles has considerable deterrent
19 effects on the rate of car theft.

20 116. Defendants know that their conduct has caused an increase in vehicle
21 theft that has had and will continue to have a detrimental effect on the safety,
22 welfare, peace, comfort, and convenience of the general public in Anne Arundel
23 County.

1 117. Defendants, through their business practices, have contributed and
2 continue to contribute to a significant increase in vehicle theft, reckless driving, and
3 the use of their vehicles in the commission of other crimes in Anne Arundel County,
4 thus endangering the safety and health of considerable numbers of Anne Arundel
5 County residents, depriving Anne Arundel County residents of the peaceful use of
6 the public streets and sidewalks, undermining law enforcement efforts, increasing
7 law enforcement costs, diverting law enforcement resources, and interfering with
8 commerce, travel, and the quality of daily life in Anne Arundel County.

9 118. Accordingly, each Defendant has and continues to substantially
10 interfere with rights common to all and causes, contributes to, and/or maintains a
11 public nuisance in Anne Arundel County.

12 119. As a result of Defendants' conduct, Anne Arundel County has suffered
13 and will continue to suffer economic damages, including significant expenditures
14 for police and other services, injuries to police officers and damage to County
15 property. Anne Arundel County will continue to incur economic damages until the
16 nuisance is abated. These damages are particular to Anne Arundel County and are
17 different in kind to the harms suffered by residents at large.

18 120. Defendants' misconduct alleged in this case has created an ongoing
19 and persistent public nuisance and does not concern a discrete event or discrete
20 emergency of the sort a political subdivision would reasonably expect to occur and
21 is not part of the normal and expected costs of a local government's existence. Anne
22 Arundel County alleges wrongful acts which are neither discrete nor of the sort a
23 local government can reasonably expect to occur.

121. Anne Arundel County has suffered, and will continue to suffer, unique harms as described above, which are different in kind and degree to the harms suffered by Anne Arundel County residents at large.

122. Anne Arundel County has incurred, and will continue to incur, expenditures over and above its ordinary public services due to the public nuisance created by Defendants' actions.

123. Anne Arundel County requests an order providing for abatement of the public nuisance that Defendants have created or assisted in the creation of, compensation for the economic injuries suffered as a result of the nuisance, and injunctive relief.

VIII. PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for a judgment:

124. Entering an Order that the conduct alleged herein constitutes a public nuisance under Maryland law;

125. Entering an Order that Defendants are jointly and severally liable;

126. Entering an Order requiring Defendants to abate the public nuisance described herein and to deter and/or prevent the resumption of such nuisance;

127. Enjoining Defendants from engaging in further actions causing or contributing to the public nuisance as described herein;

128. Awarding Plaintiff equitable relief to fund automobile theft prevention;

129. Awarding Plaintiff actual and compensatory damages;

130. Awarding Plaintiff punitive damages;

- 1 131. Awarding Plaintiff reasonable attorneys' fees and costs of suit;
2 132. Awarding pre-judgment and post-judgment interest; and
3 133. Awarding Plaintiff with such other and further relief as the Court
4 deems just and proper under the circumstances.

5 **IX. DEMAND FOR JURY TRIAL**

6 134. Plaintiff hereby demands a trial by jury.

7 RESPECTFULLY SUBMITTED this 24th DAY OF OCTOBER, 2023.

8 GREGORY J. SWAIN
9 COUNTY ATTORNEY

KELLER ROHRBACK L.L.P.

10
11 By /s/ Gregory J. Swain
12 Gregory J. Swain (*pro hac vice*
13 *forthcoming*)
County Attorney

By /s/ Dean Kawamoto
Dean Kawamoto, CSB #232032
Gretchen Freeman Cappio (*pro*
hac vice forthcoming)
Derek W. Loeser (*pro hac vice*
forthcoming)
Ryan McDevitt (*pro hac vice forthcoming*)
Alison Gaffney (*pro hac vice forthcoming*)
Garrett Heilman (*pro hac vice forthcoming*)
Zachary Gussin (*pro hac vice forthcoming*)
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