**UNITED STATES DISTRICT COURT**
**SOUTHERN DISTRICT OF FLORIDA**
**MIAMI DIVISION**

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| KENAI BATISTA, individually and on behalf of those similarly situated,<br><br>Plaintiff,<br><br>vs.<br><br>NISSAN NORTH AMERICA, INC.,<br><br>Defendant. | Case No.:<br><br>**CONSUMER CLASS ACTION COMPLAINT** |

Plaintiff, KENAI BATISTA, individually and on behalf of all others similarly situated, and by and through the undersigned counsel, hereby sets forth her claims against Defendant NISSAN NORTH AMERICA, INC. in this Consumer Class Action Complaint.

## NATURE OF THE CASE

1. Plaintiff brings claims under the Florida Deceptive and Unfair Trade Practices Act ("FDUTPA"), Fla. Stat. §§ 501.201, *et seq.*, the Magnuson-Moss Warranty Act, 15 U.S.C. §§ 2301, *et seq.*, and Florida common law against Defendant NISSAN NORTH AMERICA, INC. ("NISSAN").

2. This action arises from the sale or lease of more than one hundred thousand vehicles throughout Florida and the United States manufactured by Defendant NISSAN that are equipped with defective transmissions. These defective transmissions were installed in all model year 2013 - 2014 Nissan Pathfinders ("AFFECTED VEHICLES") sold or leased to consumers, including Plaintiff.

3. The AFFECTED VEHICLES were sold or leased pursuant to express and implied warranties. Every AFFECTED VEHICLE is backed by a 36-month/36,000-mile express written warranty and a 5-year/60,000-mile express written "powertrain" warranty. Such warranties cover any repairs needed to correct defects in materials or workmanship, and specifically apply to the engine, transmission and transaxle, drivetrain, and restraint system. Defendant NISSAN

explicitly extended these warranties to all purchasers, lessees, and subsequent purchasers and lessees of AFFECTED VEHICLES throughout the United States and in Florida.

4. Those warranties assured consumers that the powertrain (including the transmission) in each AFFECTED VEHICLE was free from irreparable defects and that the AFFECTED VEHICLES were properly equipped for the use for which they were intended. At the time each AFFECTED VEHICLE was sold or leased, NISSAN breached its express and implied warranties because each AFFECTED VEHICLE was equipped with a dangerous and irreparably defective transmission. As of the filing of this complaint, all AFFECTED VEHICLES are within the coverage dates of the express written warranties.

5. The irreparable and defective transmission supplied in all of the AFFECTED VEHICLES is a continuously variable transmission ("CVT") known as the "JATCO CVT8HT." This CVT is defective in design, and as a result is prone to causing sudden, unexpected shaking and violent jerking (commonly referred to as "juddering" or "shuddering") when a driver attempts to accelerate an AFFECTED VEHICLE. This pronounced juddering or shaking of the transmission prevents an AFFECTED VEHICLE from accelerating as intended by the driver, despite his or her input with the accelerator pedal. The combination of an AFFECTED VEHICLE's transmission judder and its failure to accelerate according to driver input is associated with a "CVT belt slip condition" (the "defect"). This transmission defect creates an unreasonably dangerous situation and increases the risk of a crash; it is inevitable that an individual will be injured or killed due to a collision caused by this safety defect.

6. Reasonable efforts undertaken by the CLASS to remedy this defect with or through NISSAN have been unsuccessful. Plaintiff KENAI BATISTA requested that NISSAN fix the defective transmission of her AFFECTED VEHICLE, but NISSAN could not or would not repair it.

7. NISSAN sold, leased, and continues to sell and lease the AFFECTED VEHICLES despite its awareness of the defect and the danger it poses to consumers and other drivers.

8. NISSAN chose and continues to choose financial gain at the expense of consumer safety by concealing and omitting a disclosure of this critical safety defect to consumers who purchase or lease AFFECTED VEHICLES.

9. NISSAN has been aware of the safety hazard posed by the defective transmissions before the first AFFECTED VEHICLE was ever sold. NISSAN should not have sold, leased, or marketed the AFFECTED VEHICLES without a full and complete disclosure of the AFFECTED VEHICLES' safety defect, and should have voluntarily recalled the AFFECTED VEHICLES long ago.

10. Plaintiff brings this action on behalf of herself and all those similarly situated ("CLASS," "CLASS Members," "Consumers," "Owners") for NISSAN's breach of express and implied warranties under Florida common law and the Magnuson-Moss Warranty Act, for NISSAN's deceptive trade practices in violation of FDUTPA, and for equitable relief. Plaintiff seeks damages, injunctive and declaratory relief, restitution, disgorgement of profits, attorney's fees and costs, punitive damages, and the repair of, replacement of, or refund of money paid to own or lease all AFFECTED VEHICLES in Florida and in the United States.

## JURISDICTION AND VENUE

11. The United States District Court for the Southern District of Florida has subject matter jurisdiction over this action under the Class Action Fairness Act because there is minimal diversity and the matter in controversy exceeds the sum or value of $5,000,000.00 exclusive of interests and costs. 28 U.S.C. § 1332(d)(2)(A). None of the causes of action stated here has been assigned or otherwise given to any other court or tribunal.

12. Venue is proper in this District pursuant to 28 U.S.C. § 1391(a) - (c). NISSAN does substantial business in the State of Florida and within this Judicial District, is registered to and is doing business within the State of Florida, and otherwise maintains requisite minimum contacts with the State of Florida. Additionally, NISSAN distributes AFFECTED VEHICLES in this District and receives substantial compensation and profits from the sale and lease of AFFECTED VEHICLES in this District, and has and continues to conceal and make material omissions in this District so as to subject it to *in personam* jurisdiction in this District. Furthermore, venue is proper in this District because, like many other Florida SUBCLASS members, significant and material aspects of the transaction relating to Plaintiff Batista's purchase of her AFFECTED VEHICLE occurred within and were otherwise connected to this Judicial District.

## "AFFECTED VEHICLES"

13. Defendant NISSAN NORTH AMERICA, INC. is the developer, designer, manufacturer, assembler, tester, inspector, marketer, advertiser, distributor, seller, and warrantor of model year 2013 - 2014 Nissan Pathfinder vehicles ("AFFECTED VEHICLES") equipped with the defective JATCO CVT8HT transmission. In promoting, selling, and warranting AFFECTED VEHICLES, NISSAN acts through numerous authorized dealers, representatives, and agents.

## PARTIES

14. Plaintiff Kenai Batista, the proposed CLASS and SUBCLASS representative, is an adult resident of Florida residing in Miami-Dade County.

15. Defendant NISSAN NORTH AMERICA, INC. ("NISSAN") is a foreign California corporation. NISSAN operates, maintains offices, and conducts business in Florida.

16. Pursuant to Rules 23(b)(2), and/or 23(b)(3) of the Federal Rules of Civil Procedure, Plaintiff will seek certification of a Nationwide Consumer CLASS consisting of:

> **All consumer residents in the United States who own, owned, lease, or leased a 2013 or 2014 Nissan Pathfinder.**
>
> And a Florida Consumer SUBCLASS consisting of:
>
> **All consumer residents in Florida who own, owned, lease or leased a 2013 or 2014 Nissan Pathfinder.**

17. The CLASS and SUBCLASS definition specifically excludes all persons who assert personal injury claims arising from or relating to the defect of the transmission in their AFFECTED VEHICLE and all persons who have had their AFFECTED VEHICLE re-purchased or "bought back" by Defendant NISSAN (whether the buy-back was required by law or was solely pursuant to agreement).

## GENERAL ALLEGATIONS

### A. NISSAN Knowingly Sold Dangerously Defective Vehicles to Consumers.

18. NISSAN began manufacturing AFFECTED VEHICLES in approximately April 2012.

19. The first AFFECTED VEHICLE was sold or leased to members of the CLASS and SUBCLASS in approximately October 2012.

20. Before the first 2013 Pathfinder was ever sold, NISSAN was aware of an irreparable defect present in the JATCO CVT8HT packaged in all AFFECTED VEHICLES. This defect causes sudden, unexpected shaking and violent jerking (commonly described as "juddering" or "shuddering") when a driver attempts to accelerate an AFFECTED VEHICLE.

This defect is associated with a "CVT belt slip condition," or a failure of the CVT8HT's chain drive to transfer power through the transmission and accelerate the vehicle.

21. This defect typically manifests itself as shuddering or juddering when the driver attempts to accelerate from a slow vehicle speed or from an engine speed under 2000 RPM (revolutions per minute). The malfunctioning transmission prevents an AFFECTED VEHICLE from accelerating as intended by the driver, despite his or her input.

22. Consumer reports confirm that the transmission judder, and simultaneous unexpected failure of the AFFECTED VEHICLE to accelerate, is prone to occur at low speeds when drivers intend to pull into or merge with traffic, creating a serious safety risk for the driver, the AFFECTED VEHICLES' occupants, other drivers, and pedestrians.

23. Similar CVTs packaged with other contemporary NISSAN vehicles, which have a belt-driven design rather than the AFFECTED VEHICLES' chain-driven design, are not associated with consumer complaints of "juddering" or an unexpected failure to accelerate. Accordingly, NISSAN has not acknowledged the need to correct a "belt slip condition" in other NISSAN vehicles with other CVT designs.

24. Less than five weeks after AFFECTED VEHICLES went on sale, NISSAN began reprogramming the software installed on the Transmission Control Unit ("TCMs") of AFFECTED VEHICLES. This reprogramming of TCMs was a failed attempt to address the "juddering" and "belt slip condition" of AFFECTED VEHICLES' CVTs by using a software change as a "countermeasure" to alleviate the defect's symptoms.

25. NISSAN began developing this first software "countermeasure" before a single AFFECTED VEHICLE was sold.

26. As of the first week of December 2012, NISSAN was secretly reprogramming already manufactured but undelivered AFFECTED VEHICLES prior to their sale or lease to Florida consumers and consumers in the United States.

27. AFFECTED VEHICLES manufactured by NISSAN after December 2012 were manufactured and shipped with this software "countermeasure" already incorporated into the TCM programming.

28. NISSAN knew of the defects present in its CVT8HT transmission prior to the sale of a single AFFECTED VEHICLE, and yet NISSAN never informed the CLASS of the defect present in the CVT8HT or of its failed attempts to address the issue in some AFFECTED VEHICLES through TCM reprogramming.

29. On January 10, 2013, NISSAN distributed the previously secret TCM reprogramming "countermeasure" throughout its dealership network through Technical Service Bulletin ("TSB") No. NTB13-002, titled "VOLUNTARY SERVICE CAMPAIGN / 2013 PATHFINDER TCM REPROGRAM."

30. This TSB was released within three months of the first sale of an AFFECTED VEHICLE.

31. The initial attempt at a "fix" through TCM reprogramming (the software "countermeasure"), whether performed by NISSAN prior to delivery of an AFFECTED VEHICLE or performed by a repair technician after delivery, failed to address the "juddering" / "belt slip condition" defect present in all AFFECTED VEHICLES' transmissions.

32. TSB No. NTB13-002 states that "Nissan is conducting this voluntary service campaign to reprogram the Transmission Control Unit (TCM) on certain specific 2013 Model Year Pathfinder vehicles." By "certain specific 2013 Model Year Pathfinders," NISSAN meant all 2013 Nissan Pathfinders it did not have a chance to secretly reprogram prior to delivery for sale or lease to consumers. The TSB explains that it does not apply to vehicles where there is "not a match" with the list of applicable TCM Part Numbers, which may occur in circumstances where the reprogramming "has already been done." Some consumers who returned to their dealerships to have this TSB performed on their AFFECTED VEHICLE for the first time were

informed that their vehicle purchased in early December 2012 already had the January 10, 2013 TSB applied to their vehicle.

33. The January 10, 2013 TSB also states: "This TCM reprogram will prevent a CVT belt slip condition from occurring and will be performed at no charge for parts or labor." The TCM reprogram did not, in fact, prevent CVT belt slip conditions in AFFECTED VEHICLES. CLASS members, including Plaintiff, continued to experience the dangerous belt slip condition, "juddering" symptoms, and the resulting dangerous acceleration failure despite the application of this TCM reprogramming.

34. The TSB also included a draft letter to current owners of Nissan Pathfinders informing them that "[u]nder certain unique driving conditions, the Continuously Variable Transmission (CVT) belt may slip in some affected 2013 Nissan Pathfinder Vehicles. An indicator that the CVT belt has slipped is a shaking or a 'judder' from the CVT when coasting." Nissan failed to inform current Pathfinder owners, however, that the "coasting" referenced could be a result of a dangerous failure of the vehicle to accelerate *despite* the driver's input.

35. The TSB's draft letter to Pathfinder owners intentionally misinformed consumers that "[t]his is not a safety issue, and the vehicle still meets and/or exceeds all applicable safety standards." In fact, the belt-slip condition results in a dangerous failure of the vehicle to accelerate in response to driver input, as confirmed by both a later TSB issued by NISSAN in September 2013 and by consumer reports submitted to the NHTSA (*see* Section B, *infra*).

36. The TSB's draft letter to Pathfinder owners also stated that "Reprogramming of the Transmission Control Module (TCM) will prevent the belt slip condition from occurring." This statement was also false; it did not disclose that the juddering problem was not fixed, as confirmed by both the subsequent September 2013 TSB and consumer reports submitted to the NHTSA (*see* Section B, *infra*).

37. Despite NISSAN's knowledge of the defect present in AFFECTED VEHICLES, NISSAN continued to omit any disclosure of this unresolved safety defect to new and subsequent purchasers and lessees of AFFECTED VEHICLES, and instead chose to conceal it.

38. NISSAN continued to manufacture, market, and distribute new AFFECTED VEHICLES into model year 2014 despite the TSB's failure to remedy the "judder" / "belt slip condition" transmission defect.

39. On September 10, 2013, NISSAN released TSB No. NTB13-086, titled "2013 - 2014 ALTIMA V6 SEDAN AND PATHFINDER; JUDDER DURING LIGHT ACCELERATION."

40. The September 10, 2013 TSB was another attempt by NISSAN to mitigate the "juddering" defect present in AFFECTED VEHICLES' transmissions with a software reprogramming "countermeasure." This TSB again applied where "a judder (shudder, single or multiple bumps or vibrations) happens during light acceleration[.]"

41. The September 10, 2013 TSB requires the complete replacement of an AFFECTED VEHICLE's CVT if the vehicle was built before December 2012 and if the prior TSB, NTB13-002, was not performed before the vehicle was driven 1,000 miles. NISSAN assumes that AFFECTED VEHICLES which travelled more than 1,000 miles without the incorporation of the prior software reprogramming suffered irreparable damage to the transmission internals as a result of the "belt slip condition" / "juddering" defect.

42. If an AFFECTED VEHICLE was built after December 2012, or if the prior TSB was already performed before an AFFECTED VEHICLE had been driven 1,000 miles, the September 10, 2013 TSB requires a second TCM reprogramming and a subsequent test drive.

43. According to the September 10, 2013 TSB, technicians are instructed to apply the second software "countermeasure" to an AFFECTED VEHICLE. After successful TCM reprogramming, technicians are instructed to take the AFFECTED VEHICLE on a test drive and attempt to replicate the AFFECTED VEHICLE's transmission "judder" post- reprogramming. If

the AFFECTED VEHICLE continues to exhibit symptoms of the defect during this test drive, the TSB calls for complete replacement of the AFFECTED VEHICLE's transmission with a new or remanufactured part.

44. Specifically, after this second software "countermeasure" has been applied to an AFFECTED VEHICLE, this TSB requires technicians to analyze vibrations and other data recorded during the test drive. If the recorded data demonstrates that the AFFECTED VEHICLE repeatedly "judders" or "vibrates" while simultaneously failing to accelerate according to the driver's input, the TSB requires complete replacement of the transmission notwithstanding the second software reprogramming "countermeasure."

45. The September 10, 2013 TSB No. NTB13-086 demonstrates that both software "countermeasures" do not resolve the "juddering" defect present in the transmission of all AFFECTED VEHICLES, despite the "countermeasures'" attempts to mitigate the symptoms of the defect.

46. The September 10, 2013 TSB also confirms NISSAN's knowledge that the transmission "juddering" occurs when an AFFECTED VEHICLE fails to accelerate in response to the driver's input.

47. NISSAN has replaced the transmission in many consumers' AFFECTED VEHICLES due to persistent "juddering" even after the application of TSB No. NTB13-086, including instances where the technician could not "replicate" the "juddering" during the first post-reprogramming test drive.

48. Many AFFECTED VEHICLES do not "judder" during the initial post-reprogramming test drive, only to return for complete transmission replacement under TSB No. NTB13-086.

49. Multiple consumer reports and complaints also persist despite the application of all of NISSAN's TSBs, software "countermeasures," and *multiple* transmission replacements

under TSB No. NTB13-086. Some consumers have complained of three and four transmission replacements, yet continue to experience the dangerous "juddering" and acceleration failure.

50. Despite the release of multiple TSBs, the application of multiple software countermeasures to AFFECTED VEHICLES, and the complete replacement of the transmissions installed in AFFECTED VEHICLES as a result of the "juddering" / "belt slip condition" defect, NISSAN continues to omit or fail to disclosure this unresolved safety defect to new and subsequent purchasers or lessees of AFFECTED VEHICLES, including all CLASS members. Instead, NISSAN continues to manufacture and sell Nissan Pathfinders equipped with the defective CVT8HT without any disclosure to consumers about these hidden safety defects.

51. NISSAN has not developed or distributed a permanent fix for the defect present in all AFFECTED VEHICLES' transmissions.

**B. Consumers Have Extensively Reported The Safety Hazard To NISSAN.**

52. NHTSA provides a system for motor vehicle owners to report complaints relating to safety defects that pose a risk of accidents in vehicles manufactured or imported in the United States, including safety defects relating to transmission malfunctions. The safety defect complaints are entered into the NHTSA consumer complaint automated database, which is accessible to manufacturers and reviewed by NISSAN. NHTSA also provides these consumer complaints to the vehicle's manufacturer directly, including NISSAN. Given the vast majority of owners of AFFECTED VEHICLES are not aware of NHTSA and/or its reporting system, complaints received by NHTSA form an extremely small minority of the overall number of complaints which have been made to NISSAN directly and/or through their authorized dealerships.

53. Since at least 2013, NISSAN has received complaints of transmission defects and safety concerns related to the AFFECTED VEHICLES through NHTSA, the Better Business Bureau, NISSAN internet forums, NISSAN dealerships, and directly by owners of AFFECTED VEHICLES.

54. Despite NISSAN's wealth of knowledge relating to the subject defect in the AFFECTED VEHICLES' transmissions and its clear safety implications, NISSAN has and continues to suppress and conceal this knowledge and has failed to disclose that its AFFECTED VEHICLES' transmissions are defective and dangerous. Consumers continue to operate AFFECTED VEHICLES and continue to experience dangerous failures of the defective transmission, and are at increased risk for crashes.

55. Consumers have submitted at least 130 individual NHTSA complaints regarding AFFECTED VEHICLES consistent with the "juddering" / "belt slip condition" CVT defect described in NISSAN's TSBs, averaging more than one complaint per week since AFFECTED VEHICLES went on sale. The number and content of NHTSA consumer complaints of "juddering," transmission "slipping," and a simultaneous loss of acceleration highlight the consistence and prevalence of the CVT8HT's defect.

56. These consumer complaints filed with the NHTSA, and delivered to NISSAN, often highlight the safety risk caused by the defect, including reports of near accidents and expressions of concern for drivers' families—without concern and resolution by NISSAN. NISSAN received and were aware of these consumer complaints. Many of these complaints are reprinted in the paragraphs below.

57. A January 3, 2013 consumer complaint submitted to NHTSA states: "ANOTHER OWNER OF A 2013 PATHFINDER WAS ALSO HAVING PROBLEMS WITH THEIR TRANSMISSION AND WAS TOLD THAT A PROBLEM HAD BEEN IDENTIFIED WITH THE COMPUTER THAT WAS AFFECTING THE TRANSMISSION. NISSAN KNEW ABOUT THE PROBLEM BUT DIDN'T CATCH IT PRIOR TO THE NEW PATHFINDER LEAVING THE FACTORY."

58. A February 5, 2013 consumer complaint submitted to NHTSA states: "I HAVE MY 2013 PATHFINDER FOR AROUND 2 WEEKS AND SINCE DAY 2 IT'S HAVING PROBLEMS I THINK WITH THE POWER TRAIN. IT START TO FAIL THE

ACCELERATION, LIKE WHEN ON A MANUAL CAR YOU STEP OUT THE CLUTCH EARLY. I WENT TWICE TO A NISSAN DEALER TO VERIFY THE PROBLEM AND ON BOTH VISITS THEY SAID THERE'S NO PROBLEM WITH THE SUV. SO I HAVE TO WAIT TO SOMETHING MORE HAPPENS SO THEY CAN FIND A PROBLEM. I CHANGED MY 2010 PATHFINDER FOR THIS ONE... I THINK I MADE A REALLY BAD MOVE HERE."

59. A February 11, 2013 consumer complaint submitted to NHTSA states: "SERVICE TECH CONFIRMED TRANSMISSION WAS SLIPPING. WHILE DRIVING BACK TO THE DEALERSHIP, THE DRIVER PRESSED THE GAS PEDAL AND THE CAR WOULDN'T MOVE. THIS CREATED A SAFETY ISSUE FOR THE DRIVER AND SERVICE TECH. IT HAPPENED TWICE MORE AND THE VEHICLE ALMOST GOT STUCK UNDER THE DOOR TRYING TO RETURN TO THE DEALERSHIP. DIAGNOSIS BY DEALER: CVT FAILURE."

60. A February 26, 2013 consumer complaint submitted to NHTSA states: "TODAY 02/26/2013 A NEW PROBLEM OCCURS WHEN I DRIVE AT 15MPH THE TRANSMISSION JERK CAUSE A BIG VIBRATION TO THE CAR AND I'M AFRAID THIS WILL LEAD TO A MAJOR PROBLEM. I PURCHASE THIS CAR TO TRANSPORT MY 4 YEARS DAUGHTER AND I DON'T WANT THIS CAR TRANSMISSION TO BREAK DOWN ON FREEWAY WHICH COULD CAUSE A MAJOR PILE UP. PLEASE CONSIDER A SAFETY TO OUR FAMILY AND MANY OTHERS FAMILY OWN THIS NISSAN PATHFINDER BY INVESTIGATION INTO THIS MATTER. SINCERELY."

61. A March 19, 2013 consumer complaint submitted to NHTSA states: "MOST OF THE TIME THAT I AM ACCELERATING BETWEEN 20 - 25 MPH, THE VEHICLE IS SHAKING. THE AMOUNT OF SHAKE OR "SHUDDER" VARIES FROM SLIGHTLY NOTICEABLE TO VERY NOTICEABLE. THE CONCERN HERE IS THE RELIABILITY OF THE TRANSMISSION (CVT) WHICH SEEMS TO BE SLIPPING. I BELIEVE THIS

SHOULD BE INVESTIGATED TO PREVENT FAILURE OF THE TRANSMISSION WHILE DRIVING IN FREEWAYS THUS PREVENTING A POSSIBILITY OF A CRASH."

62. A March 20, 2013 consumer complaint submitted to NHTSA states: "DURING SLOW ACCELERATION FROM FULL STOP, THE VEHICLE WOULD VIBRATE/SHUDDER FOR A COUPLE OR SECONDS SOMEWHERE BETWEEN 15-25 MPH. IT FEELS LIKE THE TRANSMISSION WOULD SLIP AND CATCH AND SLIP AND CATCH. THIS HAPPENS 3-5 TIMES A DAY. I DRIVE MOSTLY CITY DRIVING SO ITS MOSTLY STOP AND GO DRIVING FROM ONE LIGHT TO THE NEXT. THERE HAS BEEN A RECALL TO REPROGRAM THE TRANSMISSION COMPUTER BUT MY VEHICLE IS NOT PART OF THAT RECALL AND EXHIBITS THE SAME ISSUES. EVEN AFTER THE REPROGRAM, OTHER OWNERS I'VE TALKED TO STILL EXPERIENCE THE SAME ISSUE."

63. A March 27, 2013 consumer complaint submitted to NHTSA states: "WHEN STARTING FROM BEING STOPPED AND ALSO WHEN GOING SLOW FROM FIRST TO SECOND GEAR, TRANSMISSION SHUDDERS AND JERKS LIKE IT IS STUCK AND CAN'T GET INTO THE NEXT GEAR. TOOK BACK TO DEALERSHIP AND THEY CONFIRMED THERE IS A PROBLEM AND THAT NISSAN IS INVESTIGATING BUT DOESN'T HAVE A FIX YET BUT HOPES TO BY APRIL 2013. MOST EXPENSIVE CAR WE EVER BOUGHT AND WE HAVE ONLY HAD IT A MONTH AND IT IS DOING IT MORE AND MORE FREQUENTLY. IF NISSAN KNEW THERE WAS A PROBLEM THEY SHOULD HAVE STOPPED SELLING THE CARS OR AT LEAST NOTIFY THE POTENTIAL BUYER OF THE PROBLEM."

64. A March 28, 2013 consumer complaint submitted to NHTSA states: "THE CONTACT OWNS A 2013 NISSAN PATHFINDER. THE CONTACT STATED THAT WHILE DRIVING APPROXIMATELY 15 MPH, THE TRANSMISSION BEGAN SHIFTING HARD. WHEN DRIVING APPROXIMATELY 30 MPH, THE VEHICLE WOULD VIBRATE

EXCESSIVELY. THE VEHICLE WAS TAKEN TO THE DEALER FOR DIAGNOSIS HOWEVER, THE TECHNICIAN WAS UNABLE TO DIAGNOSE THE FAILURE AND ADVISED THE CONTACT THAT THE FAILURE WAS NOT SAFETY RELATED. THE TECHNICIAN RESET THE TRANSMISSIONS COMPUTER BUT THE FAILURE CONTINUED. THE MANUFACTURER WAS MADE AWARE OF THE FAILURE. THE VEHICLE WAS NOT REPAIRED. THE APPROXIMATE FAILURE MILEAGE WAS 1,600."

65. An April 5, 2013 consumer complaint submitted to NHTSA states: "WE TO HAVE THE NISSAN BLUES. WE HAVE HAD OUR NISSAN FOR A MONTH AND THE TRANSMISSION IS JERKING IN IT. TOOK IT TO THE DEALERSHIP TWICE AND THEY TOLD US THAT IT IS BETWEEN US AND NISSAN. THEY ALSO SAID THAT THERE WAS NOTHING THEY COULD DO. NOW WE ARE MAKING PAYMENTS ON A VEHICLE THAT WE ARE NOT COMFORTABLE ABOUT DRIVING. AFRAID THAT IT WILL STALL IN AN INTERSECTION AND SOMEONE WILL GET HURT OR KILLED."

66. An April 22, 2013 consumer complaint submitted to NHTSA states: "TRANSMISSION (CVT) ON SLOW ACCELERATION WILL SHUTTER/SHAKE BETWEEN 20-25 MPH. ALSO, WILL REPEAT AT APPROX 40 MPH. ON 4-17-13, WAS TOLD BY NISSAN DEALER THAT NISSAN WAS AWARE OF PROBLEM BUT DID NOT HAVE A FIX AT THIS TIME. PROBLEM IS WORSE WITH HOT ENGINE/TRANSMISSION. I WORRY TRANSMISSION WILL FAIL WHILE TRAVELING AS THIS IS OUR VACATION VEHICLE. CERTAINLY A MAJOR PROBLEM AS A TRANSMISSION WOULD BE SAFETY RELATED. HOW LONG FOR NISSAN TO "FIND" A FIX???? ONE OR TWO WEEKS OR A YEAR OR MORE?"

67. An April 23, 2013 consumer complaint submitted to NHTSA states: "VEHICLE SHUDDERS AS IF DRIVING OVER RUMBLE BARS FOR APPROXIMATELY 5 SECONDS WHEN ACCELERATING SLOWLY -- USUALLY AROUND 40 MPH. DEALER DUPLICATES BUT HAS NO FIX. DEALER INDICATES NISSAN AWARE OF ISSUE --

BELIEVES TO BE IN PROGRAMMING FOR THE CVT -- BUT DOES NOT HAVE A FIX AT THIS TIME."

68. An April 25, 2013 consumer complaint submitted to NHTSA states: "THE CONTACT OWNS A 2013 NISSAN PATHFINDER. THE CONTACT STATED THAT WHILE DRIVING APPROXIMATELY 5 MPH, THE TRANSMISSION BEGAN SHUTTERING. ADDITIONALLY, THE FAILURE OCCURRED WHILE THE CONTACT WAS ATTEMPTING TO ACCELERATE. THE MANUFACTURER WAS NOT MADE AWARE OF THE FAILURE. THE VEHICLE WAS NOT REPAIRED. THE APPROXIMATE FAILURE MILEAGE WAS 3,000."

69. An April 29, 2013 consumer complaint submitted to NHTSA states: "VEHICLE SHUDDERS AS IF DRIVING OVER RUMBLE BARS FOR APPROXIMATELY 5 SECONDS WHEN ACCELERATING SLOWLY -- USUALLY AROUND 40 MPH."

70. A May 2, 2013 consumer complaint submitted to NHTSA states: "VEHICLE FIRST SHUTTERED OR VIBRATED DURING DECELERATION COMING TO STOP. VEHICLE SHIFTS ROUGH AT LOW SPEEDS AND LOW RPMS. THE VEHICLE HAS 1800 MILES ON IT NOW, AND HAS NOW DONE THIS AT LEAST TWENTY TIMES. I ABSOLUTELY LOVE EVERYTHING ABOUT THIS VEHICLE, EXCEPT THIS SHIFTING PROBLEM. I AM MOST CONCERNED ABOUT IT GETTING WORSE AND DEVELOPING INTO SOMETHING FAR WORSE. I PLAN ON TAKING IT TO THE DEALER NEXT WEEK. I ALREADY HAD TO TAKE IT BACK THE DAY AFTER I BOUGHT IT FOR A FAULTY WINDSHIELD WIPER FLUID SENSOR."

71. A May 8, 2013 consumer complaint submitted to NHTSA states: "I STARTED DRIVING UP A SMALL HILL FROM A COMPLETE STOP. IT SOUNDED LIKE THE CAR STARTED SHUDDERING, AS IF I WAS DRIVING OVER A RUMBLE STRIP. THIS HAPPENED ON A NUMBER OF OCCASIONS IN DIFFERENT PLACES BUT THEY WERE ALWAYS AROUND HIGHWAYS SO I NEVER PAID ATTENTION. THIS TIME THERE

WAS NO HIGHWAY, IT WAS JUST A LOCAL STREET AND THERE DEFINITELY WERE NO RUMBLE STRIPS. WILL HAVE TO TAKE THIS TO THE DEALER. NOT EXPECTING MUCH AS I SEE A LOT OF PEOPLE ARE HAVING THE SAME PROBLEM. THERE MUST BE A RECALL FOR THIS..."

72. A May 11, 2013 consumer complaint submitted to NHTSA states: "STARTING AROUND 1100 MILES, OUR CAR SHUDDERS AND SHAKES AS IF IT IS GOING TO STALL WHEN BEING DRIVEN AROUND 20 MPH. IT HAS HAPPENED BETWEEN 15 AND 20 TIMES NOW OVER THE COURSE OF 10 DAYS. WE PURCHASED IT APRIL 11, IT FIRST HAPPENED APRIL 17, AND WAS IN THE SHOP FROM 4/22 UNTIL 5/10. WE HAD IT OUT OF THE NISSAN SERVICE SHOP FOR LESS THAN 24 HOURS WHEN IT STARTED HAPPENING AGAIN. WOW. JUST THOUGHT I WOULD ADD MYSELF TO THE BELOW LIST OF SIMILAR SCENARIOS. I HOPE NISSAN FIGURES OUT WHAT IS GOING ON AND TAKES GOOD CARE OF/COMPENSATES THEIR PAYING CUSTOMERS."

73. A May 13, 2013 consumer complaint submitted to NHTSA states: "THE VEHICLE BEGINS TO VIBRATE OR ALMOST SEEMS LIKE ITS SLIPPING IF THAT MAKES SENSE IT HAPPENS WHEN I'M FIRST TAKING OFF AT LOW SPEEDS."

74. A May 14, 2013 consumer complaint submitted to NHTSA states: "WHILE CLIMBING AN INCLINE IN A PARKING GARAGE, TURNING TO GO UP THE RAMP FROM THE RIGHT HAND CURVE, THE TRUCK LOST POWER AS I GAVE THE ACCELERATOR MORE PRESSURE. IT TOOK 2-3 SECONDS OF ACCELERATION BEFORE IT WOULD MOVE. 4 DAYS LATER, WHILE TURNING RIGHT FROM A STOP AND PUTTING PRESSURE ON THE ACCELERATOR IN ORDER TO FLOW INTO 50MPH TRAFFIC, THE TRUCK LOST POWER. IT TOOK 3-4 SECONDS OF ACCELERATION BEFORE IT WOULD MOVE. I WAS ALSO IN A LOANER 2013 PATHFINDER SV, THE SAME TRIM AS MINE, AFTER WE TOOK MINE IN TO SERVICE THIS POWER LOSS

ISSUE AND IT ALSO LOST POWER AFTER TURNING RIGHT FROM A STOP AND ATTEMPTING TO ACCELERATE INTO TRAFFIC."

75. A May 18, 2013 consumer complaint submitted to NHTSA states: "TRANSMISSION SEEMS TO CUT OUT SUDDENLY. HAS HAPPENED 15-20 TIMES IN 4 MONTHS OF OWNERSHIP. HAVE NOT TAKEN TO DEALERSHIP YET. DOESN'T SEEM TO BE A PATTERN OTHER THAN HAPPENS WHEN ACCELERATING FROM A STOP OR FROM LOW SPEED. LOVE THE CAR...HOPE THEY CAN SOLVE WHAT APPEARS TO BE A COMMON PROBLEM."

76. A May 19, 2013 consumer complaint submitted to NHTSA states: "I BOUGHT A NEW 2013 NISSAN PATHFINDER ABOUT 2 MONTHS AGO WITH ONLY 900 MILES ON IT AND THE TRANSMISSION STARTED TO HAVE PROBLEM. AFTER ABOUT 300 MILES ON THE SUV I STARTED TO FEEL THE SHUDDER/JERKING WHEN I ACCELERATE SLOWLY FROM 0 TO ABOUT 20 MPH. ON 2 OCCASIONS WHEN I SLOWED DOWN TO MAKE A TURN THE TRANSMISSION JERK SO HARD THAT THE WHOLE CAR WAS SHAKING. I DID NOT FEEL THIS JERKINESS WHEN I TEST DROVE THE 2013 AT THE DEALER OR THE 1ST COUPLE HUNDRED MILES ON MY SUV. IT BECOMES VERY ANNOYING FOR DAILY DRIVING. I TOOK TO NISSAN DEALER COUPLES TIME AND NISSAN DEALER SAID THAT IT'S NORMAL FOR A CVT TRANSMISSION TO ACT THAT WAY AND NISSAN DOES NOT HAVE A SOFTWARE UPDATE TO FIX IT YET. I DO NOT THINK IT IS NORMAL FOR A BRAND NEW CAR TO ACT THAT WAY."

77. A May 20, 2013 consumer complaint submitted to NHTSA states: "THE VEHICLE SHUDDERS, AS IF GOING OVER A HIGHWAY RUMBLE STRIP, FOR APPROXIMATELY 2 TO 3 SECONDS WHEN ACCELERATING FROM A SLOW ROLL. DURING THIS SHUDDERING PERIOD THE CAR LOSES ALL POWER AND FAILS TO RESPOND."

78. A May 21, 2013 consumer complaint submitted to NHTSA states: "WE HAVE EXPERIENCED INTERMITTENT PROBLEMS WITH THE VEHICLE SHAKING OR VIBRATING WHILE ACCELERATING OR DECELERATING, WITH TEMPORARY LOSS OF POWER AT LOW SPEED 10-20 MPH. THIS HAS OCCURRED SEVERAL TIMES, EVEN AFTER THE RECALL REPROGRAM WAS DONE. THE MOST RECENT OCCURRENCE HAPPENED TWICE MAY 17, 2013, TEN DAYS AFTER PICKING IT UP FROM THE DEALERSHIP AFTER THEY DROVE IT FOR 300 MILES AND DID NOT DUPLICATE THE ISSUE. WE WERE TOLD THAT THE RECALL WAS TO ADDRESS THE SHAKING ISSUES WITH THE VEHICLE AND WOULD BE CORRECTED BY REPROGRAMMING THE COMPUTER (WHICH WAS SUPPOSED TO HAVE ALREADY BEEN DONE) AND IT DID NOT RESOLVE THE PROBLEM. SOME NISSAN EMPLOYEES SAY THERE IS NO ISSUES KNOWN WITH THE PATHFINDER AND SOME WILL ADMIT IT THERE IS, BUT SAY ENGINEERING IS WORKING ON A FIX FOR IT, BUT CLAIM IT IS NOT A SAFETY CONCERN. MY WIFE ALMOST ENDED UP IN A DITCH ON ONE OCCASION AND THEN MISSED REAR ENDING A VEHICLE WHILE THE VEHICLE WAS SHAKING AND SHE WAS SLOWING DOWN ON ANOTHER OCCASION. THE PROBLEM IS NOT EASILY DUPLICATED, SO IT TOUGH TO SHOW IT HAPPENING, BUT DOES SOMEONE ACTUALLY HAVE TO GET HURT BEFORE IT BECOMES A SAFETY ISSUE AND IS REALLY LOOKED INTO?"

79. A May 22, 2013 consumer complaint submitted to NHTSA states: "THE CAR SHUDDERS, PERIODICALLY AS YOU ARE ACCELERATING ANYWHERE FROM SPEEDS OF 20MPH TO 40 MPH. IT DOESN'T DO THIS ALL THE TIME, BUT WHEN IT STARTS TO SHUDDER IS VERY NERVE WRACKING. CONCERNED TRANSMISSION IS BEING DAMAGED/OR DEFECTIVE. NISSAN DOESN'T SEEM TO HAVE A FIX FOR THIS. I AM TOLD IT IS A PROBLEM WITH PATHFINDERS PRODUCED BEFORE JAN 13."

80. A May 23, 2013 consumer complaint submitted to NHTSA states: "TRANSMISSION SHUDDERS WHEN ACCELERATING FROM A LOW SPEED OF APPROX 25-30 MPH. ENTIRE VEHICLE SHAKES LIKE YOU ARE DRIVING OVER SPEED BUMPS. OCCURS EVERYDAY."

81. A May 23, 2013 consumer complaint submitted to NHTSA states: "I PURCHASED A 2013 NISSAN PATHFINDER SL. THE VEHICLE SHUDDERS AND VIBRATES EXCESSIVELY FROM 20 TO 30 MPH AND AT LOW RPM'S(1000 TO 1,500 RPM'S). ALSO, THE VEHICLE HAS BEGUN TO SHUDDER LIKE THIS AT SPEEDS UP TO 50 MPH. I TRIED SWITCHING TO 2WD AND TO FULL TIME 4WD MODE BUT WITHOUT LUCK. I ALSO TRIED TO SWITCH OFF THE OVERDRIVE ALSO WITHOUT LUCK. THE SERVICE ADVISOR AT THE DEALER TOLD ME THAT THIS IS HAPPENING WITH ALL OF THE PATHFINDERS AND THAT THESE NEW CVT TRANSMISSIONS OPERATE THIS WAY. I ASKED TO SPEAK TO THE SERVICE MANAGER, WHO REPEATED EVERYTHING THE ORIGINAL ADVISOR STATED, BUT STOPPED SHORT OF SAYING IT IS 'NORMAL' FOR THE VEHICLE TO PERFORM IN THIS FASHION. HE ALSO TOLD ME HE IS DRIVING THE SAME MODEL AS ME AND THAT HE HAS GOTTEN USED TO THE VIBRATIONS. I HOPE NISSAN COMES UP WITH A SIMPLE FIX FOR THIS PROBLEM, UNTIL THEN I AM UNPLEASANTLY SURPRISED."

82. A May 27, 2013 consumer complaint submitted to NHTSA states: "IN STOP AND GO TRAFFIC FROM THE DOUBLETREE HOTEL AT I-85 TO EMORY HOSPITAL AT ABOUT 20 MPH WHEN ACCELERATING FROM A STOP THE TRANSMISSION WOULD SHUTTER AND VIBRATE AS IT MOVED INTO THE NEXT GEAR RATIO IT HAPPENED THREE TIMES THAT DAY AND ON TWO OTHER OCCASIONS BACK HOME WITH 6 TO 7 HUNDRED MILES ON THE CAR. THIS CAR HAS THE CVTRANSMISSION. NO PROBLEMS AT ANY OTHER SPEED."

83. A May 29, 2013 consumer complaint submitted to NHTSA states: "THE

CONTACT OWNS A 2013 NISSAN PATHFINDER. THE CONTACT STATED THAT WHILE DRIVING 20 MPH, THE VEHICLE STALLED WITHOUT WARNING AND FAILED TO ACCELERATE. THE VEHICLE WAS TAKEN TO THE DEALER FOR DIAGNOSIS BUT THEY WERE UNABLE TO DUPLICATE THE PROBLEM. THE VEHICLE WAS NOT REPAIRED AND THE PROBLEM PERSISTED. THE MANUFACTURER WAS NOTIFIED. THE APPROXIMATE FAILURE MILEAGE WAS 21."

84. A May 29, 2013 consumer complaint submitted to NHTSA states: "DURING SLOW ACCELERATION FROM A FULL STOP, THE VEHICLE WILL VIBRATE/SHUDDER AS IF DRIVING OVER RUMBLE STRIP FOR A SECOND OR TWO USUALLY SOMEWHERE BETWEEN 15-25 MPH. THE VEHICLE STOPS ACCELERATING DURING THIS SHUTTER. THIS HAPPENS 3-5 TIMES A DAY. IT HAS ALSO OCCURRED AROUND 40 MPH, BUT MUCH LESS FREQUENTLY. I TOOK IT TO THE DEALER WHO DEEMED THE SHUTTERING CHARACTERISTIC FOR THE CVT DESIGN. THE DEALER ALSO INDICATED THAT NISSAN HAS NOT ISSUED ANY SERVICE BULLETINS ADDRESSING KNOWN CONCERNS FOR EITHER THE TRANSMISSION OR ENGINE IN THE 2013 MODEL YEAR PATHFINDER. I HAVE NOT BEEN ABLE TO CONSISTENTLY REPRODUCE THE PROBLEM. IF THIS SHUTTERING WERE TO OCCUR AS I PULLED INTO TRAFFIC, I FEAR THIS MAY LEAD TO AN ACCIDENT."

85. A May 31, 2013 consumer complaint submitted to NHTSA states: "WHILE DRIVING THE VEHICLE WHEN THE CAR GOES TO SHIFT GEARS IT START S SHUTTERING LIKE YOU ARE ROLLING OVER RUMBLE STRIPS. I TRIED TO CLIMB A SMALL HILL BY MY OFFICE AND THE CAR COULD NOT GET UP THE HILL. I LET OFF THE GAS AND THEN PRESSED THE GAS AGAIN AND IT FINALLY MADE IT. SOMETIMES WHILE TRYING TO MERGE INTO TRAFFIC THE CAR LOSES POWER TO EXCEL. ALSO BOUGHT THIS CAR TO SPECIFICALLY TOW A TRAILER/BOAT AND

HAVE BEEN ADVISED THAT I SHOULD NOT TOW WITH IT."

86. A May 31, 2013 consumer complaint submitted to NHTSA states: "PURCHASED THIS CROSSOVER ON 12/14/2012. LOSS OF POWER HAS OCCURRED TWICE WHILE ACCELERATING FROM BETWEEN 15-30MPH WHILE ACCELERATOR WAS DEPRESSED. WHEN I TRIED TO FLOOR THE ACCELERATOR, THE RPM'S INCREASED BUT THE CVT DID NOT ENGAGE. HAD TO REMOVE FOOT FROM ACCELERATOR THEN REAPPLY FOR THE CVT TO RE-ENGAGE. CALLED NISSAN CONSUMER AFFAIRS ON 5-31-13 WHO SAID MY VIN IS NOT PART OF ANY UPDATES/RECALLS FOR THIS ISSUE. SAID TO TAKE THE CAR TO THE DEALERSHIP FOR EVALUATION. ADDITIONALLY, I HAVE EXPERIENCED THE 'JUDDER/SHUTTER' ABOUT 3-4 TIMES AS WE'LL AT HIGHWAY SPEEDS AND IN THE CITY. I HAVE READ ON SOME DISCUSSION BOARDS THAT A 'FIX/PART' IS IN THE WORKS FOR LATE JUNE."

87. A June 3, 2013 consumer complaint submitted to NHTSA states: "THE CONTACT OWNS A 2013 NISSAN PATHFINDER. THE CONTACT STATED THAT WHILE DRIVING APPROXIMATELY 15 MPH, THERE WAS AN ABNORMAL VIBRATION IN THE VEHICLE. THE VEHICLE WAS TAKEN TO THE DEALER FOR DIAGNOSIS. THE TECHNICIAN WAS UNABLE TO DIAGNOSE THE FAILURE. THE MANUFACTURER WAS MADE AWARE OF THE FAILURE. THE VEHICLE WAS NOT REPAIRED. THE VIN WAS NOT AVAILABLE. THE APPROXIMATE FAILURE MILEAGE WAS 1,500."

88. A June 5, 2013 consumer complaint submitted to NHTSA states: "WHILE DRIVING THE 2013 NISSAN PATHFINDER THE VEHICLE WILL SHUDDER DURING ACCELERATION FOR UNKNOWN REASONS. IT IS INTERMITTENT AND MAKES A DRIVER THINK THEY HAVE GONE OFF THE ROAD AND YOU ARE RIDING ON A RUMBLE STRIP WHEN YOU ARE NOT ON A RUMBLE STRIP. THE EVENT IS VERY UNPREDICTABLE. IT FRIGHTENS THE DRIVER WHEN IT OCCURS AND IS VERY

DISTRACTING WHILE OPERATING A MOTOR VEHICLE."

89. A June 13, 2013 consumer complaint submitted to NHTSA states: "ON MY NEW 2013 NISSAN PATHFINDER SL 4X4 I AM HAVING THE FOLLOWING PROBLEM. WHEN ACCELERATING FROM A STOP, OR INCREASING SPEED FROM A TURN, THE CAR SPUTTERS, POWER FLUCTUATES, AND SOMETIMES IT VIBRATES AND FEELS LIKE I AM DRIVING OVER A GRID. SHIFTING IS ROUGH WHILE DRIVING, AND THE CAR SOMETIMES FEELS LIKE IT'S GOING TO STALL, OR LIKE I'M DRIVING A STANDARD TRANSMISSION AND I'VE LET OFF THE CLUTCH TOO SOON. THE PROBLEM HAS BEEN ONGOING AND STARTED INCONSISTENTLY WHERE I THOUGHT MAYBE IT WAS ROAD CONDITIONS AND NOT THE CAR, BUT THE PROBLEM NOW OCCURS EVERY TIME I DRIVE THE CAR, IT'S GETTING WORSE, AND I'M EXPECTING ANY DAY FOR IT TO BREAK DOWN ON ME. I PURCHASED THE CAR NEW ON 2/26/13, SO I'VE HAD IT JUST OVER 3 MONTHS."

90. A June 17, 2013 consumer complaint submitted to NHTSA states: "DRIVING AT A LOW RATE OF SPEED THE VEHICLE "SHUDDERS" AND DOES NOT HAVE MUCH POWER. IF I SPEED UP ITS OKAY, BUT ANYTIME I'M DRIVING SLOWLY IT DOES THE SAME THING."

91. A June 22, 2013 consumer complaint submitted to NHTSA states: "I PURCHASED MY 2013 NISSAN PATHFINDER IN MARCH. IT HAS HAD THE FOLLOWING PROBLEM SINCE I GOT IT. WHEN ACCELERATING FROM STOPPING, OR WHEN INCREASING SPEED WHEN TURNING, THE VEHICLE SPUTTERS. IT SOMETIMES VIBRATES AND ALSO FEELS LIKE I'M GOING OVER SOMETHING ROUGH. IT FEELS LIKE THE VEHICLE IS GOING TO SHUT COMPLETELY OFF WHEN IT DOES THIS. THIS PROBLEM HAS BEEN GOING ON NOW FOR 3 1/2 MONTHS.. I HAVE CONTACTED CONSUMER AFFAIRS BUT AS OF TODAY, NOTHING HAS BEEN DONE TO CORRECT THE PROBLEM. THE PROBLEM IS CONSISTENT EVERY TIME I

DRIVE IT AND IS GETTING WORSE."

92. A June 26, 2013 consumer complaint submitted to NHTSA states: "WHEN I HAD MY NEW CAR FOR ONLY TWO WEEKS, WHILE DRIVING ON SIDE STREETS, I STARTED TO HEAR RUMBLING LIKE I WAS GOING OVER ROUGH ROAD OR A WARNING STRIP AT RANDOM TIMES WHEN I ACCELERATED. THEN IT ALSO HAPPENED WHEN I TRIED TO ACCELERATE ON THE PARKWAY. WHEN I CALLED THE DEALERSHIP, THEY STATED THAT THEY HAD NO IDEA WHAT I WAS TALKING ABOUT. TOLD ME TO BRING THE CAR IN A WEEK LATER WHEN THEY HAD A LOANER CAR AVAILABLE. I TOOK IT ON JUNE12TH, AND THEY STILL STATED THEY DID NOT KNOW WHAT THE PROBLEM WAS. I STARTED TO RESEARCH AND FOUND OUT THAT THIS IS A COMMON TRANSMISSION PROBLEM IN THE 2013 PATHFINDERS.WHEN I TOLD THEM I KNEW THIS WAS A COMMON TRANSMISSION PROBLEM, THE DEALER IS STILL STATING THEY KNOW NOTHING ABOUT IT, BUT NOW WANT TO REPLACE MY TORQUE CONVERTER WHEN THEY GET THE PART THAT IS CURRENTLY NOT AVAILABLE. I CALLED NISSAN AND HAVE ASKED FOR A REFUND OF MY MONEY. I DO NOT WANT A BRAND NEW CAR WITH TRANSMISSION PROBLEMS! I CAN'T USE IT TO TOW MY BOAT AND AM AFRAID TO GO ANY LONG DISTANCES. THEY STILL HAVE NOT CALLED ME BACK. HOW CAN THEY CONTINUE TO SELL THIS CAR WHEN THERE ARE NATIONWIDE PROBLEMS WITH THIS TRANSMISSION?"

93. A June 27, 2013 consumer complaint submitted to NHTSA states: "THE CONTACT OWNS A 2013 HONDA PATHFINDER. THE CONTACT STATED THAT WHILE DRIVING 40 MPH, THE VEHICLE VIBRATED JERKED AND LOST ACCELERATION. THE FAILURE WAS EXPERIENCED NUMEROUS TIMES. THE VEHICLE WAS TAKEN TO THE DEALER TO HAVE A DIAGNOSTIC PERFORMED; WHICH LOCATED THE FAILURE AT THE TRANSMISSION. THE CONTACT DID NOT

KNOW THE NAME OF PART THAT NEEDED TO BE REPLACED WITHIN THE TRANSMISSION. THE VEHICLE WAS NOT REPAIRED. THE VIN WAS NOT AVAILABLE. THE CURRENT AND FAILURE MILEAGE WAS 1,000."

94. A June 28, 2013 consumer complaint submitted to NHTSA states: "TRANSMISSION SHUDDER ON ACCELERATING 18 TO 20 MPH."

95. A July 1, 2013 consumer complaint submitted to NHTSA states: "WE PURCHASED VEHICLE WITH 9 MILES ON ODOMETER. AFTER DRIVING FROM BILLINGS MT TO RIVERTON WY, APPROXIMATELY 4 HOURS, WE NOTICED WHAT WE THOUGHT WAS A SLIGHT SHUTTER, VEHICLE FAILED TO ACCELERATE. NOW, WHEN THE VEHICLE REACHED APPROXIMATELY 800 MILES, IT NOW HAS 1100 MILES, THE VEHICLE HAS DONE THIS APPROXIMATELY 20 TIMES. THE PROBLEM IS PROGRESSIVELY GETTING WORSE AND MORE FREQUENT, AND HAVING TWO KIDS, A 8 YEAR OLD AND 6 MONTH OLD, WE ARE KINDA SCARED TO DRIVE THE VEHICLE."

96. A July 2, 2013 consumer complaint submitted to NHTSA states: "TRANSMISSION SHUDDER AND LOOSING POWER FOR A BRIEF MOMENT ON ACCELERATING AROUND 20-30 MPH. IT FEELS AS IF DRIVING ON ROUGH SURFACE. IT IS PROGRESSIVELY GETTING WORSE."

97. A July 8, 2013 consumer complaint submitted to NHTSA states: "AS YOU DECELERATE FROM 50 -55 MPH AND SLOW DOWN TO 40 MPH, THE VEHICLE BEGINS TO "SHUDDER", SIMILAR TO DRIVING OVER RUMBLE STRIPS THAT ARE TYPICALLY FOUND ALONG HIGHWAYS THAT ALERT DRIVERS THAT THEY ARE MOVING ONTO THE SHOULDER. AFTER 4-5 SECONDS, THE SHUDDER STOPS AND THE VEHICLE DRIVES NORMALLY. READING ON THE INTERNET, THIS APPEARS TO BE OCCURRING WITH A NUMBER OF VEHICLES AND MAY RESULT IN TRANSMISSION FAILURE OVER TIME."

98. A July 11, 2013 consumer complaint submitted to NHTSA states: "THE SECOND ISSUE IS A SHUDDERING THAT OCCURS WHEN DECELERATING OR ACCELERATING AT LOWER SPEEDS. IT HAS HAPPENED SEVERAL TIMES CAUSING ME TO TAKE MY EYES OFF THE ROAD AND LOOK AT THE INSTRUMENT PANEL TO SEE IF SOMETHING IS WRONG. THE VEHICLE IS SLUGGISH WHEN THIS HAPPENS. I AM WORRIED THAT IT WILL HAPPEN TURNING INTO TRAFFIC AND CAUSE AN ACCIDENT."

99. An August 5, 2013 consumer complaint submitted to NHTSA states: "DRIVING FROM COCOA, FLORIDA TO VIRGINA, THE CAR KEPT JERKING. IT FELT LIKE WHEN THE ENGINE GOT HOT IT WAS JERKING MORE AND WORSE. BY THE TIME WE REACHED THE SOUTH OF THE BORDER (NORTH CAROLINA AND SOUTH CAROLINA) THE TRANSMISSION SHUT DOWN AND THE CAR COULDN'T MOVE (IN THE MIDDLE ON I-95). WE WERE LUCKY THERE WERE NO CARS BEHIND US OTHERWISE THERE WOULD BE A PILE OF CAR BEHIND US."

100. An August 18, 2013 consumer complaint submitted to NHTSA states: "THE CAR STARED TO SHUTTER LIKE DRIVING OVER RUMBLE STRIPS, AND LOST OF POWER. I HAVE TAKEN IT TO THE DEALER TWICE AND YOU KNOW WHAT THEY SAID CAN'T REPRODUCE IT. I HATE TAKEN CAR BACK TO THE DEALER THEY NEVER FIX ANYTHING. PLEASE HELP!!!!!"

101. A September 1, 2013 consumer complaint submitted to NHTSA states: "VEHICLE SHAKING/SHUDDERING WHILE DRIVING. SEEMED LIKE THE VEHICLE IS LOOSING POWER AND NOT RESPONDING TO CONTROLS. TACHOMETER AND SPEEDOMETER GAUGE ALSO SHAKE/JITTER."

102. A September 6, 2013 consumer complaint submitted to NHTSA states: "ON JUNE 15, 2013 MY VEHICLE BEGAN SHAKING WHILE I WAS DRIVING IT. I TOOK IN INTO THE DEALERSHIP THAT DAY. THEY SAID THERE WAS A RECALL ON THE TORQUE

CONVERTER SO THEY REPLACED IT. THEY CALLED ME 2 WEEKS LATER TO COME GET MY VEHICLE. WITHIN THE FIRST DAY HAVING IT BACK IT WAS SHACKING EVEN WORSE LIKE IT WAS GOING TO CUT OFF. IT SCARED ME. I CALLED DEALERSHIP AGAIN THEY CAME AND PICKED UP THE VEHICLE. AFTER THE DEALERSHIP HAD MY VEHICLE FOR SEVERAL WEEKS THEY TOLD ME THEY HAD TO REPLACE THE TRANSMISSION. THE 2013 NISSAN PATHFINDER'S WERE REPORTING ISSUES WITH THEM AND I WAS TOLD I WASN'T THE ONLY OWNER GOING THROUGH THIS PROBLEM. I SHOULD CALL THE CORPORATE NISSAN OFFICE AND START A CLAIM. I DID SO THAT DAY. I GOT A CALL SAYING MY CAR WAS READY AND THEY WOULD DROP IT OFF TO ME. AFTER TWO DAYS OF HAVING MY VEHICLE I HAD PROBLEM'S ONCE AGAIN. I WAS DRIVING UP ONTO MY DRIVEWAY AND THERE WAS A INCLINE. MY ENGINE MADE THE NOISE LIKE IT WAS REARING UP I TRIED IT 3 TIMES PUSHING DOWN ON THE GAS PEDAL AND STILL NOTHING. SO, I PUT IT IN PARK AND CALLED THE DEALERSHIP THE NEXT BUSINESS DAY, THEY TEST DROVE IT AND FOUND NO PROBLEM'S WITH IT. MEANWHILE I HAD A OPEN CASE WITH NISSAN TO TRY AND BUY BACK MY VEHICLE BECAUSE I DIDN'T FEEL SAFE IN IT WITH MY 3 CHILDREN. I HEARD BACK A COUPLE DAYS AGO THAT MY REQUEST HAD BEEN DENIED. THEY HAVE OFFERED ME 2 MORE YEARS EXTENSION ON MY TRANSMISSION WARRANTY. I AM EXTREMELY DISSATISFIED. THIS WILL BE MY 3RD NISSAN OWNING AND THIS IS THE FIRST PROBLEM I HAVE EVER HAD. I AM WORRIED ABOUT THIS MATTER. I SPEND A LOT OF MONEY FOR A VEHICLE AND I EXPECT TO NOT GET A LEMON. I HAVE BEEN OUT OF MY VEHICLE SINCE JUNE 15 PRETTY MUCH. I DON'T WANT TO GET STRANDED ON THE SIDE OF THE ROAD BECAUSE MY BRAND NEW VEHICLE IS NOT RELIABLE."

103. A September 10, 2013 consumer complaint submitted to NHTSA states: "VEHICLE SHUDDERING. MY 2013 PATHFINDER HAS HAD TRANSMISSION SHUDDERING FOR THE PAST 4 MONTHS WITH NO RESOLUTION. I HAVE MADE 4 TRIPS (FOR THE SAME COMPLAINT) WITH THE FOLLOWING RESULTS. 1) NISSAN KNOWS OF THE PROBLEM, WILL BE NOTIFIED WHEN A SOLUTION IS FOUND, LAST WEEK OF MAY 2013 2) UNABLE TO FIND ISSUE JUNE 2013 3) MADE A CALL TO NISSAN CUSTOMER SERVICE AND A NEW VISIT WAS SCHEDULED, ON THIRD VISIT THE PROBLEM WAS DUPLICATED BUT WAS TOLD TO WAIT RESULTS ON CURRENT VEHICLES HAVING HAD THEIR TORQUE CONVERTER AND TRANSMISSIONS BEING CHANGED. 4) ON THE 4TH VISIT 9/7/2013 (DUE TO A NEW METAL STRESS NOISE COMING FROM VEHICLE AT LOW SPEEDS) AFTER DUPLICATING THE ISSUE WAS TOLD THAT THE NOISE IS ALSO COMING FROM THE TRANSMISSION ASSEMBLY AND THAT DEALER IS WAITING FOR FIX FROM NISSAN. ORIGINALLY THE ONLY SOLUTION WAS OFFERED TO "PUSH THE GAS PEDAL" TO GET OUT OF THE SHUDDERING. AS A DRIVER YOU'RE NOT ALWAYS ABLE TO JUST PUSH THE GAS PEDAL, SPECIALLY AT THE SPEEDS THAT THIS ISSUE HAPPENS, AS YOU MAY HAVE ANOTHER VEHICLE IN FRONT OF YOU... AND OTHER VEHICLES BEHIND YOU MAY JUST INCREASE THEIR SPEED BELIEVING YOU'RE DOING THE SAME AND MAY, AS A RESULT, REAR END YOU, BECAUSE YOUR VEHICLE IS SLOWING DOWN INSTEAD OF SPEEDING UP. ANOTHER MAJOR SAFETY CONCERN IS THE BREAKING DOWN OF A TRANSMISSION, SPECIALLY DURING COLD WINTER MONTHS AND SINCE A FIX IS NOT YET AVAILABLE MAKES FOR A POTENTIAL ACCIDENT WAITING TO HAPPEN. NISSAN DOES ALSO SAY "THEY DON'T DEAL WITH LEMON LAWS" AND TO OTHER CUSTOMERS, HAVE DENIED BUYBACKS. AS OF SEPTEMBER 2013 I HAVE A VEHICLE WITH TRANSMISSION SHUDDERING, TRANSMISSION METAL NOISES (STRESS NOISES) AND NO SOLUTION... WHICH

MAKES THE NUMBER OF ATTEMPTS TO BRING THE VEHICLE BACK FOR REPAIRS USELESS BECAUSE NISSAN REPAIR FACILITIES ARE TELLING ME 'WE HAVE OUR HANDS TIED'."

104. A September 12, 2013 consumer complaint submitted to NHTSA states: "AT SPEEDS VARYING FROM 16MPH TO 40MPH THE VEHICLE CAN HAVE A HORRIBLE SHAKE. ONE WAY TO DESCRIBE IT IS WHEN YOU RUN OVER RUMBLE STRIPS AT HIGHWAY SPEEDS. THE VEHICLE DID HAVE THE NISSAN TSB REPAIR PERFORMED WHICH INSTALLED A NEW TORQUE CONVERTER BUT THIS DID NOT FIX THE ISSUE. MY WIFE WILL DESCRIBE THE SHAKING SIMILAR TO WHEN THE ENGINE ON A MANUAL TRANSMISSION GETS TOO LOW AND THE CAR SHAKES. I HAVE NOT BEEN ABLE TO DETERMINE A PATTERN TO RECREATE THE PROBLEM BUT IT HAPPENS NEARLY EVERY DAY. I HAVE DONE MULTIPLE TEST DRIVES WITH NISSAN SERVICE PERSONNEL BUT WAS UNABLE TO "MAKE IT HAPPEN" WHEN THE PERSON WAS IN THE CAR. I WAS TOLD BY ONE SERVICE PERSONNEL THAT THEY SEE THIS COMPLAINT MOSTLY BY WOMEN BECAUSE MEN HAVE A TENDENCY TO BE MORE AGGRESSIVE WITH THE THROTTLE. SINCE THE SHAKING OCCURS AT LOW RPM'S AND WITHIN THAT SPEED RANGE, THE ONLY WAY I KNOW TO MAKE SURE IT DOESN'T HAPPEN IS TO MAKE SURE THE RPM'S RISE QUICKLY ABOVE 2,000-2,500 RPM. IT IS NOT SAFE TO BE COASTING THRU TOWN AT 25MPH THEN HAVE TO REV THE ENGINE JUST TO MAINTAIN SPEED... I ALSO DO NOTICE A LACK OF POWER OR "TRANSMISSION CONFUSION" WHEN THE SHAKING OCCURS. ONCE THE SHAKING STARTS, THE WAY TO STOP IT IS TO ACCELERATE OR LET OFF THE GAS. EITHER WAY THERE IS A LACK OF POWER, HESITATION AND ABILITY TO ACCELERATE!"

105. A September 17, 2013 consumer complaint submitted to NHTSA states: "VEHICLE WAS AT A STOP LIGHT. WHEN THE LIGHT TURNED GREEN, I STARTED

TO ACCELERATE. AFTER A FEW SECONDS, THE VEHICLE LOST POWER AND STARTED TO SLOW DOWN TO A CRAWL EVEN WITH MY FOOT STILL ON THE GAS PEDAL. THE LOSS OF POWER LASTED 2-3 SECONDS AND THEN THE VEHICLE STARTED PICKING BACK UP AND DROVE NORMAL AGAIN. THIS INCIDENT HAPPENED TWICE IN ONE WEEK. TOOK THE VEHICLE TO THE DEALERSHIP BUT THEY COULD NOT REPLICATE THE PROBLEM SO THEY RETURNED THE VEHICLE TO ME AND SAID THE VEHICLE HAS NO PROBLEMS. THIS IS A SAFETY ISSUE SINCE I COULD HAVE BEEN CROSSING AND INTERSECTION WITH ONCOMING CARS AND COULD HAVE BEEN IN AN ACCIDENT."

106. A September 27, 2013 consumer complaint submitted to NHTSA states: "I PURCHASED MY 2013 NISSAN PATHFINDER, LESS THAN 6 MONTHS AGO. WE CURRENTLY HAVE 7100 MILES ON IT. WE HAVE NOT EVEN HAD OUR 2ND OIL CHANGE AND I HAVE ALREADY HAD IT IN THE SHOP 4 TIMES AND I HAVE TO TAKE IT IN TODAY FOR THE SAME ISSUE, DEALING WITH THE TRANSMISSION. AT ROUGHLY 1000 MILES, WE TOOK IT BACK TO THE DEALERSHIP IN KNOXVILLE TN DUE TO A STUTTERING WHEN COMING TO A STOP, PUTTING THE CAR IN PARK AND WHEN TAKING OFF FROM A STOP. WE WAS TOLD THIS WAS DUE TO THE NEW TRANSMISSION IN THE 2013 AND THE CAR WAS TRYING TO GET IN THE BEST GEAR FOR THE MOST EFFICIENT GAS MILEAGE. CAME TIME FOR OUR 1ST OIL CHANGE AT 3500 AND WE TOLD THEM TO CHECK THE STUTTER AGAIN AND WAS TOLD THAT IT WAS DUE TO THE TRANSMISSION, BUT THE COMPUTER WOULD CORRECT ITSELF. WE TOOK THE CAR BACK TO THE DEALER AT THE BEGINNING OF SEPT AND WAS GIVEN A RENTAL FOR 2 DAYS AND WAS TOLD THE PROBLEM WAS DUE TO THE TORQUE CONVERTER AND THEY WOULD REPLACE THE PART. THEY ALSO SAID THE FIXED THE AIRBAG RECALL AT THIS APPOINTMENT. AFTER 2 DAYS THE PART CAME IN AND THE VEHICLE WAS RETURNED IN 4 DAYS AFTER THE REPAIR.

ON 9/26/13 THE VEHICLE WAS STILL STUTTERING WHEN I CAME TO A RED LIGHT ON A HILL. THE LIGHT TURNED GREEN AND I PRESSED THE GAS PEDAL AND THE CAR DID NOT MOVE, BUT THE ENGINE RPM MOVED. THEN THE CAR KICKED INTO GEAR AND MOVED. I CAME TO ANOTHER HILL AND THE VEHICLE WAS BARELY ABLE TO MAKE IT UP THE HILL. I CALLED THE DEALER AND THEY TOLD ME TO BRING IT IN ON TODAY, 9/27/13 TO HAVE IT CHECKED AGAIN. I AM WORRIED ABOUT THE SAFETY OF MY FAMILY DUE TO THESE PROBLEMS IN THE TRANSMISSION."

107. An October 1, 2013 consumer complaint submitted to NHTSA states: "WHEN I AM ACCELERATING OR DRIVING AT LOW SPEEDS THE CAR SHUDDERS. 'BEEN TO NISSAN TWICE NOW, IT STILL SHUDDERS EVEN THOUGH THEY REPROGRAMMED THE ECM AND REPLACED THE TORQUE CONVERTER AFTER REMOVING THE ENGINE."

108. An October 2, 2013 consumer complaint submitted to NHTSA states: "HI, I BOUGHT A 2013 NISSAN PATHFINDER PLATINUM IN MAY. AS I HAVE LATER FOUND OUT, THE MODEL APPEARS TO HAVE A SHUDDER ISSUE WITH THE TRANSMISSION WHICH IS AFFECTING MY VEHICLE AS WELL. I REPORTED THIS ISSUE TO MY LOCAL NISSAN DEALER (SHEEHY NISSAN MANASSAS) IN LATE AUGUST AND THEY VERIFIED THE ISSUE. I WAS TOLD PARTS WERE ORDERED AND THAT MY VEHICLE WOULD BE FIXED IN 1 MONTH. IT IS NEARLY 2 MONTHS LATER AND I AM STILL WAITING ON A RESOLUTION. I MONITOR NISSAN PATHFINDER'S FACEBOOK PAGE, THEIR TECHNICAL SERVICE BULLETINS ETC..... AND IT APPEARS THAT NISSAN IS TRYING DIFFERENT SOLUTIONS LIKE CHANGING TORQUE CONVERTER, REPROGRAMMING TCM, AND EVEN REPLACING THE ENTIRE TRANSMISSION..... AND STILL NO SOLID RESOLUTION. FURTHERMORE, THE VEHICLES NAVIGATION SYSTEM CONSTANTLY FREEZES OR

DOES A HARD REBOOT. I WOULD LIKE GUIDANCE ON WHAT CAN BE DONE TO EXPEDITE A RESOLUTION OR IF I AM ENTITLED TO HAVE NISSAN BUY THE VEHICLE BACK IF THEY HAVE NO RESOLUTION IN SIGHT. I AM CONCERNED ABOUT THE SAFETY IMPACT OF A CONTINUED SHUDDER AND LOSS OF POWER ON THIS NEW VEHICLE."

109. An October 13, 2013 consumer complaint submitted to NHTSA states: "INTERMITTENT TRANSMISSION SHUDDER RANGING FROM MILD TO VIOLENT WITH ACCOMPANYING DECREASE OF POWER. SHUDDER PRIMARILY OCCURS AT LOW SPEED IN THE 20-40 MPH RANGE BUT HAS ALSO OCCURRED AT HIGHWAY SPEEDS WHEN TRANSMISSION IS NOT SHIFTING. SHUDDER SEEMS TO BE CAUSED BY A VARIETY OF VARIABLES INCLUDING SPEED AND DEGREE OF INCLINATION OF THE ROAD. LOSS OF POWER HAS OCCURRED IN POTENTIALLY DANGEROUS PASSING SITUATIONS,TOOK TO THE DEALER 2 TIMES AND I ALREADY DID MY 3 TIMES, FIRST RESET THE COMPUTER, SECOND CHANGE THE TORQUE CONVERTER AND I KNOW THE 3 GOING TO BE THE TRANSMISSION CHANGE."

110. An October 16, 2013 consumer complaint submitted to NHTSA states: "I PURCHASED THE NISSAN PATHFINDER ON AUGUST 5, 2013. WITHIN 2 WEEKS, THE VEHICLE WOULD SHUDDER WHEN DRIVING BETWEEN 20-30 MILES PER HOUR AND SUDDENLY LOSE POWER. I TRIED DIFFERENT TYPES OF GASOLINE WITHOUT SUCCESS. I FINALLY BROUGHT IT BACK TO THE DEALERSHIP ON SEPTEMBER 13. THEY SAID IT NEEDED A "SENSOR IN THE TRANSMISSION", THEY WOULD ORDER THE PART AND I COULD BRING IT BACK THE FOLLOWING WEDNESDAY. I BROUGHT IT IN ON WEDNESDAY. I WAS TOLD IT WOULD BE AN ALL DAY JOB. NEAR THE END OF THE DAY, I WAS TOLD THAT THE PART DIDN'T FIT AND THEY HAD ORDERED ANOTHER ONE.IT WOULD BE IN THE FOLLOWING MONDAY. THEY ARRANGED FOR ME TO GET A RENTAL CAR. THEY HAD THE CAR FOR ANOTHER

TEN DAYS. THEY CALLED FOR ME TO PICK IT UP. WHILE DRIVING BACK FROM THE RENTAL AGENCY, WITH THE SERVICE ADVISOR IN THE CAR, IT DID IT AGAIN! THEY DID NOT OFFER ANOTHER RENTAL OR TO TAKE IT BACK AND FIX IT, SO I TOOK IT HOME. A WEEK LATER, THE SHUDDERING WAS SO BAD, THAT I TOOK IT BACK IN AGAIN. THEY ORDERED AN ENTIRELY NEW TRANSMISSION (ANOTHER WEEK TO RECEIVE THE PART AND INSTALL IT). (WHY PUT A NEW TRANSMISSION IN A NEW CAR THAT ALREADY HAS A NEW TRANSMISSION THAT HAD BEEN REBUILT ONCE ALREADY WHEN THEY PUT IN THE TORQUE CONVERTER?) IT MAKES NO SENSE. MEANWHILE, I'M TERRIFIED TO HAVE TO TAKE THIS CAR BACK AGAIN."

111. An October 23, 2013 consumer complaint submitted to NHTSA states: "I PURCHASED MY PATHFINDER IN NOVEMBER 2012. AT ABOUT 1000 MILES INTO OWNERSHIP (LESS THAN A MONTH, MY VEHICLE STARTED SHUDDERING AND ACTING LIKE IT WAS GOING TO STALL. WHEN I TOOK IT IN FOR THE FIRST SERVICE THEY TOLD ME THEY CHECKED FOR IT AND COULDN'T FIND ANYTHING. THEN THEY ASKED ME TO BRING IT BACK IN FOR A COMPUTER UPDATE. IT STILL SHUDDERED. AT THE NEXT SERVICE REPEAT THE SAME SCENARIO AND THEY COULDN'T FIND ANYTHING AGAIN. THE SHUDDER IS PROGRESSIVELY GETTING WORSE AT THIS POINT. WHEN I TOOK IT BACK FOR THE 3RD SERVICE I TOLD THE DEALERSHIP AGAIN AND WAS TOLD THE SAME THING AGAIN. REPEAT ONE MORE TIME IN 9/13 AND THEY TOLD ME I NEEDED A NEW TRANSMISSION. A NEW TRANSMISSION WAS PUT IN ON 10/7 AND I PICKED IT UP ON 10/8. I LEFT FOR A BEACH 800 MILE TRIP ON 10/9 AND THE SHUDDERING IS STILL HAPPENING AND NOW WHEN I TURN MY WHEELS WHILE SLOWING DOWN (ENTERING MY GARAGE/BRAKING IN A CURVE) THE BRAKES WILL NOT HOLD AND THE VEHICLE WILL SURGE AS IF OUT OF CONTROL. IF I LEAVE IT RUNNING FOR A 10 OR SO

MINUTES IN PARK THEN TRY TO PUT IT IN DRIVE THE VEHICLE TRIES TO SURGE AWAY FROM ME AS IF I CANNOT CONTROL IT UNLESS HOLDING THE BRAKES DOWN. LAST WEEK THE VEHICLE JUMPED ACROSS 2 LANES OF ONCOMING TRAFFIC THEN QUIT. I QUICKLY STARTED IT AGAIN AND JUMPED INTO A PARKING LOT. THE DEALER PICKED IT UP AND TOLD ME THEY COULD NOT DUPLICATE THE PROBLEM AND WOULD DO ANYTHING TO HELP ME. IN FACT THEY SAID IT WAS DRIVER ERROR. THE LAST I HEARD WHEN YOU PRESS THE GAS THE CAR SHOULD GO AND WHEN YOU PRESS THE BRAKES THE CAR SHOULD STOP. IT IS NOW SITTING IN THE DEALER PARKING LOT BECAUSE I AM EXTREMELY AFRAID OF IT. THEY TOLD ME IT WAS JUST FINE AND TO COME AND GET IT. I ALMOST DIED LAST WEEK IN IT AND IT IS NOT SAFE. THE DEALER WILL NOT HELP ME NOR CONSUMER AFFAIRS AT NISSAN ARE HELPING ME. NO ONE SHOULD BE DRIVING THIS VEHICLE. SO NOW I AM OUT $44,000 FOR AN UNSAFE CAR."

112. An October 23, 2013 consumer complaint submitted to NHTSA states: "RECEIVED MY PATHFINDER BACK AFTER 15 DAYS IN THE SHOP FOR REPLACEMENT OF ABS MODULATOR AND SHUTTERING IN THE TRANSMISSION. NISSAN SERVICE DEPT. TOLD ME THEY DID A MODIFICATION TO THE TRANSMISSION TO STOP THE SHUTTERING. SERVICE MANAGER TOLD ME THERE WAS STILL A SHUTTER AT AROUND 20-30 MILES AN HOUR AND THAT WAS JUST HOW THE VEHICLE RAN. LEFT FOR A 500 MILE TRIP DAY AFTER PICKING UP FOR THESE FIXES. ON THE HWY. IT LOST POWER ON HILLS AND SHUTTER WAS HARDER THEN BEFORE. RPM'S WERE HIGHER THAN NORMAL WHICH DECREASED GAS MILEAGE BY 5 MPG. CALLED SERVICE DEPT. AND THEY TOLD ME TO TAKE THE OVERDRIVE OFF. VEHICLE DID RUN SLIGHTLY BETTER ON THE HWY. BUT ONCE ON SURFACE STREETS IT WOULD HESITATE (NOT MOVE FOR 2-5 SECONDS)

AND THEN LUNGE FORWARD WHEN TAKING OFF FROM A STOP. OTHER TIMES IT WOULDN'T MOVE AT ALL. WHEN IN REVERSE IT WOULD NOT MOVE THEN WOULD JERK BACKWARDS. ALSO WOULD ROLL FORWARD ON A SLIGHT DECLINE EVEN WHEN IN DRIVE OR REVERSE. FINALLY ON THE WAY BACK HOME THE VEHICLE'S RPM'S WENT TO 5000 AND GOT STUCK THERE, CHECK ENGINE LIGHT CAME ON. WE PULLED OFF THE HIGHWAY AT NEAREST EXIT. ON THE OFF RAMP VEHICLE STOP MOVING. FORTUNATELY THERE WAS NO ONE BEHIND US. HAD VEHICLE TOWED TO A NISSAN DEALER AND THEY SAID THE TRANSMISSION HAS 3 MODULATORS THAT WENT OUT. VEHICLE HAS NOW BEEN OUT OF SERVICE FOR MORE THAN 30 DAYS AND THE TRANSMISSION IS BACK ORDERED. NISSAN CORPORATE HAS CONTACTED ME AND WANTS TO DO A REPURCHASE OR REPLACEMENT. REPLACEMENT WOULD ONLY MEAN THAT WE WOULD BE GETTING THE SAME DEFECTIVE TRANSMISSION BUT IN A DIFFERENT PATHFINDER. REPURCHASE MEANS WE ARE OUT A LOT OF MONEY."

113. An October 28, 2013 consumer complaint submitted to NHTSA states: "WE, LIKE MANY OTHER OWNERS, ARE HAVING PROBLEMS WITH THE CVT TRANSMISSION IN OUR 2013 NISSAN PATHFINDER 4X4. AT LOW SPEED ACCELERATION, TRANSMISSION SHAKES VIOLENTLY AND POWER IS LOST -- CANNOT SPEED UP. ALSO HAPPENS AT HIGH/HIGHWAY SPEEDS. IT IS AN INTERMITTENT PROBLEM BUT A DANGEROUS ONE, BOTH WHEN TRYING TO SPEED UP FROM ROLLING START OR WHEN PASSING/ACCELERATING AT HIGHWAY SPEEDS. I HAVE CONTACTED NISSAN, TAKEN TO A DEALER WHERE THEY SAY THEY WILL REPLACE TORQUE CONVERTER. I HOPE THIS WILL HELP BUT MOST OTHER OWNERS REPORTING SIMILAR ISSUES SAY THESE ARE NOT FIXES AND PROBLEMS RECUR."

114. An October 28, 2013 consumer complaint submitted to NHTSA states: "PURCHASED 2014 PREMIUM PLATITUM NISSAN PATHFINDER ON 10/9/13. THE SAME EVENING I NOTICED THE CAR VIOLENTLY JERKING FROM STOP TO 35 MPH (2000 RPM). I THOUGHT IT WAS JUST A FLUKE. 4 DAYS LATER THE CAR DID THE SAME THING SEVERAL TIMES. I IMMEDIATELY TOOK CAR BACK TO DEALERSHIP. THEY CLAIM THEY COULD NOT DUPLICATE ISSUE. 3 DAYS AFTER THAT, THE CAR VIOLENTLY JERKED FROM STOP TO 35 MPH ALL MORNING. I TOOK IT BACK TO DEALERSHIP. THEY DUPLICATED THE ISSUE. SAID CAR NEEDS A TRANSMISSION. I HAVE RESEARCHED ONLINE TO DETERMINE THIS IS A KNOWN ISSUE WITH NISSAN. IT HAPPENS QUIT FREQUENTLY WITH THE 2013/2014 CVT TRANSMISSIONS IN THE PATHFINDERS. CHECK EDMUNDS.COM, KBB.COM, ETC FOR REVIEWS. THE CUSTOMER REVIEWS ALL SAY THE SAME THING. THIS IS A SAFETY HAZARD BECAUSE WHEN THE CAR IS TRYING TO LEAVE 2ND GEAR WHILE JERKING, IT IS NOT PICKING UP SPEED AND CAN CAUSE SOMEONE TO RUN INTO THE BACK OF THE CAR; CAUSING INJURY OR EVEN DEATH. THIS NEEDS TO BE LOOKED INTO IMMEDIATELY AND NISSAN NEEDS TO STOP PRODUCTION OF THESE TRANSMISSIONS UNTIL THEY CAN FIX THE PROBLEM. NHTSA PLEASE GET INVOLVED TO STOP NISSAN FROM PRODUCING THESE FAULTY TRANSMISSIONS AND TO FORCE THEM TO FIX THE ONES THEY HAVE SOLD TO INNOCENT PURCHASERS. IT'S NOT RIGHT THAT THEY CONTINUE TO TAKE INNOCENT PEOPLE'S HARD EARN MONEY AND PROFIT FROM THAT, WHILE WE ARE FORCED TO PAY TO RIDE IN WHAT COULD BE A ACCIDENT CAUSING VEHICLE; RESULTING IN INJURY AND/OR WORSE CASE, DEATH!!! PLEASE BE PROACTIVE. LET'S SAVE LIVES BEFORE IT'S TOO LATE!"

115. An October 29, 2013 consumer complaint submitted to NHTSA states: "INCIDENT HAPPEN MULTIPLE TIMES FROM JULY 20TH 2013 UP TO SEPTEMBER

2013 ONLY IN HOT DAYS WITH OUTSIDE TEMPERATURE AROUND 85 DEGREES. ALL SITUATIONS WERE VERY SIMILAR. I WILL DESCRIBE JUST ONE. I WAS TRYING TO MERGE TO TRAFFIC FROM RIGHT TO LEFT. I MOVED SLOWLY AROUND 25 MPH AND I SOW THAT I CAN MERGE TO LINE SO I ACCELERATE LIGHTLY TO AROUND 30-32MPH WHERE RPM WAS AROUND 1000-1500RPM. WHEN I WAS CHANGING LINES CAR START SHAKE LIKE I'M GOING TROUGH SLOW DOWN STRIPS, I REMEMBER SPEED BECAUSE I GOT SCARED AND I TOOK LOOK TO DASH IF ENGINE LIGHT IS ON AND IF ENGINE IS SHUTTING DOWN. I SAW RPM STILL UP AND CAR STARTED MOVE NORMALLY AFTER 1-2 SEC. WHEN I PRESSED ACCELERATOR. I THOUGHT THAT CAR WILL STOP AND I WILL GET HIT BY CAR COMING FROM REAR. I HAD 2 YEARS OLD DAUGHTER IN CAR WITH ME AT THAT TIME. NO SO FUNNY NISSAN. I VISITED DEALER 2 TIMES. DEALER TRIED TO REPLICATE ISSUE BUT THEY DID THAT AT MORNING WHEN IS NOT SO HOT. THEY COULDN'T REPLICATE IT AND THEY SENT ME HOME WITH NOTHING BECAUSE NISSAN DIDN'T RELEASED RECALL FOR MY VIN."

116. A November 11, 2013 consumer complaint submitted to NHTSA states: "MY WIFE PURCHASED HER 2013 NISSAN PATHFINDER ON 04/06/13, FROM METRO NISSAN IN MONTCLAIR CALIFORNIA. THE VEHICLE HAD ONLY 35 MILES. AT APPROXIMATELY 3000 MILES, THE VEHICLE'S TRANSMISSION BEGAN TO SHUTTER AND JERK THE VEHICLE WHEN DRIVEN AT APPROXIMATELY 20 MILES PER HOUR. INITIALLY, IT OCCURED NOT TOO OFTEN AND WE DID NOT THINK MUCH OF IT. THE SHUTTERING GOT MUCH STRONGER AS TIME WENT ON AND BECAME MORE OFTEN. DURING THESE OCCURANCES IT APPEARED THAT THE VEHICLE LOST POWER WHICH CAUSED THE VEHICLE TO SLOW DOWN. THIS CREATED A SAFETY CONCERN DUE TO NEARLY BEING STRUCK BY VEHICLES A FEW TIMES WHILE PULING OUT OF DRIVEWAYS AND MERGING INTO HIGHWAY

LANES. ITS A SAFETY ISSUE AND NISSAN NEEDS TO FIX. ON 10/29/13, I DROPPED OFF THE PATHFINDER AT METRO NISSAN, WITH APROXIMATELY 6281 MILES. I TEST DROVE VEHICLE WITH A TECHNICIAN. THE TECHNICIAN OBSERVED AND FELT THE VEHICLE SHUTTER AND TREMBLE AT APPROXIMATELY 20MPH. THE TRANSMISSION WAS REPLACED, DUE TO INTERNAL DAMAGE, WITH A NEW TRANSMISSION. THE NEW TRANSMISSION APPEARS TO BE FINE BUT I HAVE READ NUMEROUS REVIEWS ONLINE FROM AROUND THE US WITH SIMILAR PROBLEMS AND CONCERNS. SOME HAVE HAD TRANSMISSIONS REPLACED AND PROBLEM HAVE CONTINUED. MY QUESTION IS, WHAT IS NISSAN GOING TO DO TO FIX THIS PROBLEM. ITS TRULY A SAFETY HAZZARD AND MY WIFE AND I ARE CONCERNED THAT THE PROBLEM WILL RETURN. NISSAN OR DEALER DOES NOT SEEM TO HAVE SOLUTION OR FIX FOR THE PROBLEM."

117. A November 4, 2013 consumer complaint submitted to NHTSA states: "THE 2013 AND 14 PATHFINDER HAVE A FAULTY CVT TRANSMISSION THAT NISSAN CAN'T SEEM TO FIX. THE CVT WILL "JUDDER" BETWEEN 18 AND 35 MPH. IT FEELS LIKE RIDING OVER RUMBLE STRIPS. THIS IS A PROBLEM AS THE CAR CAN NOT ACCELERATE DURING THE JUDDER AND IT IS ALSO AN UNEXPECTED BEHAVIOR WHICH COULD CAUSE SOMEONE TO PANIC. FOR INSTANCE, IF YOU TRY TO PASS OR PULL OUT IN FRONT OF SOMEONE, YOU MAY FIND THE CAR NOT MOVING. NISSAN HAS TRIED MULTIPLE FIXES FOR THIS - STARTED WITH TCM REPROGRAMMING, THEN TORQUE CONVERTER REPLACEMENT, THEN ENTIRE CVT REPLACEMENT. MANY VEHICLES, LIKE MINE, ARE ON THEIR 3RD CVT. WORSE, THEY ARE REPLACING THEM WITH REMANUFACTURED CVTS. THIS IS A SERIOUS DEFECT THAT HAS SAFETY IMPLICATIONS. I PULLED OUT IN FRONT OF AN ONCOMING VEHICLE WITH PLENTY OF DISTANCE/TIME IF MY CAR WAS

WORKING PROPERLY BUT WHEN MY CVT STARTED JUDDERING AND MY VEHICLE SLOWED, I WAS ALMOST HIT."

118. A November 10, 2013 consumer complaint submitted to NHTSA states: "DRIVING ALONG AT A RELATIVELY SLOW PACE AROUND 45 MPH THE TRANSMISSION SHOOK AND SHUDDERS. IT FEELS LIKE GOING OVER RUMBLE STRIPS. THE VEHICLE HAS DONE THIS MULTIPLE TIMES THIS WEEKEND AT 25 MPH AND AT 45 MPH. THE VEHICLE IS 2.5 MONTHS SINCE PURCHASED NEW. IT HAS BEEN TO THE DEALER FOR THIS ISSUE 500 MILES AGO. THE TRANSMISSION WAS REPLACED WITH A FACTORY REMANUFACTURED TRANSMISSION AND IS STARTING TO DO THE EXACT SAME PROBLEM IT HAD PRIOR TO THE REPLACEMENT. NISSAN HAD THE VEHICLE FOR 23 DAYS TO REPLACE THE TRANS AND ADDITIONALLY HAD THE VEHICLE FOR 3 DAYS TO REPAIR THE A PASSENGER AIR BAG SEAT SENSORS WHEN IT FAILED DURING THE DELIVERY. NISSAN IS AWARE OF THE PROBLEMS WITH THE PATHFINDER TRANSMISSIONS THAT THE BUYERS ARE HAVING AND CONTINUE TO SELL THESE VEHICLES TO THE CONSUMERS. THIS WAS A VERY EXPENSIVE PURCHASE AND THE EXPECTATIONS WERE HIGH. THOSE EXPECTATIONS HAVE BEEN LOST NISSAN HAS REFUSED TO REFUND THE PURCHASE PRICE TO ME OR REPLACE THE VEHICLE. THIS IS MY SECOND REPORT TO NHTSA. MY FIRST ODI WAS 10547158. I HAVE SOUGHT LEGAL COUNSEL. IN MY OPINION NISSAN IS NEGLIGENT IN SELLING THESE VEHICLE WHEN THEY ARE AWARE OF THEM HAVING THESE PROBLEMS WITH THE TRANSMISSIONS AND THEY HAVE NO FIX THAT ADEQUATELY SOLVES THE ISSUE. I WILL RETURN THE VEHICLE TO THE DEALERSHIP. THIS IS NOT RIGHT THAT A BRAND NEW VEHICLE HAS TO GO BACK TO SHOP FOR MORE DOWNTIME AFTER ALREADY BEING OUT OF SERVICE FOR 26 DAYS OUT OF THE FIRST 45 DAYS OF OWNERSHIP."

119. A November 19, 2013 consumer complaint submitted to NHTSA states: "I PURCHASED A NEW 2013 PATHFINDER FOR MYSELF ON 4/18/2013. I STARTED NOTICING A SLIGHT SHUDDER ON TAKE OFF FROM A STOP IN MAY. WE MENTIONED THIS TO THE DEALERSHIP IN EARLY JUNE AND THE IMMEDIATELY ACKNOWLEDGE THERE WAS A PROBLEM WITH ALL THE NEW MODEL PATHFINDERS. THE FIX WAS A TORQUE CONVERTER FOR THE CVT BUT THE PARTS WERE ON BACK ORDER WITH NO KNOWN ETA. IN LATE SEPTEMBER THEY CALLED SAYING THEY HAD THE PART AND TOLD ME TO BRING IT IN FOR THE REPAIR. WHEN I CAME FOR MY SCHEDULED APPOINTMENT A COUPLE DAYS LATER THEY TURNED ME AWAY STATING THE TORQUE CONVERTER WAS FOUND NOT TO FIX THE PROBLEM AND THEY NEEDED TO COMPLETELY REPLACE THE TRANSMISSION. AGAIN, THE PARTS WERE ON BACK ORDER AND NO KNOWN ETA. THE TRANSMISSION REPLACEMENT WAS FINALLY DONE 10/24/2013 AND WE STARTED FEELING THE SHUDDERING RIGHT AWAY. I THOUGHT IT WAS THE TRANSMISSION BREAKING IN. THE PROBLEM IS MUCH WORSE NOW WITH THE CAR LOSING COMPLETE POWER AND CAUSING POTENTIAL ACCIDENTS. I HAVE A 12 MONTH OLD RIDING IN THIS VEHICLE. WE ARE CURRENTLY REQUESTING NISSAN TO REPURCHASE THE VEHICLE BECAUSE THE DEALERSHIP SAYS THERE IS NOTHING THEY CAN DO."

120. A November 19, 2013 consumer complaint submitted to NHTSA states: "PURCHASED THIS VEHICLE IN MARCH 2013. SINCE PURCHASE EXPERIENCED NUMEROUS TIMES TRANSMISSION PROBLEM THAT MANIFESTS ITSELF AS VEHICLE SHUDDERING WHEN TRYING TO MAKE TURN AT LOW SPEED OR FROM COMPLETE STOP. THIS ALSO HAPPENS WHEN TRYING TO ACCELERATE TO GO ONTO HIGHWAY, VEHICLE WOULD SHUDDER AND CAN NOT ACCELERATE UNTIL FOOT IS TAKEN FROM THE GAS PEDAL AND GAS PEDAL PRESSED AGAIN. I

BROUGHT THIS TO NISSAN USA ATTENTION AND SPOKE TO THE DEALERSHIP SEVERAL TIMES. VEHICLE WAS EVALUATED AT THE DEALERSHIP SERVICE CENTER AND WE WERE NOTIFIED THAT THE PROBLEM CAN NOT BE DUPLICATED. I TRIED TO EXPLAIN TO THE TECHNICIAN THAT IN ORDER TO DUPLICATE PROBLEM THIS VEHICLE HAVE TO BE DRIVEN FOR SEVERAL DAYS IF NOT WEEKS ON DAILY BASIS SINCE SOMETIMES PROBLEM HAPPENS EVERY THREE DAYS, SOMETIMES IT HAPPENS THREE, FOUR TIMES A DAY. I HAVE A FEELING NISSAN IS TRYING TO HIDE SERIOUS FLAWS IN THE DESIGN OF THEIR NEW PATHFINDER AND IT IS SIMPLY REFUSING TO TAKE CARE OF PROBLEMS. THIS IS SERIOUS SAFETY ISSUE AND I HOPE WE WILL NOT WAIT UNTIL SOMEONE DIES IN THE ACCIDENT UNTIL NISSAN TAKES NECESSARY STEPS TO FIX THEIR CVT TRANSMISSION."

121. A November 25, 2013 consumer complaint submitted to NHTSA states: "MY TRANSMISSION BEGAN SLIPPING, THAT WAS THE FIRST TIME I NOTICED IT DISTINCTLY. THE OTHER TIMES HAD BEEN GOING UP HILLS OR SLOWING DOWN. I CAME WITHIN A COUPLE OF FEET FROM REAR-ENDING THE CAR IN FRONT OF ME BECAUSE MY CAR DIDN'T SHIFT DOWNWARD AT A STOP LIGHT. A MINUTE LATER I HAD TO PULL OVER BECAUSE MY CAR WOULDN'T SHIFT INTO 3RD GEAR (AUTOMATIC). THIS SAME THING HAPPENED SEVERAL MORE TIMES, I TOOK IT IN TO NISSAN THEY PUT A STOP-GAP FIX, A "MODULATOR" ON IT. THEY ALREADY HAD REPORTS KNOWING THAT WASN'T GOING TO FIX IT, BUT DID IT ANYWAY. NISSAN DIDN'T TEST DRIVE IT, JUST GAVE IT BACK TO ME. I DROVE IT LESS THAN 2 MILES & TURNED AROUND, THEY KEPT MY VEHICLE FOR 5 WEEKS, PUT IN A REFURBISHED TRANSMISSION (IN MY NEW CAR). THE TRANSMISSION IS STARTING TO SLIP, AGAIN. THEY TOLD ME I COULD GET COMPENSATION, BUT LIED. I'M SCARED TO DRIVE IT, BUT DON'T KNOW WHAT TO DO! WE CAN'T

AFFORD ANOTHER VEHICLE. THIS IS A LEMON AND NEEDS TO BE RECALLED! THE VALUE HAS ALREADY STARTED TO DROP MORE THAN $10,000. I SPENT SEVERAL DAYS AND LOTS OF GAS MONEY DRIVING UP TO PICK UP MY CAR, THAT WASN'T READY! THE REPAIR SHOP WAS NICE, BUT THE CORPORATE OFFICES LIED AND WERE DISRESPECTFUL EVERY TIME."

122. A December 6, 2013 consumer complaint submitted to NHTSA states: "I RECENTLY BOUGHT A NEW 2013 NISSAN PATHFINDER- AT FIRST THE RUBBER SEALS FLEW UP WHILE DRIVING ON THE INTERSTATE- MY RIGHT SIDE PANEL STICKS OUT BY THE HEADLIGHT (IN WHICH THEY TOLD ME I MUST HAVE BEEN HIT BECAUSE THERE WERE A FEW SCRATCHES UNDER THE BUMPER AND THAT'S THE DESIGN(WHAT A BUNCH OF CRAP) MAIN CONCERN IS THE SPUTTERING THAT I ENCOUNTER WHILE DRIVING. I PAID TOO MUCH FOR THIS VEHICLE AND EVERY DEALER I TAKE IT (TAKING IT 3 TIMES) TELL ME NISSAN REQUIRES THE DATA FROM THE COMPUTER TO DIAGNOSE. YOU CAN LOOK ON THE COMPUTER AND SEE HOW MANY PEOPLE HAVE THE SAME ISSUE AND EVERY DEALERSHIP DRIVES MY CAR FOR MILES AND WASTES MY GAS - TO COME BACK AND SAY....SORRY I BELIEVE YOU BUT I NEED THE DATA AND AT THIS TIME ITS NOT DOING IT(SORRY CALL CONSUMER AFFAIRS). THIS IS MY FIRST NISSAN AND I AM HEATED... HOW CAN A COMPANY DO THIS TO ITS CONSUMERS WHO SPEND A GOOD AMOUNT OF MONEY ON THEIR PRODUCT THAT HAS ALOT OF DEFECTS. NISSAN NEEDS TO DO WHATS RIGHT AND TAKE CARE OF THEIR CUSTOMERS- I PROMISE IF THIS SPUTTERING HAPPENS AND CAUSES ME AN ACCIDENT WITH MY CHILDREN IN THE CAR - THERE IS GOING TO BE HECK TO PAY!!!! I BOUGHT THIS CAR BECAUSE I WANTED A SAFE RELIABLE VEHICLE... I AM SO FRUSTRATED!!!!"

123. A December 8, 2013 consumer complaint submitted to NHTSA states: "MY PATHFINDER BEGIN TO SHUDDERING FROM 500 MILE AND CONTINUE UNTIL NOW

3000 MILES. IT HAPPEN AT 1000-1100 RPM, SOME TIME AT 2500 RPM. I HAVE TAKE THE VEHICLE TO DEALERSHIP BUT LOOK LIKE THEY DO NOT HAVE ANY SOLUTION TO FIX THIS, THE TECHNICIAN SAID IT WILL REOCCUR AFTER REPLACE TRANSMISSION."

124. A December 9, 2013 consumer complaint submitted to NHTSA states: "I HAVE A RECURRING ISSUE WITH MY 2013 PATHFINDER SHUDDERING AND LOSING POWER AT LOW SPEEDS (20 - 30MPH). THIS ISSUE OCCURS DAILY AND APPEARS TO BE GETTING WORSE WITH APPROXIMATELY 15,000 MILES ON THE VEHICLE. THE SHUDDERING AND LOSE OF POWER LAST FOR APPROXIMATELY 15 SECONDS AND REQUIRES ME TO PRESS THE ACCELERATOR AND POWER THROUGH THE ISSUE WHICH IS A SAFETY CONCERN. I HAVE CONTACTED THE DEALER WHO WAS AWARE OF THE ISSUE AND STATED THAT NISSAN SENT EACH DEALER A "VIDEO" TO HELP ASSESS THE ISSUE AND THAT MOST VEHICLES WON'T QUALIFY BASED ON THE PARAMETERS SET BY THE MANUFACTURER. HE SAID THE REAL PROBLEM IS GOING TO BE FIGURING OUT HOW TO FIX ALL THE OTHER VEHICLES THAT DON'T QUALIFY."

125. A January 21, 2014 consumer complaint submitted to NHTSA states: "PURCHASED VEHICLE WITH 3000 MILES. NOTICED THAT I WOULD MERGE INTO TRAFFIC AND TRY TO ACCELERATE BUT THE CAR WOULD SHAKE AND NOT ACCELERATE RIGHT AWAY (LIKE A LOSS OF POWER). THEN IT WOULD STOP AND ACCELERATE NORMALLY. I HAD AN OLD AN OLD CAR FOR A LONG TIME SO I THOUGHT IT WAS JUST ME NOT BEING ABLE TO HANDLE A NEW CAR. HOWEVER THE PROBLEM HAPPENED FREQUENTLY, AND IT IS A LITTLE ALARMING IF YOU ARE MERGING ON THE INTERSTATE AND CAN'T GET THE EXPECTED SPEED. I HAVE TAKEN IT IN 2 TIMES AND THEY CANNOT FIGURE OUT WHAT IS WRONG WITH IT. ALL THE COMPUTER DATA COMES BACK OKAY. I TOOK IT IN FOR THE

BRAKE RECALL AND OF COURSE THAT DID NOT FIX IT. THEY ARE WILLING TO FIX BUT DO NOT KNOW OF A FIX. CURRENTLY THE CAR STILL DOES THIS, MOSTLY DURING 20 MPH AND WHEN I AM GOING THROUGH A ROUND ABOUT OR TURN."

126. A January 23, 2014 consumer complaint submitted to NHTSA states: "PATHFINDER SHOOK UNCONTROLLABLY AND LOST POWER. HAS HAPPENED MULTIPLE TIMES. EVEN AFTER A TRANSMISSION REPLACEMENT, PROBLEMS STILL OCCUR. HAS HAPPENED ON HIGHWAY AT RANDOM INTERVALS, CAUSING OTHER DRIVERS TO HAVE TO BRAKE SUDDENLY BEHIND US."

127. A January 27, 2014 consumer complaint submitted to NHTSA states: "WE BOUGHT A NEW NISSAN PATHFINDER 2013 IN JUNE 2013 - WE LOVE THE CAR BUT WE STARTED TO EXPERIENCE HESITATION UPON ACCELERATION IN CERTAIN SITUATIONS. WE REPORTED IT TO THE DEALER DURING A VISIT TO REPLACE A WARRANTY ISSUE, THE DEALER SAID THERE WAS NOTHING WRONG BUT THEY WERE ABLE TO REPLICATE IT ONCE. LATER ON WHEN WE NOTICED IT AGAIN, WE TOOK THE CAR BACK AND THIS TIME IT WAS AT THE DEALER FOR 8 DAYS. WE EXPERIENCE HESITATION, SLIGHT JERKING WITH THE CAR WHEN DRIVING ON SLOW SPEED. WELL, A WEEK AFTER WE TOOK IT BACK FROM THE DEALER WHILE DRIVING BACK HOME WE EXPERIENCED THIS VIOLENT JERKING AND HESITATION, THE CAR LOSES POWER, PICKS UP, LOSES POWER AND SO ON FOR A STRETCH OF 40-50 FEET ON THE ROAD OR FOR AROUND 4-5 SECOND OF DRIVING. MYSELF, MY HUSBAND AND TWO KIDS WERE SHOCKED WHEN WE FELT THE CAR JERKING AND HOW NOTICEABLE IT WAS! IT'S NOT SOMETHING I EXPERIENCE EVERY TIME I DRIVE THE CAR, BUT THIS IS NOT A SAFE DRIVE. IN THIS ONE PARTICULAR INCIDENT, I DIDN'T KNOW WHAT TO DO, PRESS ON THE GAS PEDDLE OR SLAM THE BREAK! IF I WAS DRIVING IN HEAVY TRAFFIC (WHICH I DO FOR MY COMMUTE EVERY DAY) OR DRIVING ON ICY ROADS, I WOULD HAVE PROBABLY

ENDED UP IN AN ACCIDENT. THE DEALER SEEMS TO KNOW THE PROBLEM EXISTS, BUT INSISTS ON A COMPUTER READING WHILE THE CAR IS EXPERIENCING THE ISSUE AND STATES THAT IF THERE ARE NO LIGHTS ON FROM THE COMPUTER OR NO ALERTS FROM THE SENSORS THEN THE CAR IS FUNCTIONING FINE. HONESTLY, I'M NOT COMFORTABLE DRIVING THIS CAR ANYMORE. WHAT IF THIS PROBLEM HAS NO SENSOR TO MONITOR IT? THIS IS REALLY SCARY THAT I'M DRIVING A CAR THAT I THOUGHT WAS SAFE WHEN I BOUGHT IT, EVEN WORSE, WITH MY KIDS IN THE CAR, I FEEL LIKE I'M DRIVING AT THE MERCY OF THE CAR AND THE CVT AND HOPING THAT WHEN IT RANDOMLY HAPPENS AGAIN, I'M NOT DRIVING NEAR A LOT OF CARS AND ENDING UP IN AN ACCIDENT!"

128. A February 12, 2014 consumer complaint submitted to NHTSA states: "WE ONLY HAD THE VEHICLE A FEW MONTHS WHEN THE ENTIRE VEHICLE WOULD BEGIN SHUTTERING WHEN WE WOULD TURN TO THE RIGHT OR WHEN WE WOULD ACCELERATE. IT WOULD ALSO LOSE POWER UPON ACCELERATION. WE TOOK IT IN TO THE DEALERSHIP AT WHICH TIME THEY REPLACED THE TORQUE CONVERTER. SHORTLY AFTER RECEIVING THE VEHICLE BACK IT BEGAN DOING THE SAME THING. WE TOOK IT BACK AND THEY REPLACED THE TRANSMISSION. AFTER RECEIVING IT BACK THE SECOND TIME THE PROBLEM WAS GONE FOR A FEW WEEKS AND THEN CAME BACK AGAIN. A SPECIALIST FROM NISSAN CAME TO LOOK AT THE VEHICLE AND HAD NO CLUE WHAT WAS WRONG WITH IT AND RECOMMENDED WE REPLACE THE TRANSMISSION AGAIN. I HAVE HAD MY VEHICLE FOR 8 MONTHS AND IT HAS BEEN IN THE SHOP A MAJORITY OF THAT TIME. OUR PASSENGER SIDE AIR BAG ALSO TURNS OFF AND NISSAN HAS NO WAY TO FIX THAT EITHER. NISSAN HAS GIVEN US A FEW OPTIONS, ALL OF WHICH ENTAIL US EITHER EATING THOUSANDS OF DOLLARS OR DRIVING A BROKEN VEHICLE. WORST EXPERIENCE I HAVE EVER HAD WITH A VEHICLE. I WILL NEVER

PURCHASE ANOTHER NISSAN AGAIN AND WOULD NOT RECOMMEND ANY NISSAN PRODUCT TO ANY CAR BUYER."

129. A February 14, 2014 consumer complaint submitted to NHTSA states: "WE BOUGHT A NISSAN PATHFINDER 2013 BRAND NEW FROM NISSAN DEALERSHIP. AFTER 2 MONTHS, SUV TRANSMISSION SHUDDERING OCCURRED. WE CONTACT THE DEALER SHIP AND MANUFACTURING PEOPLE THEY REPLACED (OCTOBER. )TRANSMISSION TO REFURBISHED. DECEMBER 2013 SAME THING HAPPEN BUT TOOK IT AGAIN TO SAME DEALERSHIP WORKSHOP, THEY SAID THEY DIDN'T FIND ANYTHING. ASKED US TO GET USED TO DRIVING THIS SUV. BUT IT'S BEEN GOING ON. FINALLY WE TOOK IT AGAIN TO DIFFERENT DEALERSHIP WE BOUGHT THIS FROM, THEY FOUND SAME TRANSMISSION ISSUE. NISSAN MANUFACTURING & DEALERSHIP FIGHTING THEIR BEST TO NOT TO REPLACE A NEW CAR OR NEW TRANSMISSION. ONLY REFURBISHED TRANSMISSION AND IT WON'T COME WITH EXTENDED WARRANTY. CURRENT MILES ON THE SUV IS 15,821.. WE REALLY HATE TO BE THEIR GINNY PIG WITH THIS SMALL KIDS. REASON I'M WRITING THIS TO YOU CAUSE, WE ARE REALLY FRUSTRATED, NOT SAFE TO DRIVE THIS VEHICLE WITH SMALL KIDS. I HAVE 5 YEAR OLD AND 6 MONTH OLD AT HOME. WHEN I DRIVE THIS VEHICLE I'M SCARED AND PRAY BEFORE WHEN WE GO ANYWHERE AND WE ARE UNCOMFORTABLE DUE TO BACK SHUDDERING PROBLEM (LOOSING POWER). WE FELT WE BEEN CHEATED AND GOT NO JUSTICE FOR THE MONEY AND TIME WE SPEND ON THIS PIECE OF JUNK WE BOUGHT. WE ALREADY SPEND A LOT OF MONEY FOR THIS VEHICLE DON'T HAVE ENOUGH MONEY TO SPEND ON LAWYER, SO WOULD YOU PLEASE DO SOME INVESTIGATION, PLEASE CONSIDER OUR ISSUE SERIOUSLY. MY KIDS ARE 5 YEAR OLD AND 6 MONTH OLD. WE FELT LIKE WE SPEND MORE TIME AND ENERGY ON

THIS ISSUE MORE THAN OUR KIDS. ITS BREAKING OUR HEART THAT NO ONE CARE."

130. A February 19, 2014 consumer complaint submitted to NHTSA states: "SINCE 10/12/13, THE VEHICLE HAS EXPERIENCED VIOLENT SHUDDERING AND LOSS OF POWER. WHEN THE VEHICLE IS BROUGHT TO THE NISSAN SERVICE DEPARTMENT IT IS ALWAYS UNABLE TO DUPLICATE. WE CONTINUE DRIVING THE VEHICLE AND IT GETS WORSE. FINALLY AFTER IT BECOMES ALMOST UNABLE TO DRIVE NISSAN ADMITS THERE IS A PROBLEM AND REPLACES THE CVT. WE ARE NOW ON OUR THIRD CVT SINCE WE PURCHASED THE CAR ON 7/22/13. WE HAVE TO TRAVEL A TWO LANE MOUNTAIN HIGHWAY AND IT HAS HAPPENED SEVERAL TIMES AND DUE TO LOSING POWER GOING UPHILL WE HAVE ALMOST BEEN HIT ON NUMEROUS OCCASIONS. IT HAS ALSO HAPPENED ON THE FREEWAY. IT HAS HAPPENED AT A BUSY INTERSECTION AND THE CAR COMPLETELY LOST POWER AND THE CAR BEHIND US SLAMMED ON THEIR BRAKES AND SWERVED TO AVOID HITTING US. IT HAS HAPPENED AT SPEEDS FROM 30 TO 60 MPH. I AM GRAVELY CONCERNED FOR MY FAMILY'S SAFETY, WE ALSO HAVE A NEWBORN AND I AM SCARED TO HAVE HIM IN THIS CAR BUT I HAVE NO CHOICE. I HONESTLY FEEL THAT IT IS A MATTER OF TIME BEFORE WE ARE HIT DUE TO THESE ISSUES. NISSAN CONTINUES TO DENY THIS IS A SAFETY CONCERN."

131. A February 22, 2014 consumer complaint submitted to NHTSA states: "IT WAS TIME FOR A OIL CHANGE AND I WAS WONDERING WHY WAS IT WHEN YOU PULL OFF THE CAR STUTTERS COME TO FIND OUT IT NEEDED A TRANSMISSION AND WHEN THE GUY TOLD ME HE EVEN SAID THEY HAVE HAD LOTS OF THEM LIKE THAT SO WHY WOULD YOU KEEP SELLING."

132. A February 25, 2014 consumer complaint submitted to NHTSA states: "PLEASE NOTE THE FOLLOWING: ALL 2013 2014 NISSAN PATHFINDERS HAVE A FAULTY

TRANSMISSION THAT SHUDDERS, VIBRATES, JERKS, SHAKES.. WHEN YOU SLOWLY ACCELERATE OR WHEN YOU COME OFF THE HIGHWAY DOING CRUISE CONTROL AND THEN GO TO BUMPER TO BUMPER TRAFFIC. WHEN THE CAR GETS TO ABOUT 8,000 THERE IS NO DENYING THE PROBLEM. NISSAN REFUSES TO RECALL THE CAR. THEY CONTINUE TO ASK THAT YOU BRING THE CAR IN.. AND THEY DON'T HAVE THE 1ST CLUE ON HOW TO FIX IT.. THEIR ANSWER IS TO GIVE YOU ANOTHER TRANSMISSION AND CLAIM THE PROBLEM IS FIXED. I HAD A 2013 THE BOUGHT BACK THE CAR AND GAVE ME A 2014 AND GUESS WHAT THE CAR IS STILL A PIECE OF GARBAGE. AND NOW THEY REFUSE TO ACKNOWLEDGE THE DEFECT THE 2014 HAS. STAY AWAY!!!!!!!"

133. A February 27, 2014 consumer complaint submitted to NHTSA states: "I AM HAVING TROUBLE WITH THE 2013 NISSAN PATHFINDER'S TRANSMISSION THAT I PURCHASED IN JANUARY 2013. I HAVE APPROXIMATELY 2,800 MILES ON MY VEHICLE AT THIS TIME, SEPTEMBER 2013. NISSAN IS REPLACING THE TRANSMISSION AT THIS TIME. THE PROBLEM THAT OCCURRED WAS WHEN THE VEHICLE WOULD SHIFT AROUND 25-30 MPH AND/OR BETWEEN 40-45, THE VEHICLE WOULD SHUDDER AND ALSO GIVE THE NOISE OF "RUNNING OVER A RUMBLE STRIP." I BELIEVE NISSAN SHOULD RECALL THIS TRANSMISSION AND REPLACE IT WITH A "FIXED" TRANSMISSION. I ALSO BELIEVE NISSAN SHOULD US OF THOSE WHO HAVE THESE VEHICLES A 10 YEAR/100,000 MILE WARRANTY ON THE TRANSMISSION, IF NOT A "LIFETIME" WARRANTY, OR THEY SHOULD RETURN OUR MONEY AND TAKE THE VEHICLES BACK! WE HAVE PURCHASED A "LEMON" IN MY OPINION AND WE SHOULD NOT HAVE TO FORFEIT $35,000-$48,000 (DEPENDING ON THE VEHICLE A PERSON PURCHASED) OF OUR HARD-EARNED MONEY TO NISSAN. OUR VEHICLES ARE BASICALLY NOT WORTH ANY OF THE

MONEY WE PAID FOR THEM. WHO WOULD WANT ONE? DO YOU WANT TO BUY MY VEHICLE FROM ME? I'LL SELL IT TO YOU. THANK YOU!"

134. A March 2, 2014 consumer complaint submitted to NHTSA states: "I BOUGHT MY 2013 NISSAN PATHFINDER IN MAY 2013. I FIRST NOTICED THE PROBLEM ABOUT TWO WEEKS AFTER I BOUGHT THE VEHICLE. I WAS DRIVING ABOUT 15 MPH HOUR AS I WAS DRIVING INTO A SCHOOL PARKING LOT. THE PATHFINDER WAS JERKING VIOLENTLY. ON MONDAY AFTER WORK I DROVE MY VEHICLE TO THE SERVICE DEPARTMENT, BUT I LEFT THE DEALERSHIP UPSET AS THE SERVICE MANAGER STATED THAT HE COULD NOT KEEP THE VEHICLE BEING THAT WHEN WE TEST- DROVE IT, HE COULD NOT DUPLICATE THE PROBLEM. A COUPLE OF WEEKS LATER. I RETURNED TO THE DEALERSHIP AGAIN WITH THE SAME PROBLEM, BUT THIS TIME THEY DID KEEP MY VEHICLE TO CHECK IT OUT. I WAS TOLD THEY COULD NOT DUPLICATE THE PROBLEM. THEY DID HOWEVER, SAY THAT THEY HAD REPLACED THE THE TORQUED CONVERTED. ON THE THIRD TIME TO THE DEALERSHIP, THEY REPLACED THE TRANSMISSION. HOWEVER, THE VEHICLE CONTINUES WITH THE SAME PROBLEM. THE VEHICLE HAS BEEN TAKEN TO THE DEALERSHIP A TOTAL OF SIX TIMES FOR THE SAME PROBLEM.....JERKING REALLY BAD. IT NOW HAS SEVERAL OTHER PROBLEMS SUCH AS WHEN STOPPED, I FEEL A STRONG JOLT AS IF HIT FROM BEHIND.THE VEHICLE HAS ALSO HAD OTHER PROBLEMS TO NUMEROUS TO MENTION. I AM TOTALLY DISSATISFIED WITH THIS VEHICLE. I JUST DON'T FEEL SAFE DRIVING THIS VEHICLE!!!!"

135. A March 12, 2014 consumer complaint submitted to NHTSA states: "ACCELERATING FROM STOPLIGHT ACROSS HIGHWAY WHEN TRANSMISSION BEGINS TO VIOLENTLY SHAKE THE ENTIRE VEHICLE. RELEASED ACCELERATOR PEDAL TO STOP VIOLENT SHAKING. REAPPLIED PRESSURE TO ACCELERATOR PEDAL TO KEEP VEHICLE BEHIND US FROM SMASHING OUR VEHICLE. THIS

EXACT SAME SCENARIO HAS OCCURRED OVER AND OVER AGAIN IN THE LAST 4200 MILES. THIS EXACT VIOLENT SHAKING (JUDDERING) HAS ALSO OCCURRED WHEN ACCELERATING ONTO THE HIGHWAY. NISSAN CORPORATION IS FULLY AWARE OF THIS ISSUE AND REFUSED TO FIX MY VEHICLE. THE PATHFINDER TRANSMISSION HAS A DESIGN DEFECT THAT IS A SERIOUS SAFETY ISSUE."

136. A March 4, 2014 consumer complaint submitted to NHTSA states: "WHEN TRAFFIC SLOWS DOWN BELOW 10 MPH AND IMMEDIATELY SPEEDS BACK UP ABOVE 20 MPH, OUR NISSAN PATHFINDER MAY UNEXPECTEDLY, AND VIOLENTLY SHUTTER AND EXPERIENCE A TOTAL LOSS OFF POWER. THIS HAS CAUSED POTENTIALLY DANGEROUS SITUATIONS BY FORCING ME TO SLOW BELOW 5 MPH BEFORE CAR WILL REGAIN NORMAL OPERATION. THIS APPEARS BE AN EXTREME DESIGN FLAW IN THE TRANSMISSION THAT NISSAN HAS YET TO CORRECT."

137. A March 29, 2014 consumer complaint submitted to NHTSA states: "TRANSMISSION SHUDDERS / JUDDERS AT LIGHT ACCELERATION DURING LOW SPEED. I TOOK MY VEHICLE TO DEALERSHIP ON 3/19/2014 WITH ONLY 2450 MILES ON IT. THEIR TECHNICIAN CONFIRMED THAT THIS IS A KNOWN PROBLEM OF 2013 PATHFINDER BUT NISSAN DOES NOT HAVE A PROPER FIX. HE ALSO SAID THAT I WAS THE THIRD CUSTOMER COMPLAINING THIS PROBLEM ON THAT DAY ALONE. HE REPROGRAMMED THE TCM. HOWEVER, TRANSMISSION SHUDDERING CONTINUES. IT IS GETTING WORSE AND MORE FREQUENT. NISSAN NEEDS TO ADMIT THIS PROBLEM AND RECALL ALL VEHICLES WITH THIS TRANSMISSION!"

138. A March 30, 2014 consumer complaint submitted to NHTSA states: "TRANSMISSION SHUDDERS / JUDDERS AT LIGHT ACCELERATION DURING LOW SPEED. I TOOK MY VEHICLE TO DEALERSHIP ON 1/05/2014 WITH 10,211 MILES ON IT. THEIR TECHNICIAN CONFIRMED THAT THIS IS A KNOWN PROBLEM OF 2013

PATHFINDER, THEY GAVE THE TRANSMISSION A UPDATE. THE PROBLEM CONTINUED SO UPON GOING BACK TO THE DEALER THEY THEN INSTALLED A NEW TRANSMISSION. IT HAS NOT EVEN BEEN 3 WEEKS AND WE ARE ALREADY LOSING POWER AND STARTING TO SHUDDER AGAIN."

139. An April 3, 2014 consumer complaint submitted to NHTSA states: "PURCHASED NEW 2013 PATHFINDER AND WITHIN THE FIRST WEEK NOTICED A SHUDDER IN THE TRANSMISSION, HOWEVER IT WAS AN ISOLATED AND DIDN'T THINK IT WAS AN ISSUE. AS TIME HAS PASSED THIS HAS GOTTEN MORE AND MORE FREQUENT. THEN RECENTLY WITH ONLY 2000 MILES ON THE CAR, WE WERE MAKING A LEFT TURN THE CAR SHUDDERED AND FELT LIKE IT WAS GOING TO STALL, AND CAR WOULD NOT ACCELERATE PAST A FEW MPH. THIS BEING HIGHLY CONCERNING FROM A SAFETY STANDPOINT PROMPTED US TO TAKE THE CAR INTO THE DEALER. DEALER LOOKED OVER CAR SAID THEY WERE TO REPROGRAM THE TCM AS THIS IS A KNOWN ISSUE. AFTER REPROGRAMMING DEALER COULD NOT DUPLICATE ISSUE AND TOLD US THAT WAS ALL THAT COULD BE DONE UNTIL THEY COULD PERSONALLY DUPLICATE THE ISSUE. NISSAN DEALERSHIP SAID THEY HAVE OWNERS ON THEIR 2ND AND 3RD TRANSMISSION AND NO PERMANENT FIX. THE CAR HAS SINCE SHUDDERED AND LOST ACCELERATION THREE TIMES IN THE 24 HOUR PERIOD SINCE DEALER RETURNED CAR. AFTER MUCH RESEARCH IT APPEARS TO BE A KNOWN ISSUE FOR OVER A YEAR AND FOR NISSAN TO CONTINUE TO SELL A KNOWINGLY DEFECTIVE AND UNSAFE CAR SHOULD ILLEGAL."

140. An April 10, 2014 consumer complaint submitted to NHTSA states: "BROUGHT PATHFINDER INTO GET SERVICED OCTOBER 30, 2013 AT 5,604 MILES AS THE CAR WAS SHUDDERING WHEN ACCELERATING. DEALERSHIP HAD CAR AND REPROGRAMMED THE TRANSMISSION. ON NOVEMBER 8, 2013, WE BROUGHT THE

PATHFINDER BACK IN FOR SERVICE AS THE SHUDDERING CONTINUED. AT 5.945 MILES THEY FOUND THAT THE TRANSMISSION HAD FAILED AND THE DEALERSHIP THEN REPLACED IT. ON MARCH 25, 2014, WE AGAIN HAD TO BRING THE PATHFINDER IN FOR SERVICE AS THE PATHFINDER WOULD SHUDDER WHEN ACCELERATING. AT 10,075 MILES THE TRANSMISSION WAS THEN REPLACED AGAIN DUE TO IT FAILING. WE THEN LODGED A FORMAL COMPLAINT WITH NISSAN NA AND REQUESTING A REPLACEMENT AUTOMOBILE BECAUSE WE DO NOT FEEL SAFE DRIVING THE PATHFINDER WITH AN 8 WEEK OLD DAUGHTER INSIDE. THE CLAIM WAS THEN FORMALLY DECLINED BY NISSAN WITH NO EXPLANATION EXCEPT THAT THEY ARE EXTENDING OUR WARRANTY. I AM ABSOLUTELY DISAPPOINTED WITH BOTH NISSAN NA AND THE NHTSA FOR NOT MOVING FORWARD WITH A FORMAL RECALL BECAUSE THIS IS A SERIOUS ISSUE THAT AFFECTS THE ACCELERATION OF A 6,000 POUND SUV."

141. An April 20, 2014 consumer complaint submitted to NHTSA states: "I PURCHASED A 2013 NISSAN PATHFINDER THE DAY BEFORE THANKSGIVING (2013). ALMOST IMMEDIATELY, I NOTICED A SHUDDER (JUTTER) WHEN ACCELERATING FROM LOW SPEEDS. THE CAR LOSES POWER DURING ACCELERATION AND A STRONG VIBRATION/SHAKING (SHUDDER) IS FELT. I RETURNED THE CAR TO THE SERVICE DEPARTMENT AND WAS TOLD THAT THE TRANSMISSION HAD TO BE RESET. LESS THAN ONE WEEK AFTER THIS PROCEDURE (DEC. 2013) WAS DONE THE SHUDDER RETURNED. IN JAN. 2014 THE SERVICE DEPARTMENT REPLACED THE TORQUE CONVERTER. BY FEB. THE SHUDDER HAD RETURNED YET AGAIN. AS OF APRIL 19, 2014 THE CAR CONTINUES TO SHUDDER UPON ACCELERATION AND HAS YET TO BE REPAIRED BECAUSE THE SERVICE COMPUTER ONLY SHOWS "MINOR" ERROR CODES AND TECHNICIANS HAVE BEEN UNABLE TO DUPLICATE THE SEVERE SHUDDER. THE VEHICLE IS

UNSAFE TO DRIVE AS IT LOSES POWER UPON ACCELERATION. THIS IS MY 3RD PURCHASE FROM NISSAN. I HAVE A TREMENDOUS AMOUNT OF MONEY INVESTED IN THIS VEHICLE AND NISSAN REFUSES TO CORRECT THE PROBLEM. I HAVE FILED A COMPLAINT WITH NISSAN, HAVE AN OPEN CASE, BUT HAVE BEEN UNABLE TO SPEAK WITH THE REPRESENTATIVE BECAUSE HER WORKDAY IS OVER PROMPTLY AT 5 PM AND MINE IS NOT. I HAVE TRIED TO CONTACT HER TWO DOZEN TIMES, BUT MY CALLS GO STRAIGHT TO VOICE MAIL. IT IS CLEAR THAT NISSAN HAS A PROBLEM WITH THE CVT TRANSMISSION USED IN THE 2013 PATHFINDERS AND THAT THEY DO NOT STAND BEHIND THEIR PRODUCT. WHAT IS IT GOING TO TAKE TO GET NISSAN TO ADDRESS THIS ISSUE? DO PEOPLE HAVE TO BE HURT OR KILLED BECAUSE OF THESE DEFECTIVE TRANSMISSIONS, OR IS GOING TO TAKE A CONGRESSIONAL INVESTIGATION (LIKE GM?) TO GET NISSAN TO WORK WITH ITS' OWNERS AND CORRECT THIS PROBLEM? WHY ARE THESE VEHICLES STILL BEING SOLD? NISSAN CONTINUES TO SELL THESE VEHICLES WITH DEFECTIVE TRANSMISSIONS TO UNSUSPECTING CUSTOMERS WHO WILL BE BURDENED WITH UNSAFE VEHICLES WHICH HAVE DIMINISHED VALUES WITH VIRTUALLY NO RECOURSE AGAINST THIS AUTOMOTIVE GIANT."

142. An April 24, 2014 consumer complaint submitted to NHTSA states: "SPENT $42,000+ WHEN WE BOUGHT THE '14 PATHFINDER PLATINUM W/PREMIUM PKGE ON 03/06/14 AND IT STARTED THE "SHUDDER" ON 03/19/14. AFTER COMING TO A COMPLETE STOP, UPON RE-ACCELERATION, IT WOULD SHUDDER WHEN I HIT 20 MPH. IT FELT LIKE THE VEHICLE WAS FIGHTING AGAINST ME TO SPEED UP. I TOOK IT BACK TO THE DEALERSHIP AND AFTER LOOKING AT IT THEY ARE PUTTING A WHOLE NEW TRANSMISSION IN IT. AFTER READING SEVERAL REVIEWS ONLINE (EDMONDS, KBB, ETC), THIS TRANSMISSION SHUDDERING AT 20 MPH IS A FRIGHTFULLY COMMON PROBLEM."

143. An April 25, 2014 consumer complaint submitted to NHTSA states: "DRIVETRAIN SOFTWARE ISSUE: WHEN I BOUGHT THE 2013 PATHFINDERS, LIKE ANY NEW OWNER I WAS THRILLED. . UNFORTUNATELY THERE WERE A FEW THINGS I DID NOT ANTICIPATE. . SO WHEN MY PATHFINDER BEGAN SHUTTERING AND SHAKING AT 900 MILES, I CONTACTED NISSAN CONSUMER AFFAIRS, WHO SAID THEY HAD NO KNOWLEDGE OF THE PROBLEM, WHO THEN REFERRED ME TO THE DEALERSHIP SERVICE DEPARTMENT, WHO WITH ALL OF THERE UP-TO-DATE COMPUTER DIAGNOSTICS COULD NOT FIT THE PROBLEM. THE SHUTTERING & SHAKING CONTINUE EVERY FEW DAYS. THE MORE MILE I PUT ON THE CAR, THE WORST THE SHAKES AND SHUTTERS BECAME. SOMETIMES THE CAR WOULD SHAKE SO VIOLENTLY, THAT THE ENGINE WOULD BOG DOWN AND LOOSE ALL POWER. SO, AFTER MULTIPLE TRIPS TO THE SERVICE REPAIR DEPARTMENT, I FINALLY GOT A STRAIGHT ANSWER. . APPARENTLY, SOFTWARE THAT CONTROLS THE DRIVETRAIN, AND WAS DESIGNED TO IMPROVE THE VEHICLES MILEAGE, ACTUALLY ENDS UP DAMAGING THE BELT DRIVE. NOT SOMETHING NISSAN WAS EXPECTING, BUT KNEW ABOUT BEFORE I BOUGHT THE CAR. WHAT HAS HAPPENED TO MY VEHICLE, ALSO WAS REPORTED BY OTHER PEOPLE EARLIER IN THE YEAR. "THE SHUTTERING IS ACTUALLY THE RESULT OF DAMAGE TO THE DRIVETRAIN FROM THE GLITCH IN THE SOFTWARE". SO IF THE SHUTTERING OCCURS TO THE VEHICLE, THE DRIVETRAIN IS ALREADY DAMAGED AND NEEDS TO BE REPLACED."

144. A May 6, 2014 consumer complaint submitted to NHTSA states: "VEHICLE STARTS TO SHUDDER VERY HARD AND STARTS TO LOSE POWER WHEN STARTING TO ENTER THE TRAFFIC LANES I WAS ALMOST REAR ENDED BY A TRACTOR TRAILER.THIS HAS HAPPENED THREE TIMES NOW .MY VEHICLE HAS BEEN IN THE SHOP. TIMES AND NISSAN STILL HAVEN'T FIX THIS PROBLEM.I GUESS SOMEONE

HAS TO DIE BEFORE ANYTHING IS DONE. IT,S REALLY A SHAME !"

145. A May 19, 2014 consumer complaint submitted to NHTSA states: "VEHICLE AT 5400 RPM ON LEVEL ROAD WOULD ONLY ACHIEVE A SPEED OF 41 MPH, THIS WAS ON A HIGHWAY PAUSED WITH A POSTED SPEED LIMIT OF 65 MPH. VEHICLE PAUSED, SHUTTERED AND ENGINE SEEMED TO BE WORKING BUT TRANSMISSION WOULD NOT ENGAGE COMPLETELY. WE FELT THAT WE COULD HAVE BEEN REAR ENDED AND KILLED. THIS WAS THREE DAYS AFTER NISSAN HAD REPLACED THE TRANSMISSION FOR SHUTTERING AT 19 MPH OVER A SIX MONTH PERIOD. AFTER STOPPING SEVERAL TIMES THE VEHICLE REACTED AS CLOSE TO NORMAL AS WE WOULD EXPECT, JUST IN TIME TO GET HOME. WE HAVE BROUGHT THIS VEHICLE TO THE DEALER SHIP FOR PASSENGER SIDE AIRBAG LIGHT SHOWING IT WAS OFF, WHEN IT SHOULD HAVE BEEN ON, FOR BACK UP SENSOR ACTING AS THOUGH OFF BUT ACTUALLY OFF, THE SMELL OF ANTIFREEZE AND NO LEAKS AND LAST THE BRAKES DELAYING. NISSAN CONTINUED UNTIL RECENTLY STATED THAT IT WAS NORMAL. THERE ARE NUMEROUS SITES STATING THESE SAME ISSUES. WE COULD HAVE BEEN KILLED, THIS IS SERIOUS, NO POWER ON THE EXPRESSWAY."

146. A May 28, 2014 consumer complaint submitted to NHTSA states: "THE CONTACT OWNS A 2014 NISSAN PATHFINDER. THE CONTACT STATED THAT WHILE DRIVING APPROXIMATELY 40 MPH, THE VEHICLE WOULD HESITATE TO ACCELERATE AS IT BEGAN TO SHAKE. THE VEHICLE WAS TAKEN TO A DEALER WHERE IT WAS DIAGNOSED THAT THE TRANSMISSION NEEDED TO BE REPLACED. THE MANUFACTURER WAS NOTIFIED OF THE FAILURE. THE VEHICLE WAS REPAIRED BUT THE FAILURE RECURRED. THE APPROXIMATE FAILURE MILEAGE WAS 4,000 AND THE CURRENT MILEAGE WAS 9,000."

147. A June 3, 2014 consumer complaint submitted to NHTSA states: "2014 PATHFINDER WAS PURCHASED ON 5/17. ON 6/1 THE TRANSMISSIONS SHUDDERED

WHILE ACCELERATING AT SLOW SPEED, WHICH RESULTED IN A LOSS OF POWER. THIS WAS REPEATED ON-DEMAND BY SERVICE TECHS AT OUR LOCAL DEALERSHIP. IT WAS CONFIRMED BY THEM THAT THIS IS A KNOWN PROBLEM WITH THE CVT ON THE 2014 PATHFINDER. THE SOLUTION PROVIDED BY NISSAN AUTO IS TO REPLACE THE 2 WEEK OLD TRANSMISSION. THE TRANSMISSION PROBLEMS ARE SO PREVALENT THAT THEY ARE ON BACK ORDER AND HAVE NO CONFIRMED DATE AS TO A RESOLUTION."

148. A June 9, 2014 consumer complaint submitted to NHTSA states: "NISSAN PATHFINDER 2013 PLATINUM PREMIUM WAS PURCHASED BY ME IN THE MIDDLE OF JULY 2013 FROM NISSAN DEALER AT RT. 440, JERSEY CITY, NEW JERSEY. AFTER DRIVING THE VEHICLE FOR ABOUT 2000 MILES IN A PERIOD OF 3 MONTH, THE VEHICLE STARTED SHUDDERING AND SLOWING DOWN (DECELERATING) OF ITS OWN. THIS PROBLEM BECAME FREQUENT. THE DEALER HAS BEEN CONTACTED AND REQUESTED FOR ADDRESSING THE ISSUE BUT TO NO AVAIL. WE HAVE MADE AT LEAST THREE VISITS TO THE DEALER REQUESTING TO FIND THE FAULT AND RESOLVE BUT TO MY AMAZEMENT, THEY COULD NOT DIAGNOSE THE PROBLEM AND PUT THE MACHINE RIGHT. I AM REALLY AFRAID TO USE THIS VEHICLE FOR FEAR OF BREAKDOWN OR ACCIDENT WHILE IN OPERATION. IT IS ALMOST A YEAR, I POSSESS THE VEHICLE AND THE MILEAGE I PUT IS LESS THAN 4000 TILL DATE. I WOULD APPRECIATE IF YOUR GOOD OFFICE COMMUNICATE THE DRAWBACKS TO THE NISSAN USA CORPORATE OFFICE AND ADVISE THEM TO TAKE STEPS TO ADDRESS THE ISSUES RELATING MY VEHICLE."

149. A June 12, 2014 consumer complaint submitted to NHTSA states: "I HAVE THE SAME PROBLEM WITH MY PATHFINDER THAT I SEE SEVERAL PEOPLE HAVING. THE SHUDDERING IS LIKE THE TRANSMISSION IS SLIPPING AND IT HAS HAPPENED IN VARIOUS SITUATIONS. IT IS NOT A SIDEWAYS SHUDDER LIKE A SHAKE, IT IS A

LACK OF FORWARD MOTION (WHILE THE ENGINE REVS TO HIGHER RPMS) SO SEVERE THAT IT FEELS LIKE BEING REAR ENDED AND HAS NEARLY SLAMMED ME INTO THE STEERING WHEEL MORE THAN ONCE. I HAVE HAD TWO DIFFERENT DEALERSHIPS CHECK IT AND BOTH SAID THERE WAS NO PROBLEM BECAUSE IT IS NOT THROWING AN ERROR CODE ON THE COMPUTER. FINALLY, IT DID IT ALL THE WAY TO MY WORK ONE MORNING (30+ MILES) SO I TOOK IT TO THE DEALERSHIP WHERE I PURCHASED IT AGAIN. SAME RESULTS, EXCEPT THEY TRIED TO PASS IT OFF AS A BAD WHEEL BEARING AND REPLACED ONE OF MY WHEEL BEARINGS. THEY CALLED ME TO TELL ME IT WAS READY FOR PICK UP AND I REFUSED TO PICK IT UP UNTIL THE PROBLEM IS FIXED (I NOW HAVE 40K MILES, WARRANTY IS GETTING CLOSE TO BEING UP). I COULD GO ON AND ON ABOUT HOW THIS HAS PLAYED OUT, BUT LONG STORY SHORT, THEY ARE NOW IN THE PROCESS OF REPLACING MY COIL PACKS AND IF THAT DOESN'T WORK, THEN THEY ARE GOING TO TRY REPLACING THE TRANSMISSION. IT IS VERY DISAPPOINTING SINCE THE FIRST 2 NISSANS I OWNED WERE GREAT VEHICLES."

150. A June 24, 2014 consumer complaint submitted to NHTSA states: "JUST PURCHASED THE CAR USED FROM A DEALER ON 6/19 WITH ONLY 5100 MILES ON IT. BY 6/22, BY NOTICED THAT THE CAR WILL SHUDDER OCCASIONALLY AFTER ACCELERATING, COASTING, AND THEN ATTEMPTING TO ACCELERATE AGAIN. WHILE ACCELERATING FROM A TURN TO AN INTERCHANGE, THE CAR SHOOK AS IF GOING OVER RUMBLE STRIPS FOR ABOUT 4 SECONDS AND WASN'T ABLE TO ACHIEVE ACCELERATING POWER UNTIL SHAKING STOPPED. HAS OCCURRED ABOUT 7 TIMES OVER THE PAST DAY. VERY FRUSTRATED IN THE DEALER WHO NOW SAYS THE MANUFACTURER WILL COVER ANY DEFECTS. I FEEL THE DEALER KNOWINGLY PASSED THE PROBLEM ON TO ME."

151. A June 24, 2014 consumer complaint submitted to NHTSA states: "WHOLE FAMILY IS IN THE CAR AND I WAS DRIVING. WHILE WE ARE ENTERING TO HIGHWAY AND MERGING TO RIGHT LINE, SHUDDER HAPPENS AND WE LOOSE ALL ENGINE POWER, GAS PEDAL BECOMES USELESS AND ONLY THING I CAN DO WAS TO SLOW DOWN. IN THAT INSTANT WE ARE ALMOST REAR ENDED BY SEMI TRUCK. CVT TRANSMISSION PUT THE CAR INTO SHUDDER STATE. WE WERE NOT ABLE TO SPEED UP WHILE MERGING TO HIGHWAY FOR ALMOST 20 SECONDS."

152. A June 27, 2014 consumer complaint submitted to NHTSA states: "SOMEONE PLEASE HELP! MY WIFE AND I OWN A 2013 PATHFINDER AND IT ONLY HAS 13000 MILES AN IS ALREADY ON ITS SECOND TRANSMISSION! OUR CAR VIOLENTLY SHAKES AND SHUDDERS ON TAKE OFF AT APPROXIMATELY 15-20 MILE PER HOUR! WHY ISN'T THERE A DIRECT INVESTIGATION FOR THIS PROBLEM. WHY NOT WHEN THE MAJORITY OF THE COMPLAINTS HERE ARE FOR THIS PARTICULAR PROBLEM AND IT'S SO DANGEROUS WITH MY 6 MONTH OLD CHILD IN THE CAR. SOMETHING HAS TO BE DONE. SAME PROBLEM WITH PATHFINDER'S EQUIVALENT, INFINITY EQUIVALENT JX35, WITH SAME TYPE TRANSMISSION. LOOK IT UP. SOMETHING HAS TO BE DONE!"

153. An August 1, 2014 consumer complaint submitted to NHTSA states: "THE CVT TRANSMISSION STARTED SHUDDERING AROUND 2200 MILES AND IS CONTINUALLY GETTING WORSE. THEY PERFORMED A SOFTWARE UPDATE AND SAID THAT SHOULD SOLVE THE PROBLEM. IT HAS CONTINUALLY GOTTEN WORSE. THE NISSAN ENGINEER RODE WITH ME ON 7/31/2014 AND SAID THAT HE FELT THE SHUDDER AND THAT IT WAS A COST OF ACHIEVING CAFA STANDARDS AND WAS ACCEPTABLE. HE STATED THAT WHEN MOST CUSTOMERS ARE TOLD THAT THE SHUDDER IS THERE BECAUSE OF FUEL ECONOMY THEY ACCEPT IT AND ARE SATISFIED. HE IMPLIED THAT I WAS JUST BEING DIFFICULT AND HARD

TO PLEASE. I INFORMED HIM THAT I WOULD NOT HAVE PURCHASED THE VEHICLE IF THAT WAS THE WAY IT DROVE AT THE TEST DRIVE AND EXPRESSED THAT IT WAS CONSTANTLY GETTING WORSE AND HE DISMISSED THE CLAIM."

154. An August 11, 2014 consumer complaint submitted to NHTSA states: "JUST BOUGHT MY PATHFINDER THREE MONTHS AGO USED WITH 18000 MILES ME AND MY WIFE JUST HAD OUR SECOND CHILD AND WE WERE LOOKING FOR A THIRD ROW VEHICLE COMPARABLE TO THE HIGHLANDER AND WE THOUGHT THIS WAS IT BUT BOY WERE WE WRONG. WE PUT ABOUT 2000 MILES ON IT AND STARTED HAVING PROBLEMS. THIS PATHFINDER PUT MY FAMILY'S LIFE IN DANGER WHEN IT STARTED LOSING POWER AND JERKING IN THE MIDDLE OF A BUSY HIGHWAY... MY WIFE SAYS SHE'S NEVER HAD SUCH A NEW CAR GIVES HER PROBLEMS LIKE THIS AND SHE NO LONGER TRUST DRIVING IT WITH MY THREE WEEK OLD DAUGHTER AND 2 YEAR OLD SON INSIDE. I'M GONNA GET RID OF THIS JUNK AND BUY A HIGHLANDER LIKE I SHOULD HAVE DONE IN THE FIRST PLACE. THEN I KNOW MY FAMILY WILL BE SAFE ON THE ROAD. NISSAN HAS FOREVER LOST MY BUSINESS, NEVER AGAIN. THEY KNOW THEY HAVE HORRIBLE TRANSMISSION PROBLEMS AND WON'T DO ANYTHING TO TRULY FIX THEM ONLY TRY TO BUY TIME TILL THE WARRANTY EXPIRES. BYE BYE NISSAN"

155. An August 27, 2014 consumer complaint submitted to NHTSA states: "I HAD JUST STARTED OFF AFTER MAKING A TURN FROM A RED LIGHT AND THE VEHICLE STARTED SHUTTERING REAL BAD AND FELT LIKE IT WAS IN THE REAR END. THIS WAS JUST THE FIRST TIME OF MANY TIMES. IT STILL DOES IT TO DATE. I BOUGHT THIS VEHICLE BRAND NEW FROM MERCER NISSAN IN LUFKIN, TEXAS ON DECEMBER 21, 2013 AND I AM GOING TO FILE A COMPLAINT AGAINST THEM ALSO. I STILL HAVE THE STUPID VEHICLE BECAUSE I AM TOO UPSIDE DOWN TO GET RID OF IT. I HAVE ALREADY HAD THE TRANSMISSION REPLACED WHICH

TOOK THEM 11 MONTHS BEFORE THEY DECIDED TO DO THAT. I HAVE ALSO HAD ALL THE NEW SOFTWARE DOWNLOADED AND OTHER PARTS REPLACED. I AM STILL TOLD IF THEY CAN'T DUPLICATE IT THEY CAN NOT FIX IT. SO I AM STUCK WITH A 2013 NISSAN PATHFINDER THAT I WOULDN'T PAY TWO CENTS FOR IF I HAD IT ALL TO DO AGAIN. I AM BEING TOLD THAT IF OTHERS ARE NOT COMPLAINING A RECALL WILL NOT BE ISSUED. THIS VEHICLE IS NOT WORTH THE MONEY I PAID FOR IT. I ALSO READ WHERE THE 2014 PATHFINDERS ARE DOING THE SHUTTERING ALSO. I BELIEVE IT IS TIME TO FIND A GOOD LEMON LAW LAWYER."

156. An August 27, 2014 consumer complaint submitted to NHTSA states: "WE HAVE A 2014 NISSAN PATHFINDER SL, WITH 3551 MILES ON IT. WE PURCHASED IT USED ON 8-6-2014 WITH APPROXIMATELY 2240 MILES ON IT, WE ARE THE SECOND OWNER. ON 8-20-2014, WHILE ATTEMPTING TO ACCESS AN INTERSTATE FROM AN ON-RAMP WE EXPERIENCED A SHUTTER AND STRONG SHAKING OF OUR 2014 NISSAN PATHFINDER SL, AT THAT TIME IT HAD APPROXIMATELY 3336 MILES ON IT. WE WERE FORCED TO PULL OVER, ALMOST CAUSING AN ACCIDENT. WE TURNED THE CAR OFF AND RESTARTED IT TO CONTINUE ON THE INTERSTATE BUT DID NOT EXPERIENCE ANOTHER INCIDENT THAT DAY. THE FOLLOWING SIX DAYS THE CAR BEGAN DOING THE SAME THING BUT IT WOULD USUALLY BE SEVERAL TIMES A DAY. I DID RESEARCH ON THE TRANSMISSION AND FOUND THAT THE CVT TRANSMISSION IS RIFE WITH PROBLEMS. WE TOOK THE CAR TO THE LOCAL DEALERSHIP (NOT WHERE WE PURCHASED IT) AND THEY RAN A DYNAMOMETER DIAGNOSTICS ON THE CAR AND SAID THAT THE TRANSMISSION WOULD NEED TO BE REPLACED. AS WE WERE DISCUSSING THIS ISSUE THE TECH MENTIONED THAT THE RECORDS SHOWED THE TRANSMISSION IN THIS CAR HAD ALREADY BEEN REPLACED ONCE BEFORE, AT APPROXIMATELY 2000 MILES.

ALSO, I WAS INFORMED BY THE DEALERSHIP, WHO IS GOING TO REPLACE THE TRANSMISSION, THAT THEY HAVE BEEN UNABLE TO GET THROUGH TO THE NISSAN "CVT HOTLINE" TO REPORT THE PROBLEM AND ARRANGE FOR A NEW TRANSMISSION. WE HAVE BEEN TOLD BY THE DEALERSHIP THAT IT WILL BE REPLACED BUT THAT NISSAN IS THE HOLD UP. IT IS EXTREMELY UNFORTUNATE THAT A CAR MANUFACTURING COMPANY CAN GET AWAY WITH THIS AND FORCE CUSTOMER TO WAIT FOR A RESOLUTION WHEN THEY KNOW (AND HAVE KNOWN FOR YEARS) THAT THERE IS A PROBLEM. I SINCERELY HOPE THAT THERE WILL BE A PUSH BY OUR GOVERNMENT TO RESOLVE THIS ONGOING PROBLEM WITH NISSAN AND POSSIBLY A VERY LARGE FINE FOR NISSAN'S DECEPTIVE PRACTICES BY DENYING THIS PROBLEM, BASED ON OTHER PEOPLE'S REPORTS WHO HAD REPORTED THIS SAME CVT TRANSMISSION PROBLEM DATING AS FAR BACK AS 2003."

157. A September 11, 2014 consumer complaint submitted to NHTSA states: "I CALLED NISSAN IN JUNE TO REPORT THAT MY CAR WAS SHAKING AND TREMBLING AT TIMES WHILE DRIVING. IT HAPPENS WHILE COASTING, ACCELERATING AND BRAKING. I BROUGHT IT IN AND WAS TOLD IT NEEDED A TRANSMISSION UPDATE. 2 WEEKS LATER THE PROBLEM RETURNED. AT TIMES I NEED TO TURN THE CAR OFF AND RESTART IT TO GET THE SHAKING TO STOP. WHEN I LOOKED ONLINE THIS IS A HUGE PROBLEM. OVER 29000 ALREADY ARE "LEMONS". I BROUGHT IT BACK AND WAS TOLD THEY COULD NOT DUPLICATE THE PROBLEM. THEN BROUGHT IT BACK AND WAS TOLD THERE WAS A NEW UPDATE (1 DAY LATER). I CALLED NISSAN CORPORATE AND THEY WERE LOOKING INTO BUYING THE CAR. THEY THEN PUT IN A NEW TRANSMISSION AS I HAD REFUSED TO PICK UP THE CAR. THEY PUT IT IN THE DAY THEY CALLED TO SAY IT WOULD BE DONE TOMORROW SO WHEN I CALLED TO ASK THEM NOT TO,

IT WAS ALREADY BEING DONE. NOW NISSAN WILL NOT BUY THE CAR AS IT HAS A NEW TRANSMISSION. THERE ARE REPORTS OF HAVING 3 NEW TRANSMISSIONS AND THE PROBLEM CONTINUES. CARS ARE BREAKING DOWN. NISSAN IS IGNORING THE PROBLEM. I WAS TOLD IN 2-3 WEEKS THEY WILL CALL AND IF THE CAR IS OK THEY WILL OFFER A SETTLEMENT. WHY A SETTLEMENT IF THE CAR IS OK UNLESS THEY REALIZE IT IS A PROBLEM? THE FACT THAT THIS IS A CONTINUATION FROM 2013 PROBLEM, AND THE CARS ARE CONTINUING TO BE SOLD WHILE NISSAN IGNORES THE PROBLEM PUTS PEOPLE IN DANGER. CARS ARE OVERHEATING AND BREAKING DOWN IN THE MIDDLE OF THE HIGHWAY. SOMEONE NEEDS TO HOLD NISSAN ACCOUNTABLE AND PUT PEOPLE FIRST. I STATED TO CORPORATE I SHOULD NOT HAVE TO BE A TEST DUMMY FOR 2-3 WEEKS AND PUT MY LIFE AND OTHERS ON THE ROAD IN DANGER. NO ONE AT NISSAN WILL ACKNOWLEDGE THAT THIS IS AN ONGOING ISSUE FOR MORE THAN JUST MYSELF. PLEASE ADVISE."

158. A September 24, 2014 consumer complaint submitted to NHTSA states: "DRIVING HOME AND GOING UP AN INCLINED HILL...I NOTICED MY VEHICLE (2013 NISSAN PATHFINDER) SUDDENLY HAD A HESITATION AND STARTED TO JUDDER ABRUPTLY...IT HAPPENED AT LOW SPEED OF 20-25MPH. NISSAN IS AWARE OF THIS CVT ISSUE AND HAS NOT ADDRESSED IT YET. I READ SOMEWHERE THAT THEY ARE TRYING TO REPROGRAMMING THE CVT AND SEEING IF THIS RESOLVES THE ISSUE OTHERWISE FOLKS HAVE HAD THE CVT REPLACED AND STILL IN THE SAME BOAT....THIS IS A NOTICEABLE JUDDER AT 20-25 MPH ON A SLIGHT INCLINE. I AM THE ORIGINAL OWNER OF A 2003 NISSAN MURANO WITH 88K AND THE FIRST OF ITS KIND WITH CVT TECHNOLOGY AND NEVER EXPERIENCED THIS TYPE OF JUDDERING ISSUE. YOU WOULD THINK NISSAN WOULD HAVE REFINED THE CVT TO A POINT SO THESE ISSUE WOULD NOT HAPPEN....I LIKE THE CVT TECHNOLOGY

BUT NOW I AM HAVING MY DOUBTS."

159. A September 30, 2014 consumer complaint submitted to NHTSA states: "I PURCHASED MY PATHFINDER IN MAY OF 2013. I LOVED MY SUV INITIALLY. STARTING AROUND JULY OF 2014 - I STARTED EXPERIENCING SHUDDERING WHILE DRIVING. THOUGHT MAYBE I NEEDED NEW TIRES. BEGINNING IN AUGUST - STARTED NOTICING THAT WHEN ACCELERATING FROM A STOP THAT I WOULD LOSE POWER AND IT WOULD STAY ABOUT 20 MPH & AFTER PUMPING THE GAS PEDAL SEVERAL TIMES THEN IT WOULD KICK IN. IT STARTED HAPPENING MORE AND MORE. THIS PAST SUNDAY WHILE STARTING TO ACCELERATE UP A HILL, MY PATHFINDER JUST WOULDN'T KICK IN. STAYED AT ABOUT 25 MPH & I HAD TO PUT ON MY EMERGENCY BREAKS UNTIL I REACHED THE TOP OF THE HILL & THEN IT KICKED IN. THEN THE NEXT DAY AS I WAS MERGING ONTO THE FREEWAY WITH MY 2 CHILDREN IN THE CAR & MY DAUGHTERS FRIEND, MY CAR JUST LOST ITS POWER. CONTINUED TO DRIVE AT MAYBE 20 MPH EVEN WITH MY FOOT PRESSED ALL THE WAY DOWN ON THE GAS PEDAL. THIS WAS A VERY SCARY EXPERIENCE FOR MYSELF & MY KIDS. WE COULD HAVE BEEN TOTALLY REAR ENDED. THERE ARE SO MANY COMPLAINTS HERE. DOES NISSAN NEED TO WAIT UNTIL SOMEONE IS TRAGICALLY KILLED BEFORE MAKING STEPS TO ISSUE A RECALL? I DID TAKE MY CAR IN TODAY TO THE DEALERSHIP WITH PRINT OUTS OF THE COMMENTS HERE & TOLD THEM I WOULD NOT DRIVE MY PATHFINDER & PUT MY FAMILY IN JEOPARDY UNTIL THE ISSUE IS FIXED. THEY DID GIVE ME A RENTAL CAR & CONTACTED ME BY THE END OF THE DAY TODAY THAT THEY RECEIVED APPROVAL TO REPLACE THE TRANSMISSION & WILL CONTINUE TO DO FURTHER TESTING ON THE SHUDDERING & REASON THAT THE TRANSMISSION NEEDS TO BE REPLACE ON A VEHICLE THAT IS A LITTLE OVER A YEAR OLD. PLEASE WITH THE DEALERSHIPS RESPONSE. I HAVE ALWAYS DRIVEN HONDA'S OR ACURA'S

AND MADE THE MISTAKE TO TRY NISSAN. THIS WILL BE MY LAST NISSAN PURCHASE! I AM ALSO POSTING THIS ON FACEBOOK TO SPREAD THE WORD ABOUT THE PATHFINDER. MAYBE THAT WILL GET A RECALL GOING!"

**C. Plaintiff Batista Purchased An AFFECTED VEHICLE With The Undisclosed Safety Defect.**

160. On or about October 4, 2013, Plaintiff Batista purchased a brand new 2014 Nissan Pathfinder. At the time of purchase, the odometer of the AFFECTED VEHICLE recorded 23 miles.

161. Like all new NISSAN vehicles, Plaintiff Batista's AFFECTED VEHICLE came with NISSAN's basic and drivetrain express written warranties. These warranties were a material factor in Plaintiff Batista's decision to purchase the AFFECTED VEHICLE.

162. Before and at the time of her purchase, NISSAN failed to disclose, concealed, and materially omitted any facts related to defects, consumer complaints, malfunctions, or safety hazards related to the AFFECTED VEHICLE's defective transmission.

163. Before she purchased her AFFECTED VEHICLE, Plaintiff Batista was never informed of or aware of "juddering" problems with the Nissan Pathfinder's CVT, a possibility of a "belt slip condition" with the vehicle's transmission, the possibility the vehicle would fail to accelerate in response to driver input under certain conditions, or NISSAN's prior failed attempts to address the AFFECTED VEHICLE's defect with software reprogramming "countermeasures."

164. Had NISSAN disclosed the defect, Plaintiff Batista would not have purchased the AFFECTED VEHICLE. Plaintiff Batista was denied information material to her purchase and willingness to use the AFFECTED VEHICLE. To the contrary, she relied upon NISSAN's express and implied warranties that the AFFECTED VEHICLE was fit and safe for its ordinary purpose, merchantable, and free of defects.

165. Within a few months of her purchase, in approximately early January 2014, Plaintiff Batista's AFFECTED VEHICLE began to violently judder, causing immediate concern.

Because the juddering made her fearful for her safety and the safety of her three children, she sought an inspection of the AFFECTED VEHICLE at the Nissan dealership where it was originally purchased, Bill Seidel's Nissan in Miami, Florida (the "dealership").

166. At her first visit, the dealership's service department could not identify or resolve the issue, and the juddering continued. Over the course of approximately one year, Plaintiff Batista repeatedly returned her AFFECTED VEHICLE to the service department in an attempt to have it repaired.

167. Initially, the service department recommended a software update to resolve the juddering of the AFFECTED VEHICLE and informed Plaintiff Batista that her AFFECTED VEHICLE would receive an update.

168. A software update performed on Plaintiff's AFFECTED VEHICLE failed to remedy the recurring juddering problem.

169. The recommended software update did not prevent the juddering from reoccurring, and Plaintiff Batista again returned to the dealership's service department to express serious safety concerns for her children and report that the AFFECTED VEHICLE was not the new, defect free vehicle she had purchased.

170. Eventually, after several unsuccessful attempted software updates and repairs, the service department stated that it unable to resolve the transmission issues plaguing the AFFECTED VEHICLE.

171. As a result, Plaintiff Batista informed NISSAN directly of her experiences, issues, and concerns about the service department's inability to resolve the defect with the transmission. At that time, Plaintiff Batista also requested to return the AFFECTED VEHICLE to NISSAN. NISSAN responded that the juddering was not a serious safety concern and refused to buy back Plaintiff Batista's AFFECTED VEHICLE.

172. When the violent juddering continued, Plaintiff Batista continued to seek repairs at the dealership's service department, but the service personnel, including its manager, continued

to turn her away, and again stated there was nothing that could be done to improve the AFFECTED VEHICLE's condition.

173. Instead, the service department recommended Plaintiff return in August of 2014, when it expected NISSAN would issue yet another software update for the AFFECTED VEHICLE. The August update was rescheduled to September, then again to October, and then again to November.

174. After repeated visits to the service department to have her AFFECTED VEHICLE repaired, the dealership began turning Plaintiff Batista away, telling her to return in several weeks or months because the next software update had not yet been released by NISSAN, and that there were no further recommended repairs at that time.

175. After months had passed without any plan or recommendations to repair the issues plaguing the AFFECTED VEHICLE, Plaintiff Batista again informed NISSAN directly of her experiences, issues, and concerns about its service department's inability to resolve the defect with the transmission.

176. Plaintiff again demanded that NISSAN repurchase her AFFECTED VEHICLE because it was a new vehicle purchase that failed to function properly, and because she was gravely concerned about the safety of her children who rode in the AFFECTED VEHICLE.

177. NISSAN again refused to buy back the vehicle and could not offer any repairs.

## D. NISSAN Intentionally Concealed The Safety Defect from Plaintiff Batista and The CLASS.

178. NISSAN's intent to conceal the transmission defect and its manifest safety implications are evidenced by its inactions and conduct in light of its undisputed knowledge of the safety defect. NISSAN intentionally, deceptively, or with gross negligence concealed the defect and true safety hazard posed because it was aware that disclosure would cause NISSAN significant financial losses, including but not limited to the replacement/recall of AFFECTED VEHICLES.

179. Plaintiff and the CLASS would not have purchased or leased their vehicles had they known of the defects or safety hazard. Plaintiff and CLASS members were denied information that was material to their purchase or lease and material to their willingness to use their AFFECTED VEHICLES. Such information was material to a reasonable consumer in making a decision to purchase, lease, or use such a vehicle.

180. Moreover, despite the significant complaints and safety concerns about the transmission malfunctions lodged by consumers, NISSAN continues to conceal the defect and safety problems and otherwise prevents reasonable consumers from repairing or discovering this hazard until the defect unexpectedly manifests itself to owners, lessees, or operators through the frightening, dangerous experience of an AFFECTED VEHICLE's violent shuddering and acceleration failure.

## CLASS ALLEGATIONS

181. This action has been brought and may be properly maintained and certified as a Class Action because:

(a) The questions and issues of law or fact are of a common or general interest, affecting a CLASS of individuals and the public at large;

(b) The CLASS consists of a sufficiently large group of individuals, believed to exceed 10,000 members, and is so large that it is impractical to join all members of the CLASS before the Court as individual plaintiffs. The identity of CLASS members is readily ascertainable from various sources including NISSAN's ownership records, government ownership records, and/or via simple notice by publication;

(c) The questions of law or fact common to the CLASS are substantially similar and predominate over those questions affecting only specific members of the CLASS;

(d) The CLASS is united by a community of interest in obtaining appropriate equitable relief including injunctive relief, recall of AFFECTED VEHICLES, restitution, damages, and other available relief designed to redress the wrongful conduct of NISSAN;

(e) Plaintiff Batista is a member of the CLASS and her claims are

typical of the CLASS;

(f) Plaintiff Batista will fairly and adequately represent the claims of the CLASS, and protect the interests of the CLASS without exercising personal interest or otherwise acting in a manner inconsistent with the best interests of the CLASS generally;

(g) Plaintiff Batista retained attorneys experienced in the litigation of class and representative claims and in the area of consumer protection litigation who have agreed to and will responsibly and vigorously advocate on behalf of the CLASS as a whole;

(h) Without class certification, the prosecution of separate consumer actions by individual members of the CLASS would be impracticable and financially difficult, and create a risk of repetitive, inconsistent and varying adjudications. This would have the effect of establishing incompatible standards of conduct for NISSAN, discouraging the prosecution of meritorious but small claims, and/or result in adjudications which would be dispositive of the interests of other CLASS members not parties to the adjudication, or otherwise substantially impair the ability of CLASS members to protect their rights and interests;

(i) NISSAN acted or refused to act on grounds generally applicable to the CLASS, thereby making the award of equitable relief and/or restitution appropriate to the CLASS as a whole;

(j) The class action procedure is superior to other methods of adjudication, and specifically designed to result in the fair, uniform and efficient adjudication of the claims presented by this complaint. This class action will facilitate judicial economy and preclude the undue financial, administrative and procedural burdens which would necessarily result from a multiplicity of individual actions.

182. Because the damages suffered by each CLASS member are relatively small compared to the expense and burden of prosecuting this compelling case against a well-financed, multibillion dollar corporation, this class action is the only way each CLASS member can redress the harm that NISSAN caused.

183. Should individual CLASS members be required to bring separate actions, Florida's courts would face a multitude of lawsuits that would burden the court system and create a risk of inconsistent rulings and contradictory judgment. In contrast to proceeding on a case-by-

case basis, in which inconsistent results will magnify the delay and expense to all parties and the court system, this class action presents far fewer management difficulties while providing unitary adjudication, economies of scale, and comprehensive supervision by a single court.

## EXPRESS AND IMPLIED WARRANTIES

184. For each AFFECTED VEHICLE sold by NISSAN, an express written warranty was issued which covered the vehicle, including but not limited to, the transmission system, and NISSAN warranted the vehicle to be free of defects in materials and workmanship at the time of purchase or lease.

185. Pursuant to its express and written warranties, NISSAN warranted the AFFECTED VEHICLES, including the transmissions and its software, to be free of defects in design, materials, and workmanship and that repairs and other adjustments would be made by authorized dealers, without charge, to correct defects in materials or workmanship which occurred during the first 60 months or 60,000 miles, whichever came first.

186. NISSAN also sold or leased the AFFECTED VEHICLES to the CLASS under implied warranties of merchantability and fitness for a particular purpose. NISSAN impliedly warranted the AFFECTED VEHICLES to be merchantable, fit for the ordinary purposes for which they were intended to be used, including the guarantee that they were in a safe and non-defective condition for use by their owners or lessees for the ordinary purpose for which they were intended and were not otherwise injurious. NISSAN is under a duty to design, construct, manufacture, inspect, and test the AFFECTED VEHICLES so as to make them suitable for the ordinary purposes of their use—transportation.

187. NISSAN breached its warranties for the AFFECTED VEHICLES as a result of the latent defects in the transmission system; denying the defect in the transmission when confronted with complaints of shuddering, violent jerking, a "belt slip condition," a failure to accelerate and other malfunctions; failing to repair the transmission as warranted; and otherwise inadequately repairing the defect through ineffective software updates or replacement of the defective

transmission with an equally defective transmission.

188. In breach of NISSAN's warranties, the AFFECTED VEHICLES are defective, unsafe, unfit for the ordinary purposes for which they are intended to be used, and not merchantable.

**FIRST CLAIM FOR RELIEF**
**(Breach of Express Warranties)**

189. Plaintiff, individually and for the Florida SUBCLASS, hereby incorporates each and every allegation as though fully set forth herein.

190. For each AFFECTED VEHICLE sold by NISSAN, an express written warranty was issued that covered the vehicle, including but not limited to the transmission, and which warranted the vehicle to be free of defects in materials and workmanship at the time of delivery.

191. NISSAN breached its warranties by offering for sale and selling defective vehicles that were by design and construction defective and unsafe, thereby subjecting the occupants of the AFFECTED VEHICLES purchased or leased to damages and risks of loss and injury.

192. NISSAN's breach of its express warranties proximately caused the Florida SUBCLASS to suffer damages in excess of $5,000,000.00.

WHEREFORE Plaintiff and the Florida SUBCLASS seek full compensatory damages allowable by law, attorney's fees, costs, punitive damages, and appropriate equitable relief including injunctive relief, a declaratory judgment, a court order enjoining NISSAN's wrongful acts and practices, restitution, the repair of all AFFECTED VEHICLES, replacement of all AFFECTED VEHICLES, the refund of money paid to own or lease all AFFECTED VEHICLES, and any other relief to which Plaintiff and the Florida SUBCLASS may be entitled.

**SECOND CLAIM FOR RELIEF**
**(Breach of Implied Warranty)**

193. Plaintiff, individually and for the Florida SUBCLASS, hereby incorporates each and every allegation as though fully set forth herein.

194. NISSAN impliedly warranted that the AFFECTED VEHICLES, which it

designed, manufactured, sold, or leased to Plaintiff and members of the Florida SUBCLASS, were merchantable, fit and safe for their ordinary use, not otherwise injurious to consumers, and would come with adequate safety warnings.

195. Because the AFFECTED VEHICLES are equipped with the defective transmission system, the vehicle purchased or leased and used by Plaintiff and SUBCLASS members is unsafe, unfit for use when sold, threatens injury to its occupants, and is not merchantable. NISSAN breached the implied warranty of merchantability in the sale or lease of the AFFECTED VEHICLES to Plaintiff and members of the Florida SUBCLASS in that the vehicles were not fit for their ordinary purpose and not merchantable.

196. As a direct and proximate result of NISSAN's breach of the implied warranty of merchantability and fitness for a particular purpose, Plaintiff and members of the Florida SUBCLASS suffered damages in excess of $5,000,000.00.

WHEREFORE Plaintiff and the Florida SUBCLASS seek full compensatory damages allowable by law, attorney's fees, costs, punitive damages, and appropriate equitable relief including injunctive relief, a declaratory judgment, a court order enjoining NISSAN's wrongful acts and practices, restitution, the repair of all AFFECTED VEHICLES, replacement of all AFFECTED VEHICLES, the refund of money paid to own or lease all AFFECTED VEHICLES, and any other relief to which Plaintiff and the Florida SUBCLASS may be entitled.

## THIRD CLAIM FOR RELIEF
**(Equitable Injunctive and Declaratory Relief)**

197. Plaintiff, individually and for the Florida SUBCLASS, hereby incorporates each and every allegation as though fully set forth herein.

198. Plaintiff, members of the Florida SUBCLASS, and the public will suffer irreparable harm if NISSAN is not ordered to properly repair all of the AFFECTED VEHICLES immediately, offer rescission to the Florida SUBCLASS by repurchasing their AFFECTED VEHICLES for their full cost, reimburse the lessees of the AFFECTED VEHICLES the monies

they have paid toward their leases, recall all defective vehicles that are equipped with the defective transmissions, and cease and desist from marketing, advertising, selling, and leasing the AFFECTED VEHICLES.

199. NISSAN is under a continuing duty to inform its customers of the nature and existence of potential defects in the vehicles sold.

200. Such irreparable harm includes but is not limited to likely injuries as a result of the defects to the AFFECTED VEHICLES.

WHEREFORE Plaintiff and the Florida SUBCLASS seek full compensatory damages allowable by law, attorney's fees, costs, punitive damages, and appropriate equitable relief including injunctive relief, a declaratory judgment, a court order enjoining NISSAN's wrongful acts and practices, restitution, the repair of all AFFECTED VEHICLES, replacement of all AFFECTED VEHICLES, the refund of money paid to own or lease all AFFECTED VEHICLES, and any other relief to which Plaintiff and the Florida SUBCLASS may be entitled.

## FOURTH CLAIM FOR RELIEF
**(Florida Deceptive and Unfair Trade Practices)**

201. Plaintiff, individually and for the Florida SUBCLASS, hereby incorporates each and every allegation as though fully set forth herein.

202. Plaintiff and the Florida SUBCLASS purchased the AFFECTED VEHICLE(S).

203. NISSAN sold and continues to sell, and leased and continues to lease AFFECTED VEHICLES notwithstanding its awareness of the defective transmission and of the danger posed by the defects.

204. Florida enacted the Florida Deceptive and Unfair Trade Practices Act ("FDUTPA") "[t]o protect the consuming public and legitimate business enterprises from those who engage in unfair methods of competition, or unconscionable, deceptive, or unfair acts or practices in the conduct of any trade or commerce." Fla. Stat. § 501.202(2).

205. It declared unlawful any "[u]nfair methods of competition, unconscionable acts or practices, and unfair or deceptive acts or practices in the conduct of any trade or commerce." Fla.

Stat. § 501.204(1).

206. Plaintiff and the Florida SUBCLASS are consumers as defined in FDUTPA. Fla. Stat. § 501.203(7).

207. NISSAN engaged in the unfair, unconscionable, and deceptive acts or practices as defined by Fla. Stat. § 501.203(7).

208. NISSAN marketed and sold the AFFECTED VEHICLES, and otherwise caused the AFFECTED VEHICLES to be placed into and maintained in the stream of commerce for use by consumers in Florida without disclosing the defect and serious safety hazards. While NISSAN continues to conceal critical information regarding the defect and its associated dangers, consumers continue to use dangerous and patently unsafe vehicles which are not safely useable for their intended purposes without recall and replacement of the transmissions with an effective redesign.

209. NISSAN had actual knowledge that the transmission was and is defective and patently unsafe with a high probability of injury or damage to Plaintiff and the Florida SUBCLASS. Despite its knowledge, NISSAN pursued a course of conduct that resulted in damage to Plaintiff and the SUBCLASS; alternatively, NISSAN was so reckless or wanting in care that its conduct constituted a conscious disregard or indifference to the life, safety, or rights of Plaintiff and the SUBCLASS.

210. NISSAN was and remains obligated to disclose its knowledge regarding the hazards associated with the AFFECTED VEHICLES because of the public's reasonable expectation that their transmissions would not fail to work under reasonable and customary operation by drivers who did not know that a defective part could reasonably and expectedly impair the transmission system. NISSAN should have disclosed to consumers that the AFFECTED VEHICLES have a defective transmission that may shudder, violently jerk, fail to accelerate as intended by the driver, and suffer other malfunctions increasing the risk of a crash.

211. NISSAN's failure to disclose the material safety hazards associated with

transmission has and continues to mislead consumers because the failure to disclose this safety hazard was and remains material to all owners of AFFECTED VEHICLES. NISSAN, by and through its dealers, sales people and agents, has and continues to inform potential purchasers of AFFECTED VEHICLES that they are safe, fit for the use for which they were intended, and merchantable. Plaintiff, the Florida SUBCLASS, and reasonable consumers attach significant importance and influence to the safety hazard posed by the defective transmission in making a decision to purchase, operate, and continuing to operate an AFFECTED VEHICLE.

212. Complaints have been made to the National Highway Traffic Safety Administration concerning the defect and to NISSAN, including its dealers and agents. Those complaints document the severity of the problem and show that NISSAN was or should have been aware of the defect and that NISSAN has been put on notice but has failed to act. Additionally, Plaintiff Batista and other CLASS members have complained about the defect directly to NISSAN.

213. The sale or lease of the AFFECTED VEHICLES constitutes a violation of FDUTPA in that NISSAN's acts are unconscionable and constitute unfair or deceptive acts or practices. In continuing to sell or lease the AFFECTED VEHICLES, without informing potential buyers or lessees of the defect, NISSAN has also violated FDUTPA.

214. NISSAN's conduct and omissions described herein were unlawful within the meaning of FDUTPA and continue to violate Florida Statute §§ 501.201, *et seq*. Its conduct and omissions were likely to mislead a consumer acting reasonably in the circumstances and were immoral, unethical, oppressive, unscrupulous, and substantially injurious to consumers.

215. Plaintiff and the Florida SUBCLASS have been damaged and suffered a loss by NISSAN's unfair and deceptive trade practices because they paid for the AFFECTED VEHICLES. Were it not for NISSAN's unfair and deceptive trade practices, Plaintiff and the SUBCLASS would not have purchased, paid to warrant, nor continued to use the AFFECTED VEHICLES at all or only after they were rendered safe and the transmission replaced. The

Plaintiff and SUBCLASS sustained damages including, but not limited to, the difference in the market value of the AFFECTED VEHICLES in the condition in which they were delivered, the market value in the condition in which they should have been delivered, and from the loss of use of their vehicles.

216. The value of the AFFECTED VEHICLES with a defective transmission system is substantially less than the value of the vehicle would have had if the transmission system was fully operational. There is no requirement that a class member suffer physical injury in order to bring a claim under FDUTPA. It is NISSAN's duty to rectify the problem at this stage before there is injury or death as a result of the defect it created and perpetuated.

WHEREFORE Plaintiff and the Florida SUBCLASS seek full compensatory damages allowable by law, attorney's fees, costs, punitive damages, and appropriate equitable relief including injunctive relief, a declaratory judgment, a court order enjoining NISSAN's wrongful acts and practices, restitution, the repair of all AFFECTED VEHICLES, replacement of all AFFECTED VEHICLES, the refund of money paid to own or lease all AFFECTED VEHICLES, and any other relief to which Plaintiff and the Florida SUBCLASS may be entitled.

## FIFTH CLAIM FOR RELIEF
**(Violation of the Magnuson-Moss Warranty Act, 15 U.S.C. §§ 2301, *et seq*.)**

217. Plaintiff, individually and for the CLASS, hereby incorporates each and every allegation as though fully set forth herein.

218. For each AFFECTED VEHICLE, NISSAN issued an express written warranty that covered the vehicle, including but not limited to the transmission, and which warranted the vehicle to be free of defects in materials and workmanship at the time of delivery.

219. NISSAN breached its express warranties by offering for sale and selling defective vehicles that were by design and construction defective and unsafe, thereby subjecting the occupants of the AFFECTED VEHICLES purchased or leased to damages and risks of loss and injury.

220. Plaintiff and members of the class are "consumers" within the meaning of the Magnuson-Moss Act, 15 U.S.C. § 2301(3).

221. Defendant NISSAN is a "supplier" and "warrantor" within the meaning of the Magnuson-Moss Act, 15 U.S.C. § 2301(4) and (5).

222. The AFFECTED VEHICLES at issue are "consumer products" within the meaning of the Magnuson-Moss Act, 15 U.S.C. § 2301(6).

223. Defendant NISSAN's written and implied warranties relate to the future performance of its vehicles because it promised that the drivetrain of the AFFECTED VEHICLES would perform adequately for a specified period of time or mileage, whichever came first.

224. Defendant NISSAN has breached and continues to breach its written and implied warranties of future performance, thereby damaging Plaintiff and similarly situated CLASS members, when their AFFECTED VEHICLES fail to perform as represented due to an undisclosed transmission defect. NISSAN fails to fully cover or pay for necessary inspections, repairs and/or vehicle replacements for Plaintiff and the CLASS.

225. Plaintiff, members of CLASS, and the public will suffer irreparable harm if NISSAN is not ordered to properly repair all of the AFFECTED VEHICLES immediately, offer rescission to the CLASS by repurchasing their AFFECTED VEHICLES for their full cost, reimburse the lessees of the AFFECTED VEHICLES the monies they have paid toward their leases, recall all defective vehicles that are equipped with the defective transmissions, and cease and desist from marketing, advertising, selling, and leasing the AFFECTED VEHICLES.

226. NISSAN is under a continuing duty to inform its customers of the nature and existence of potential defects in the vehicles sold.

227. Such irreparable harm includes but is not limited to likely injuries as a result of the defects to the AFFECTED VEHICLES.

WHEREFORE Plaintiff and the CLASS seek full compensatory damages allowable by law, attorney's fees, costs, punitive damages, and appropriate equitable relief including injunctive

relief, a declaratory judgment, a court order enjoining NISSAN's wrongful acts and practices, restitution, the repair of all AFFECTED VEHICLES, replacement of all AFFECTED VEHICLES, the refund of money paid to own or lease all AFFECTED VEHICLES, and any other relief to which Plaintiff and the CLASS may be entitled.

**DEMAND FOR JURY TRIAL**

The Plaintiff, the CLASS, and the Florida SUBCLASS hereby demand trial by a struck jury of all issues triable by right.

Dated: December 15, 2014

Respectfully submitted,

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