

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN**

STEVE BEAVERS, individually and
on behalf of all others similarly
situated,

Plaintiff,

v.

FORD MOTOR COMPANY,

Defendant.

Case No.

Hon.

**JURY TRIAL AND INJUNCTIVE
RELIEF DEMANDED**

CLASS ACTION COMPLAINT

Plaintiff Steve Beavers, individually and on behalf of the other members of the below-defined nationwide and statewide classes he seeks to represent (collectively, the “Class”), by and through his undersigned attorneys, hereby alleges against Defendant Ford Motor Company (“Defendant” or “Ford”) as follows:

INTRODUCTION

1. This is a class action lawsuit brought by Plaintiff Steve Beavers on behalf of himself and a class of current and former owners or lessees of model year 2017 through 2019 Ford automobiles that were marketed and sold with false fuel-

economy ratings. Such vehicles include the 2019 Ford Ranger and the 2018 Ford F-150 (collectively “Class Vehicles”).¹

2. Ford represented to customers their vehicles had achieved specific miles-per gallon (“MPG”) estimates. Ford concealed that it conducted inadequate and inaccurate EPA fuel economy testing, however, resulting in Class Vehicles with overstated Environmental Protection Agency (“EPA”) MPG fuel economy ratings.

3. Ford’s EPA fuel economy ratings and advertising statements overstated by a material amount the actual numbers that the required testing would have produced. These misstatements are material because the EPA numbers provide a necessary tool for vehicle comparison for consumers when evaluating vehicles to lease or purchase, and they exist to help foster realistic numbers with which consumers can compare one of the most important factors in new-car buyers’ purchase decisions.

4. The use of EPA’s testing methods is required by federal law, but Ford’s testing methods were flawed and insufficient. They produced inaccurate fuel economy ratings that did not comply with federal regulations. Ford itself admits that its U.S. emissions certification process is a cause for concern.

¹ Plaintiff reserves the right to amend or add to the vehicle models included in the definition of Class Vehicles after conducting discovery.

5. Ford knew or should have known facts indicating the inaccuracies in the promised gas mileages of its vehicles. Ford consciously or recklessly disregarded facts that indicated the fuel economy ratings were erroneous and overstated.

6. Since at least September of 2018, Ford has been aware of concerns pertaining to gas mileage inaccuracies through Ford's "Speak Up" employee reporting channel. Furthermore, standard internal testing and investigation should have revealed the problem.

7. Ford willfully and uniformly failed to identify and correct its misstatements. Ford's failure to disclose the defects in its fuel economy testing constitutes an actionable misrepresentation, an unfair, unlawful, fraudulent, and deceptive business practice in violation of consumer protection laws of various States, and a breach of the express warranties offered by Ford. Additionally, Ford's failure to comply with federal law violates Florida's Deceptive and Unfair Trade Practices Act.

8. In April 2019, Ford announced that the U.S. Department of Justice had opened a criminal investigation over the Ford Motor Company's emissions-certification processes. The probe "currently focuses" on Ford's road-load estimations, including analytical and coastdown procedures used to determine published EPA fuel-efficiency figures,

9. Plaintiff and the other Class members have been damaged by Ford's misrepresentations, concealment, and non-disclosure of the incorrect fuel economy numbers, because they were misled into purchasing Ford vehicles of a quality different than they were promised and paying more for their Class Vehicles than they otherwise would have, and by paying higher fuel costs that they would otherwise have not paid.

10. This action seeks relief for the injuries sustained as the result of the inaccurate testing methods used by Ford to ascertain the fuel economy ratings of its vehicles and material misstatements regarding those ratings used in the marketing and sales of certain 2017-2019 Ford vehicles in the United States.

JURISDICTION AND VENUE

11. This Court has diversity jurisdiction over this action under 28 U.S.C. § 1332(a) and (d) because the amount in controversy for the Class exceeds \$5,000,000 and Plaintiff and other putative class members are citizens of a different state than Defendant. Subject-matter jurisdiction also arises under the Magnuson-Moss Warranty Act claims asserted under 15 U.S.C. § 2301, *et seq.*

12. The Court has personal jurisdiction over Defendant pursuant to 18 U.S.C. §§ 1965(b) and (d) and supplemental jurisdiction over the state-law claims pursuant to 28 U.S.C. § 1367.

13. This Court has both specific and general personal jurisdiction over Defendant because it maintains minimum contacts with the United States, this judicial district, and this state. Ford purposely availed itself of the laws of this state by conducting a substantial amount of business in the state, including designing, testing, manufacturing, and/or distributing Ford vehicles, including the Class Vehicles, in this state and District. Ford also developed, prepared, and disseminated warranty materials for the Class Vehicles within and from its headquarters in this state and District. Hundreds or thousands of Class Vehicles were sold or leased at franchised dealerships in this state.

14. Venue is proper in this District under 28 U.S.C § 1391 because a substantial part of the events and/or omissions giving rise to Plaintiffs' claims occurred in this District. Ford has marketed, warranted, sold, and leased the Class Vehicles, and otherwise conducted extensive business within this District. The design, development, and testing of the Class Vehicles took place in significant part within this District, including at Ford's headquarters in Dearborn, Michigan.

PARTIES

15. Plaintiff Steve Beavers is a citizen of the State of Florida, and currently resides in Winter Haven, Florida.

16. In or about August of 2018, Plaintiff purchased a new 2018 Ford F-150 XLT from Jarrett-Gordon Ford, an authorized Ford dealership, located in Winter Haven, Florida for personal, family, and/or household use.

17. Prior to purchasing his Class Vehicle, Plaintiff test drove the vehicle, viewed advertisements for the vehicle and the vehicle's window sticker, and spoke with Ford sales representatives concerning the vehicle's features. Neither Ford nor its agents, dealers, or other representatives informed Plaintiff of the true fuel economy rating of the vehicle at any time either prior to or following his purchase, whether at the point of sale or otherwise. Plaintiff relied on Defendant's misrepresentations and omissions in deciding to purchase his vehicle.

18. Specifically, the window sticker stated that the Class Vehicle's miles per gallon ratings were: 23 highway, 18 city, and 20 combined. The window sticker also stated that the vehicle was covered by Ford's New Vehicle Limited Warranty. Plaintiff relied on these representations when deciding to purchase his vehicle.

19. Plaintiff has suffered an ascertainable loss as a result of Ford's omissions and/or misrepresentations above, including but not limited to the diminished value of his Class Vehicle. Had Ford disclosed the true fuel economy ratings to Plaintiff, he would not have bought his Class Vehicle or would have paid less for it.

20. Defendant Ford Motor Company is a Delaware corporation with its principal place of business at One American Road in Dearborn, Michigan.

21. At all times relevant herein, Defendant Ford engaged in the business of designing, manufacturing, marketing, warranting, distributing, selling, and leasing automobiles, including the Class Vehicles, throughout the United States.

FACTUAL ALLEGATIONS

A. The EPA Requires Specific Fuel Economy Testing Methods

22. Under regulations issued by the United States Environmental Protection Agency (“EPA”), every new car and truck or SUV up to 10,000 pounds sold in the United States (the “New Vehicles”) must have a fuel economy label or window sticker that contains the vehicle's miles-per-gallon (“MPG”) estimates. The fuel economy ratings have been given to consumers since the 1970s and are posted for the customers’ benefit to help them make valid comparisons between vehicles’ MPGs when shopping for a new vehicle.

23. The EPA’s standardized test procedures are “designed to create a level playing field for all vehicles,” such that consumers can rely on these values when determining which vehicles are more fuel efficient. Fuel economy is measured under controlled conditions in a laboratory using a series of tests specified by federal law.

24. Manufacturers test their own vehicles and report the results to EPA. Manufacturers do not test every new vehicle offered for sale. They are only required

to test one representative vehicle—typically a preproduction prototype—for each combination of loaded vehicle weight class, transmission class, and basic engine.²

25. Ford utilizes “road load” tests to calculate fuel economy ratings that are ultimately submitted to the EPA. According to Ford, “Road load is a vehicle-specific resistance level used in vehicle dynamometer testing, including for fuel economy ratings and emissions certifications. Road load is established through engineering models that are validated through vehicle testing, including physical track tests referred to as coastdown testing.”³

26. Coastdown testing simulates aerodynamic drag, tire rolling resistance, and drivetrain frictional losses and provides the technical data used to program the test dynamometers that generate EPA fuel economy ratings. In a coastdown test, a vehicle is brought to a high speed on a flat, straight road and then set coasting in neutral until it slows to a low speed. By recording the time the vehicle takes to slow down, it is possible to model the forces affecting the vehicle.

27. Coastdown tests are governed by tests developed by The Society of Automotive 20 Engineers (“SAE”). Data variability and error can be controlled, but

² https://www.fueleconomy.gov/feg/which_tested.shtml (last accessed May 9, 2019). Exhibit A

³ <https://media.ford.com/content/fordmedia/fna/us/en/news/2019/02/21/ford-investigating-process-for-us-emissions-certification-conc.html> (last accessed May 9, 2019). Exhibit B

several factors must be considered under the SAE standards, including calculation of the mass of the vehicle, tire pressure, weather and environmental factors (*e.g.*, wind speed, air temperature, humidity, and barometric pressure), aerodynamic factors, road surface, experiment design and methodology, measurement errors and data acquisition systems, and vehicle qualifications.

28. The EPA reviews manufacturer test results and confirms about 15–20% of them through their own tests at the National Vehicles and Fuel Emissions Laboratory.⁴ Some vehicle models are selected for testing because of consumer complaints while others are selected at random. Historically, the EPA has audited between 10% and 15% of new vehicle models (or about 150-200 vehicles), but this has grown to 15-20% in recent years.⁵

B. Ford Touts the Fuel Efficiency of Class Vehicles

29. Ford, knowing the importance of fuel economy to consumers, deliberately advertised the Class Vehicles as fuel efficient.

⁴ Specifically, the EPA tests vehicles by running them through a series of driving routines, also called *cycles* or *schedules*. These test cycles represent a variety of driving conditions including speed, acceleration, braking, air conditioning use, and ambient temperatures. The test results from the driving cycles are combined to yield individual “city” and “highway” values, and a “combined” fuel economy value that assumes a 55% city/45% highway split. <https://nepis.epa.gov/Exe/ZyPDF.cgi/P100IENB.PDF?Dockey=P100IENB.PDF> (last accessed May 9, 2019).
Exhibit C

⁵ *Id.*

30. For example, Ford touted the 2019 Ranger as the “most fuel-efficient gas-powered midsize pickup in America.”⁶ Ford represented the 2019 Ford Ranger as “providing a superior EPA-estimated city fuel economy rating and an unsurpassed EPA-estimated combined fuel economy rating versus the competition.”⁷ Specifically, Ford represented that the 2019 Ranger as having “earned” EPA-estimated fuel economy ratings of “21 mpg city, 26 mpg highway and 23 mpg combined” when configured as a 4x2 truck, and EPA-estimated fuel economy ratings of “20 mpg highway, 24 mpg highway, and 22 mpg combined” when configured as a 4x4 truck.⁸ These fuel economy ratings were also advertised on the vehicle’s window sticker.⁹

31. The fuel economy of the 2019 Ford Ranger advertised by Ford has not been consistent with reports by independent third parties and consumers. For example, after taking the 2019 Ford Ranger on a 1,000 mile road trip, one automobile writer reported an average of 19.5 miles per gallon while on the highway—

⁶ <http://www.campaign.ford.com/content/fordmedia/fna/us/en/news/2018/12/11/ford-ranger-rated-most-fuel-efficient-gas-powered-midsize-pickup.html> (last accessed May 9, 2019). Exhibit D

⁷ *Id.*

⁸ *Id.*

⁹ <https://www.slashgear.com/2019-ford-ranger-fuel-economy-confirmed-via-an-online-window-sticker-26555140/#jp-carousel-555142> (last accessed May 9, 2019). Exhibit E

significantly less than the 24 mpg advertised by Ford.¹⁰ The discrepancy between the fuel economy numbers promulgated by Ford and those reported by consumers will likely cost consumers thousands of dollars more in fuel costs over the life of Class Vehicles and result in increased vehicle pollution—neither of which was bargained for by consumers at the time of purchase.

32. Ford knew or reasonably should have known that its representations to both the public and the EPA pertaining to the fuel economy would be a major consideration that consumers would rely upon when deciding to purchase or lease a Class Vehicle.

C. Ford Reveals Concerns with its Fuel Economy Calculations

33. In its annual report filed with the SEC on February 21, 2019, Ford indicated that “[t]he Company has become aware of a potential concern involving its U.S. emissions certification process” and that the Company “cannot provide assurance that it will not have a material adverse effect on [Ford].”

34. That same day, Ford published a press release revealing that Ford knew about the concern with the analytical modeling part of its U.S. fuel economy and

¹⁰ <https://www.tfltruck.com/2019/02/real-world-2019-ford-ranger-fuel-economy-here-is-the-unexpected-result-after-a-1000-mile-road-trip-video/> (last accessed May 9, 2019). Exhibit F

emissions compliance process as far back as September 2018, when employees alerted Ford through its “Speak Up” employee reporting channel.¹¹

35. At this time, Ford indicated that it was hiring an outside firm to conduct an investigation into the vehicle road load specifications used in Ford’s emissions and fuel economy testing and was also evaluating potential changes to its road-load modeling process.¹² In particular, Ford indicated that the 2019 Ranger was potentially affected and the company was also “assessing additional vehicles as well.”¹³ The relevant time period affecting Class Vehicles goes back to, at the very least, 2017.¹⁴

36. Ford indicated at this time that the company had shared its concerns with both the Environmental Protection Agency and the California Air Resources Board (“CARB”). On February 18, 2019 Ford disclosed the concern with its emissions certification process with the EPA. However, a spokesman for CARB revealed that “as of [February 21], CARB has not received notification of the

¹¹ <https://media.ford.com/content/fordmedia/fna/us/en/news/2019/02/21/ford-investigating-process-for-us-emissions-certification-conc.html> (last accessed May 9, 2019). Exhibit G

¹² *Id.*

¹³ *Id.*

¹⁴ <https://www.freep.com/story/money/cars/2019/02/21/ford-stock-drops-amid-news-gas-mileage-inquiry/2944609002/> (last accessed May 9, 2019). Exhibit H

mileage issue from Ford.”¹⁵ Early the next day, Steve Cliff, deputy executive officer of CARB, told the Detroit Free Press that “[w]e learned of the apparent concerns with Ford’s emissions certification through reports in the press.”¹⁶

37. Ford’s history of promulgating false fuel economy data is not new: in 2014, Ford had to downgrade the fuel economy ratings for six of its vehicles, by 1 to 7 mpg, making payments to the roughly 200,000 car owners affected. (*See In re Ford Fusion & C-Max Fuel Econ. Litig.*, No. 13-MD-2450 (S.D.N.Y.).)

38. Ford knew or reasonably should have known that its testing methodology might yield materially inaccurate fuel economy ratings. At the time Ford compensated affected vehicle owners in 2014, Alan R. Mulally, Ford’s chief executive, said in a statement that “[w]e are also taking steps to improve our processes and prevent issues like this from happening again.”¹⁷

39. Notwithstanding the fact that Ford was on notice about the impropriety of its testing methodology since at least 2014, Ford has *again* promulgated materially false fuel economy data. Ford’s recent disclosure of its concerns demonstrates an intentional or otherwise reckless disregard for ensuring that its testing methodology is proper.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ <https://www.nytimes.com/2014/06/13/business/ford-lowers-fuel-economy-ratings-on-some-of-its-cars.html> (last accessed May 9, 2019). Exhibit I

40. The methods implemented by Ford to test fuel economy were not in accordance with EPA's requirements and were insufficient in design, procedure, content, execution, and/or completeness.

D. Ford had Superior Knowledge of the Inaccurate Fuel Economy Testing

41. At all times, Ford possessed vastly superior information to that of consumers. Ford knew of concerns associated with its fuel economy testing and corresponding increase in MPG ratings since at least September 2018—approximately five months *before* Ford chose to disclose its concerns to the public, the EPA, and California regulators. This information was uniquely within Ford's possession and, given its proprietary nature, was not easily discoverable by consumers.

42. Notwithstanding Ford's awareness of concerns with its fuel economy testing, Ford willingly disseminated false information to consumers through, at the very least, advertisements and the Class Vehicles' window stickers.

43. Ford knew, or reasonably should have known, that consumers would rely upon the information disseminated through advertisements and window stickers to compare material vehicle qualities to help make informed choices about the cars they buy.

44. Ford failed to disclose that the fuel economy information relied upon by consumers was materially false at the time of purchase or lease of the Class

Vehicles (or any time thereafter) and continued to sell Class Vehicles. Ford intentionally concealed concerns associated with its fuel economy testing and failed to provide any notice to consumers until February 21, 2019—well after Ford had or should have had notice that its fuel economy ratings were not trustworthy or accurate.

45. Although Ford knew the fuel economy data of Class Vehicles was not trustworthy or accurate it intentionally or otherwise recklessly misrepresented this data as such to the EPA, CARB, and consumers.

CLASS ACTION ALLEGATIONS

46. Plaintiff brings this action as a class action pursuant to Federal Rule of Civil Procedure 23(a), (b)(2), and (b)(3) on behalf of the following Classes:

The Nationwide Class

All persons or entities who purchased or leased a Class Vehicle in the United States

The Florida Class

All persons or entities who purchased or leased a Class Vehicle in Florida.

47. Excluded from the Class are Defendant, its affiliates, employees, officers and directors, persons or entities that purchased the Class Vehicles for resale, and the Judge(s) assigned to this case. Plaintiff reserves the right to modify, change, or expand the Class definition.

48. Certification of Plaintiff's claims for class-wide treatment is appropriate because Plaintiff can prove the elements of his claims on a class-wide basis using the same evidence as would be used to prove those elements in individual actions alleging the same claim.

49. This action has been brought and may be properly maintained on behalf of each of the Classes proposed herein under Federal Rule of Civil Procedure 23.

50. **Numerosity of the Class (Federal Rule of Civil Procedure 23(a)(1))** – The members of the Classes are so numerous that their individual joinder is impracticable. Plaintiff is informed and believes that at least tens of thousands of Class Vehicles were sold. Inasmuch as the class members may be identified through business records regularly maintained by Defendant and its employees and agents, and through the media, the number and identities of class members can be ascertained. Members of the Classes can be notified of the pending action by e-mail, mail, and supplemented by published notice, if necessary.

51. **Commonality and Predominance (Federal Rule of Civil Procedure 23(a)(2))** – There are questions of law and fact common to the Classes. These questions predominate over any questions affecting only individual class members. These common legal and factual issues include, but are not limited to:

- a. Whether Defendant engaged in the conduct alleged herein;

- b. Whether Defendant designed, advertised, marketed, distributed, leased, sold, or otherwise placed Class Vehicles into the stream of commerce in the United States;
- c. Whether Defendant designed, manufactured, marketed, distributed, leased, sold or otherwise placed Class Vehicles into the stream of commerce in the United States when it knew, or should have known, that the fuel-economy ratings of the Class Vehicles were false;
- d. When Defendant first learned of the false fuel-economy ratings of the Class Vehicles;
- e. Whether Defendant intentionally concealed from consumers the true fuel-economy ratings of the Class Vehicles;
- f. Whether Defendant intentionally concealed from consumers that its fuel economy ratings were not accurate or trustworthy;
- g. Whether Plaintiff and the other Class members have been harmed by the fraud alleged herein;
- h. Whether Defendant was negligent in misrepresenting the fuel-economy ratings of the Class Vehicles;
- i. Whether Defendant was unjustly enriched by its deceptive practices;

- j. Whether Plaintiff and the other members of the Classes are entitled to equitable relief in the form of rescission of the purchase agreement or other injunctive relief and, if so, in what amount.

52. **Typicality (Federal Rule of Civil Procedure 23(a)(3))** – The claims of the representative Plaintiff are typical of the claims of each member of the Classes. Plaintiff, like all other members of the Classes, has sustained damages arising from Defendant’s conduct as alleged herein. The representative Plaintiff and the other members of the Classes were and are similarly or identically harmed by the same unlawful, deceptive, unfair, systematic, and pervasive pattern of misconduct engaged in by Defendant.

53. **Adequacy (Federal Rule of Civil Procedure 23(a)(4))** – The representative Plaintiff will fairly and adequately represent and protect the interests of the other members of the Classes and he has retained counsel who are experienced and competent trial lawyers in complex litigation and class action litigation. There are no material conflicts between the claims of the representative Plaintiff and the other members of the Classes that would make class certification inappropriate. Counsel for the Classes will vigorously assert the claims of all members of the Classes.

54. **Superiority (Federal Rule of Civil Procedure 23(b)(3))** – This suit may be maintained as a class action under Federal Rule of Civil Procedure 23(b)(3),

because questions of law and fact common to the Classes predominate over the questions affecting only individual members of the Classes and a class action is superior to other available means for the fair and efficient adjudication of this dispute. The damages suffered by individual class members are small compared to the burden and expense of individual prosecution of the complex and extensive litigation needed to address Defendant's conduct. Further, it would be virtually impossible for the members of the Classes to individually redress effectively the wrongs done to them. Even if members of the Classes themselves could afford such individual litigation, the court system could not. In addition, individualized litigation increases the delay and expense to all parties and to the court system resulting from complex legal and factual issues of the case. Individualized litigation also presents a potential for inconsistent or contradictory judgments. By contrast, the class action device presents far fewer management difficulties; allows the hearing of claims which might otherwise go unaddressed because of the relative expense of bringing individual lawsuits; and provides the benefits of single adjudication, economies of scale, and comprehensive supervision by a single court.

55. The representative Plaintiff contemplates the eventual issuance of notice to the proposed Class members setting forth the subject and nature of the instant action. Upon information and belief, Defendant's own business records and electronic media can be utilized for the contemplated notices. To the extent that any

further notices may be required, the representative Plaintiff would contemplate the use of additional media and/or mailings.

COUNT I
Violations of the Magnuson-Moss Warranty Act
(On Behalf of the Nationwide Class)

56. Plaintiff incorporates and re-alleges paragraphs 1-55 as though fully set forth herein.

57. Plaintiff brings this Count individually and on behalf of the members of the Nationwide Class (the “Class,” for purposes of this Count).

58. This Court has jurisdiction to decide claims brought under 15 U.S.C. § 2301 by virtue of 28 U.S.C. § 1332(a) and (d).

59. Plaintiff is a “consumer” within the meaning of the Magnuson-Moss Warranty Act, 15 U.S.C. § 2301(3).

60. Ford is a “supplier” and “warrantor” within the meaning of the Magnuson-Moss Warranty Act, 15 U.S.C. § 2301(4)-(5).

61. The Class Vehicles are “consumer products” within the meaning of the Magnuson-Moss Warranty Act, 15 U.S.C. § 2301(1).

62. 15 U.S.C. § 2310(d)(1) provides a cause of action for any consumer who is damaged by the failure of a warrantor to comply with a written or implied warranty.

63. As more fully described above, in selling the Class Vehicles, Defendant expressly warranted in advertisements that the Class Vehicles experienced fuel-economy efficiency.

64. These express warranties are written warranties within the meaning of the Magnuson-Moss Warranty Act, 15 U.S.C. § 2301(6). The Class Vehicles' implied warranties are covered under 15 U.S.C. § 2301(7).

65. With respect to Plaintiff's and the other Class members' purchases or leases of the Class Vehicles, the terms of Ford's express and implied warranties became part of the basis of the bargain between the parties.

66. Ford breached these warranties as described in more detail above. Without limitation, the Class Vehicles experience less mpg than represented by Ford to their customers, the public, and regulators.

67. Plaintiff and the other members of the Class have had sufficient direct dealings with Ford or their agents (dealerships) to establish privity of contract between Ford, on the one hand, and Plaintiff and the other Class members, on the other hand. Nonetheless, privity is not required here because Plaintiff and each of the other Class members are intended third-party beneficiaries of contracts between the Ford or their dealers, and of their implied warranties. The dealers were not intended to be the ultimate users of the Class Vehicles and have no rights under the

warranty agreements provided with the Class Vehicles; the warranty agreements were designed for and intended to benefit consumers only.

68. Affording Ford a reasonable opportunity to cure their breach of written warranties would be unnecessary and futile. At the time of sale or lease of each Class Vehicle, Ford knew or should have known of the misrepresentations concerning the Class Vehicles' fuel economy ratings, but nonetheless failed to rectify the misrepresentation. Under the circumstances, the remedies available under any informal settlement procedure would be inadequate, and any requirement that Plaintiff or the other Class members resort to an informal dispute resolution procedure and/or afford Ford a reasonable opportunity to cure its breach of warranties is excused and thus deemed satisfied.

69. As a direct and proximate result of Ford's breaches of its Limited Warranty and the implied warranty of merchantability, Plaintiff and the members of the proposed Classes and Subclasses have sustained damages in an amount to be determined at trial.

70. The amount in controversy of Plaintiff's individual claims meets or exceeds the sum of \$25. The amount in controversy of this action exceeds the sum of \$50,000, exclusive of interest and costs, computed on the basis of all claims to be determined in this lawsuit.

71. Plaintiff, individually and on behalf of the Nationwide Class, seeks all damages permitted by law, including diminution in the value of their vehicles, in an amount to be proven at trial.

COUNT II
**Violation of Florida’s Consumer Fraud and Deceptive Business Practices Act
(On Behalf of the Florida Class)**

72. Plaintiff incorporates and re-alleges paragraphs 1-55 as though fully set forth herein.

73. Plaintiff brings this Count individually and on behalf of the members of the Florida Class (the “Class,” for purposes of this Count).

74. Florida’s Deceptive and Unfair Trade Practices Act prohibits unfair 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). Florida’s Deceptive and Unfair Trade Practices Act “protect[s] 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).

75. Ford has engaged in deception, fraud, unfair practices, and concealment by the conduct, statements, and omissions described above, and by knowingly and intentionally concealing from Plaintiff and the other Class Members the true fuel economy ratings of the Class Vehicles (and the costs and diminished value of the

Class Vehicles as a result of Ford's conduct). Accordingly, Ford engaged in unfair or deceptive acts or practices as defined in Fla. Stat. § 501.204(1), including representing that the Class Vehicles have characteristics, uses, benefits, and qualities which they do not have; representing that the Class Vehicles are of a particular standard and quality when they are not; advertising the Class Vehicles with the intent not to sell them as advertised; and otherwise engaging in conduct likely to deceive.

76. The facts concealed or not disclosed by Ford to Plaintiff and the Florida Class Members are material in that a reasonable consumer would have considered them to be important in deciding whether to purchase the Class Vehicles or pay a lesser price. Had Plaintiff and the Florida Class Members known about the true fuel economy ratings of the Class Vehicles, they would not have purchased the Class Vehicles or would have paid less for them.

77. Plaintiff and the other Class members were injured as a result of Ford's conduct in that Plaintiff and the other Class members purchased Class Vehicles with materially less miles per gallon ratings than advertised, overpaid for their Class Vehicles and did not receive the benefit of their bargain, and their Class Vehicles have suffered a diminution in value. These injuries are the direct and natural consequence of Ford's misrepresentations and omissions.

78. The injuries suffered by Plaintiff and the Class Members are greatly outweighed by any potential countervailing benefit to consumers or to competition,

nor are they injuries that Plaintiff and the Class Members should have reasonably avoided.

79. Plaintiff's and the other Class Members' injuries were proximately caused by Defendant's fraudulent and deceptive business practices.

80. Ford's conduct in this regard was wanton, willful, outrageous, and in reckless indifference to the rights of Plaintiff and the other Class members and, as such, warrants the imposition of punitive damages.

COUNT III
Fraud by Omission
(On Behalf of the Florida Class)

81. Plaintiff incorporates and re-alleges paragraphs 1-55 as though fully set forth herein.

82. Plaintiff brings this Count individually and on behalf of the members of the Florida Class (the "Class," for purposes of this Count).

83. The nondisclosure, concealment, and/or omission of material facts made by Defendant to Plaintiff and the other members of the Class, as set forth above, were known, or through reasonable care should have been known, by Defendant to be false and material and were intended to mislead Plaintiff and the other members of the Class.

84. Plaintiff and the other Class members were actually misled and deceived and were induced by Defendant to purchase the Class Vehicles which they would not otherwise have purchased, or would have paid substantially less for.

85. As a result of the conduct of Defendant, Plaintiff and the other Class members have been damaged in an amount to be determined at trial.

COUNT IV
Unjust Enrichment
(On Behalf of the Florida Class)

86. Plaintiff incorporates and re-alleges paragraphs 1-55 as though fully set forth herein.

87. Plaintiff brings this Count individually and on behalf of the members of the Florida Class (the “Class,” for purposes of this Count).

88. Because of its wrongful acts and omissions, Defendant charged a higher price for the Class Vehicles than the Class Vehicles’ true value and Defendant obtained money which rightfully belongs to Plaintiff and the other members of the Class.

89. Plaintiff and members of the Class conferred a benefit on Defendant by purchasing or leasing the Class Vehicles.

90. Defendant had knowledge that this benefit was conferred upon them.

91. Defendant has been unjustly enriched at the expense of Plaintiff, and its retention of this benefit under the circumstances would be inequitable.

92. Plaintiff seeks an order requiring Defendant to make restitution to him and the other members of the Class.

COUNT V
Breach of Implied Warranty
(On Behalf of the Florida Class)

93. Plaintiff incorporates and re-alleges paragraphs 1-55 as though fully set forth herein.

94. Plaintiff brings this Count individually and on behalf of the members of the Florida Class (the “Class,” for purposes of this Count).

95. Ford is and was at all relevant times a “merchant,” “seller,” and “lessor” with respect to motor vehicles.

96. The Class Vehicles are and were at all relevant times “goods.”

97. A warranty that the Class Vehicles were in merchantable condition and fit for the particular purpose for which vehicles are used is implied by law, including Fl. Stat. § 672.314 and § 672.315.

98. These Class Vehicles, when sold or leased and at all times thereafter, did not conform to the promise or affirmations of fact made by Ford. Specifically, as described above, the Class Vehicles’ fuel-economy ratings did not conform to the fuel-economy representations made by Ford.

99. Plaintiff and the other members of the Class have had sufficient direct dealings with Ford or their agents (dealerships) to establish privity of contract

between Ford, on the one hand, and Plaintiff and the other Class members, on the other hand.

100. As a direct and proximate result of Defendant's breach of implied warranties, Plaintiff and the other members of the Class have been damaged in an amount to be determined at trial.

COUNT VI
Breach of Express Warranty
(On Behalf of the Florida Class)

101. Plaintiff incorporates and re-alleges paragraphs 1-55 as though fully set forth herein.

102. Plaintiff brings this Count individually and on behalf of the members of the Florida Class (the "Class," for purposes of this Count).

103. As more fully described above, in selling the Class Vehicles, Defendant expressly warranted in advertisements that the Class Vehicles experienced a certain fuel-economy efficiency.

104. These affirmations and promises were part of the basis of the bargain between the parties.

105. Defendants breached these express warranties arising from their advertisements because the fuel economy ratings for their vehicles were false.

106. As a direct and proximate result of Defendant's breach of express warranties, Plaintiff and members of the Class have been damaged in an amount to be determined at trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff and the Class pray for judgment as follows:

1. For an order certifying this action as a class action;
2. For an order appointing Plaintiff as the representative of the Classes and his counsel of record as Class counsel;
3. For an award of actual, general, special, incidental, statutory, compensatory and consequential damages on claims as allowable and in an amount to be proven at trial;
4. For an award of exemplary and punitive damages in an amount to be proven at trial;
5. For attorneys' fees and costs;
6. For an order enjoining the wrongful conduct alleged herein;
7. For interest;
8. For all such equitable relief and remedies as the Court deems just and appropriate, including but not limited to, rescission; restitution; and unjust enrichment;

9. For injunctive relief ordering Ford to immediately cease fuel economy testing according to its flawed methodology; and
10. For such other relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury trial for all claims so triable.

Dated: July 15, 2019

Respectfully submitted,

/s/ E. Powell Miller

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Exhibit A

Which Vehicles Are Tested

Manufacturers do not test every new vehicle offered for sale. They are only required to test one representative vehicle—typically a preproduction prototype—for each combination of loaded vehicle weight class, transmission class, and basic engine.

Some vehicles are exempt from these requirements:

- Motorcycles
- Large vehicles prior to 2011: Vehicles with a gross vehicle weight rating (GVWR) over 8,500 pounds, such as larger pickup trucks and SUVs
- Large vehicles from 2011 onward:
 - Pickup trucks and cargo vans with GVWR over 8,500 pounds
 - Passenger vehicles, such as SUVs and passenger vans with GVWR of 10,000 or more

Popular Vehicles Exempt from Federal Fuel Economy Standards *Prior to 2011*

[Pickups](#)
[SUVs](#)
[Vans](#)

Manufacturer	Model
Chevrolet	Avalanche 2500 Series ¾ Ton Silverado 2500/3500 Series
Dodge	RAM 2500/3500 Series
Ford	F-250/350 Series
GMC	Sierra 2500/3500 Series

Note: These vehicles are given as examples. This is not a comprehensive list.

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[How Vehicles Are Tested](#)

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Exhibit B

Ford Media Center

FORD INVESTIGATING PROCESS FOR U.S. EMISSIONS CERTIFICATION CONCERNING ROAD LOAD

Feb 21, 2019 | DEARBORN, Mich.

DEARBORN, Mich., Feb. 21, 2019 - *The following can be attributed to Kim Pittel, group vice president, Sustainability, Environment & Safety Engineering, Ford Motor Company:*

“In September, a handful of employees raised a concern through our Speak Up employee reporting channel regarding the analytical modeling that is part of our U.S. fuel economy and emissions compliance process.

At Ford, we believe that trust in our brand is earned by acting with integrity and transparency. As part of this, we have a process for looking at how we perform and behave in our broad and complex company.

As a result of the concern, we have taken a number of actions. Specifically:

- We have hired an outside firm to conduct an investigation into the vehicle road load specifications used in our testing and applications to certify emissions and fuel economy.

Road load is a vehicle-specific resistance level used in vehicle dynamometer testing, including for fuel economy ratings and emissions certifications. Road load is established through engineering models that are validated through vehicle testing, including physical track tests referred to as coastdown testing.

- Ford has retained independent industry technical experts as part of our investigation team.
- We are hiring an independent lab to conduct further coastdown testing as part of our investigation.
- Ford also is evaluating potential changes to our road-load modeling process, including engineering, technical and governance components.
- This week, we voluntarily shared these potential concerns with Environmental Protection Agency and California Air Resources Board officials.

The investigation and potential concerns do not involve the use of defeat devices in our products. At this time, there's been no determination that this affects Ford's fuel economy labels or emissions certifications.

We plan to work with regulators and the independent lab to complete a technical review. As part of our review, we have identified potential concerns with how we calculate road load. The first vehicle we are evaluating is the 2019 Ranger; we are assessing additional vehicles as well.

As always, we strive to be transparent with our customers, employees, dealers, shareholders and other stakeholders. We understand how important it is to all audiences that we thoroughly yet swiftly complete this investigation.”

About Ford Motor Company

Ford Motor Company is a global company based in Dearborn, Michigan. The company designs, manufactures, markets and services a full line of Ford cars, trucks, SUVs, electrified vehicles and Lincoln luxury vehicles, provides financial services through Ford Motor Credit Company and is pursuing leadership positions in electrification, autonomous vehicles and mobility solutions. Ford employs approximately 196,000 people worldwide. For more information regarding Ford, its products and Ford Motor Credit Company, please visit www.corporate.ford.com.

Exhibit C

Fuel Economy Testing and Labeling

1. Why should I trust EPA's fuel economy values?

The MPG estimates on the EPA/DOT Fuel Economy and Environment Label (or window sticker) are based on standardized laboratory test procedures to ensure they are reliable, repeatable, and fair across different car models. That means consumers can compare mpg for different vehicles on an 'apples-to-apples' basis to determine which vehicle is more fuel efficient.

EPA's fuel economy tests have been correlated with national average values for many important real-world driving conditions, including stop-and-go traffic, cold weather, air conditioning use, and high speed and aggressive driving. In addition, all EPA fuel economy test results are adjusted downward to reflect many other variables that are not incorporated into our tests such as wind, hills, and road conditions.

While individual mileage will always vary and no label value can accurately predict fuel economy for all drivers under all conditions, we believe the EPA fuel economy values are the best estimates for typical U.S. drivers and average driving conditions.

2. It seems like few drivers get the exact mpg listed on their vehicle's window sticker. Why does EPA claim they are "real world"?

We believe EPA label values are the best "real world" estimates for consumers because they are based on a methodology that reflects national-average conditions for a wide range of factors that affect fuel economy: vehicle maintenance, road conditions (e.g., icy, uphill), high speed or aggressive driving, stop-and-go traffic, cold temperatures, high AC and other accessory load use, the number of passengers and amount of cargo, and many more. We believe the EPA fuel economy test procedures are unique in this regard.

Over any given year, we expect that most drivers will achieve fuel economy at or very close to our estimates. Some drivers will get mpg that is higher than the label values while others may experience lower fuel economy, generally due to more unusual driving behavior or ambient conditions. While we do occasionally receive complaints about mileage from consumers, these tend to be concentrated on a relatively small number of new vehicle models and we investigate and address these on

a case-by-case basis. We also have the opportunity to review real-world driving data voluntarily submitted by consumers through the “My MPG” tool on the joint EPA and Department of Energy website fuelconomy.gov. The average fuel economy reported through this tool is higher than the corresponding label value.

3. Why are EPA’s fuel economy tests conducted in an indoor laboratory? Wouldn’t it be better to test cars on roads or at least on an outdoor track?

Testing vehicles in controlled laboratory conditions establishes a level playing field for all cars and ensures that the test results are consistent, accurate, repeatable, and equitable among different vehicle models and manufacturers. Vehicles are driven on a dynamometer (a device similar to a treadmill) using five standardized driving patterns or test cycles. These test cycles represent a variety of driving conditions including speed, acceleration, braking, air conditioning use, and ambient temperatures. The test results from the five driving cycles are combined to yield individual “city” and “highway” values, and a “combined” fuel economy value that assumes a 55% city/45% highway split.¹

We also account for the impact of other conditions that may occur during ordinary driving, but which are not directly reflected in our tests, in our fuel economy calculations. These include wind, low tire pressure, rough roads, hills, snow or ice, carrying cargo, and certain differences between the gasoline we use for our tests and that which is typically available at the pump (see Q5). Collectively, we estimate that these conditions reduce fuel economy by about 10%. This is reflected in the fuel economy values that you see on the label.

On average, combined label values with today’s label methodology are about 20% lower than the traditional city and highway tests used to calculate Corporate Average Fuel Economy, or CAFE. This is because Congress requires manufactures to demonstrate that they meet CAFE on a specific set of laboratory test procedures. The label, however, is meant to be more reflective of the fuel economy under the range of conditions the average driver can expect. The additional test cycles, plus the adjustments for other conditions, do just that.

Although testing a vehicle on the road may seem like it would result in a more representative mpg value, road tests can only provide a snapshot of driving conditions at one point in time. On the other hand, EPA’s laboratory tests cover a broad set of conditions drivers may experience throughout the year and are designed to represent national average, real world driving.

¹ To calculate combined fuel economy, we harmonically average the city mpg and highway mpg assuming 55% and 45% driving shares, respectively: $FE = (0.55/mpg_{city} + 0.45/mpg_{hwy})^{-1}$. Note that when averaging multiple fuel economy values, it is important to use harmonic averaging because this method correctly accounts for the fact that more fuel is consumed at lower mpg. By contrast, a simple arithmetic average is misleading because it equally weights low and high mpg values. For a detailed explanation of harmonic averaging, please see *Light-Duty Automotive Technology, Carbon Dioxide Emissions, and Fuel Economy Trends: 1975 Through 2013* (p.109-111), available at: epa.gov/otaq/fetrends-complete.htm.

4. I heard that the top speed in EPA’s highway test is 60 mph. Since everyone knows that people drive much faster, why should I believe EPA’s highway (and combined) mpg estimates?

Vehicles are tested at a top speed of 80 mph in order to calculate the highway mpg estimates.

EPA utilizes five test cycles to represent real-world driving conditions. While it’s true that the test cycle historically labeled as the “highway” test has a top speed of 60 mph, this test is currently meant to represent driving on lower speed highways as well as rural and suburban driving. EPA’s highway mpg estimates are primarily derived from a separate “high speed” test cycle, which has a top speed of 80 mph. The remaining three tests are designed to simulate stop-and-go city driving, high air conditioning use, and driving in cold temperatures. For more information on the five test cycles and how EPA calculates its mpg estimates, go to [epa.gov/fueleconomy](https://www.epa.gov/fueleconomy).

5. When I buy gas at the pump, it typically contains about 10% ethanol and other additives. Does EPA use a gasoline-ethanol blend for fuel economy testing?

No, EPA’s test fuel does not currently contain any ethanol or other oxygenates. However, EPA does account for the impact of low-level ethanol blends in our fuel economy estimates. Ethanol has a lower energy density than gasoline—about 1/3 less energy per gallon. That means a car operating on 10% ethanol would require about 3% more fuel to travel one mile than a car operating on gasoline and thus have about 3% lower fuel economy. EPA currently reduces all fuel economy test values by about 10% to account for ethanol in gasoline and other factors such as wind, hills, and road conditions.

Later this decade, EPA is phasing in a requirement to change our federal emissions test fuel to include 10% ethanol by volume. Information about this change is available at: [epa.gov/otaq/tier3.htm](https://www.epa.gov/otaq/tier3.htm).

6. Driving behavior has changed significantly in the past 30+ years, but I read that EPA has only made minor adjustments to the fuel economy testing and labeling methodology in that time. Why?

Actually, EPA has made several significant updates to the methodology for determining fuel economy estimates since we started providing these values to consumers in the 1970s.

In 1984, mpg results from the two tests then in use, the “city” and “highway” tests, were adjusted downward by 10% and 22%, respectively, to better reflect real world driving and national average conditions. The methodology was updated again for model year 2008 and later vehicles. Data from three additional tests designed to capture high-speed and aggressive driving, high air conditioning and accessory loads, and operation during cold temperature are now incorporated into the fuel economy values. Rather than applying an overall correction factor, this new methodology accounts for the impact of these real-world driving conditions on each specific vehicle. A correction factor is also applied to account for factors not directly reflected on our tests (see Q3).

Last year, EPA announced plans to re-examine how auto manufacturers group certain types of car models for the purpose of fuel economy testing. This will likely have the greatest impact on some hybrid cars and other very fuel efficient vehicles (see Q7).

7. Are EPA's fuel economy tests accurate for hybrid vehicles? Why were the mpg estimates revised for the Ford C-Max hybrid?

Yes, EPA's fuel economy tests are accurate for hybrid vehicles. However, that doesn't mean every driver will get the exact mileage listed on the label.

Hybrid vehicles, as well as other very fuel efficient cars, use significantly less gasoline to travel each mile than an average vehicle. As a result, even small increases in gasoline consumption—such as that caused by aggressive driving, high AC use, cold temperatures, or driving over rugged terrain—can have a relatively larger impact on mpg. That means hybrid drivers will likely experience more variability in their mileage compared with EPA's (or any other published) fuel economy estimates.

The Ford C-Max hybrid is a special case. EPA tested the C-Max after receiving consumer complaints that the vehicle did not achieve the label values of 47 miles per gallon (mpg) for highway, city, and combined driving. Based on the results of these tests, EPA determined that the fuel economy performance of the C-Max was lower than the original label values.

Label regulations allow vehicles with the same engine, transmission and weight class to use the same fuel economy label value data, since, historically, such vehicle families achieve nearly identical fuel economy performance. Ford based the model year 2013 Ford C-Max label on testing of the related Ford Fusion hybrid, which has the same engine, transmission and test weight. For the vast majority of vehicles this approach would have yielded an appropriate label value for the car, but these new vehicles are more sensitive to small design differences than conventional vehicles because highly efficient vehicles use so little fuel.

Ford has voluntarily re-labeled the Ford C-Max to match EPA's fuel economy estimates. Going forward, EPA is planning to work with consumer advocates, environmental organizations, and auto manufacturers to propose revised fuel economy labeling regulations that address the issue of how vehicles are grouped for fuel economy testing purposes.

8. What happened with Hyundai and Kia?

Each year, EPA tests a subset of the new vehicle models at our National Vehicle and Fuel Emissions Laboratory (NVFEL) in Ann Arbor, Michigan to verify that the fuel economy estimates provided by auto manufacturers are accurate.

In 2011 and 2012, EPA began performing an audit program of manufacturers' coastdown tests. Coastdown testing is used to develop the dynamometer inputs for each vehicle model, so that the laboratory tests accurately replicate its tire rolling resistance, friction due to bearings and

brakes, and aerodynamics. EPA audit tested multiple vehicle models, including the model year 2012 Hyundai Elantra. Discrepancies between EPA coastdown test results and information provided to EPA by Hyundai resulted in an ongoing investigation into the data for other Hyundai and Kia vehicles.

Hyundai Motor America and Kia Motors America lowered their fuel economy (mpg) estimates for the majority of their model year 2012 and 2013 models to be consistent with EPA test results. The mileage for most vehicles was reduced by one to two mpg. The largest adjustment was six mpg highway for the Kia Soul.

9. How many vehicles does EPA test each year?

Auto manufacturers are responsible for testing vehicles in their laboratories according to EPA test specifications and reporting fuel economy values to EPA.

EPA re-tests a subset of these vehicles each year at its National Vehicle and Fuel Emissions Laboratory in Ann Arbor, Michigan. Some vehicle models are selected for testing because of consumer complaints; others are selected at random. Historically, we have audited between 10% and 15% of new vehicle models (or about 150-200 vehicles), but this has grown to 15%-20% in recent years.

10. Why are CAFE values different than the mpg estimates given on a car's window sticker? Will consumers achieve 54.5 mpg with new cars in 2025?

The Corporate Average Fuel Economy (CAFE) program has a different purpose than the EPA/DOT Fuel Economy and Environment Label (or window sticker) and the mpg estimates used for each program differ accordingly. CAFE is the required average fuel economy that individual manufacturers must meet for their fleets of passenger cars and light trucks manufactured for sale in the United States for each model year. The National Highway Traffic Safety Administration (NHTSA), within the Department of Transportation, establishes and enforces the CAFE standards, while EPA performs vehicle testing and CAFE calculations.

CAFE values are calculated from the EPA vehicle fuel economy database (based on testing at both EPA and automakers, including the test data used to determine the fuel economy estimates for the labels.) However, the law requires that the methodology used to calculate fuel economy for CAFE compliance be consistent with the 1975 test methods so, unlike the label values, CAFE mpg estimates are not adjusted to reflect real-world driving conditions. As a general rule of thumb, the combined mpg estimate on a vehicle's window sticker is about 20% lower than its combined mpg estimate for CAFE, though the actual difference depends on the particular vehicle. For consumers, the label value provides the best estimate of the fuel economy they are likely to experience in real world driving.

In the National Program, a joint rulemaking with DOT, EPA has established increasingly stringent greenhouse gas (GHG) emissions standards that will require automakers to average about 54.5 mpg over EPA tests in model year (MY) 2025, assuming that all GHG improvements are achieved with fuel economy technologies. EPA projects that compliance with these standards will lead to an average label, or real world, value of about 40 mpg in 2025. This is compared to an average real world value of 23.6 mpg in MY 2012.

11. Why does EPA measure fuel economy?

Congress directed EPA to establish test methods and procedures to measure the fuel economy of passenger car and trucks, and to provide this information to the public. We designed our test procedures to reflect national-average, “real world” driving conditions. The tests are standardized for all vehicles and conducted in a controlled laboratory setting, ensuring they are repeatable, reliable, and fair.

If auto manufacturers each designed their own procedure for measuring and reporting mpg, consumers would not be able to make ‘apples-to-apples’ comparisons of mileage among different car models. By contrast, EPA’s standardized test procedures create a level playing field for all vehicles. Consumers can rely on these values when trying to determine which vehicles are more fuel efficient.

Exhibit D

Ford Media Center

ADVENTURE FURTHER: ALL-NEW FORD RANGER RATED MOST FUEL-EFFICIENT GAS-POWERED MIDSIZE PICKUP IN AMERICA

Dec 11, 2018 | DEARBORN, Mich.



- With EPA-estimated fuel economy ratings of 21 mpg city, 26 mpg highway and 23 mpg combined, 2019 Ford Ranger is the most fuel-efficient gas-powered midsize pickup in America
- All-new Ranger's proven 2.3-liter EcoBoost® gasoline engine beats the V6 gasoline engines from its midsize truck competitors to deliver best-in-class 310 lb.-ft. of torque and best-in-class towing capacity
- Ranger is the no-compromise choice for power, technology, capability and efficiency whether the path is on road or off

DEARBORN, Mich., Dec. 11, 2018 – The adventure-ready 2019 Ford Ranger is the most fuel-efficient gas-powered midsize pickup in America – providing a superior EPA-estimated city fuel economy rating and an unsurpassed EPA-estimated combined fuel economy rating versus the competition. The all-new Ranger has earned EPA-estimated fuel economy ratings of 21 mpg city, 26 mpg highway and 23 mpg combined for 4x2 trucks.

When configured as a 4x4, Ranger returns EPA-estimated fuel economy ratings of 20 mpg city, 24 mpg highway and 22 mpg combined. This is the best-in-class EPA-estimated city fuel economy rating of any gasoline-powered four-wheel-drive midsize pickup and it is an unsurpassed EPA-estimated combined fuel economy rating.

“Midsize truck customers have been asking for a pickup that’s Built Ford Tough,” said Todd Eckert, Ford truck group marketing manager. “And Ranger will deliver with durability, capability and fuel efficiency, while also providing in-city maneuverability and the freedom desired by many midsize pickup truck buyers to go off the grid.”

Along with 270 horsepower, Ranger’s standard 2.3-liter EcoBoost® engine produces 310 lb.-ft. of torque, delivering the most torque of any gas engine in the midsize pickup segment. Paired with a class-exclusive 10-speed transmission, Ranger boasts a unique combination of efficiency, power and capability that only comes from Ford.

Ranger is designed and engineered to serve the needs of North America with innovative technology like its available class-exclusive Blind Spot Information System with trailer coverage, all-new Terrain Management System™ with Trail Control™ and standard FordPass Connect™ with a 4G LTE Wi-Fi hotspot supporting up to 10 devices.

Built Ford Tough is engineered into every Ranger. When properly equipped, this shines through in the truck’s best-in-class 7,500 pounds of gas towing capacity with available tow package and best-in-class 1,860 pounds of maximum payload to handle all your gear.

Ranger production is underway at Michigan Assembly Plant. The truck arrives at dealers nationwide starting in January.

About Ford Motor Company

Ford Motor Company is a global company based in Dearborn, Michigan. The company designs, manufactures, markets and services a full line of Ford cars, trucks, SUVs, electrified vehicles and Lincoln luxury vehicles, provides financial services through Ford Motor Credit Company and is pursuing leadership positions in electrification, autonomous vehicles and mobility solutions. Ford employs approximately 196,000 people worldwide. For more information regarding Ford, its products and Ford Motor Credit Company, please visit www.corporate.ford.com.

Exhibit E

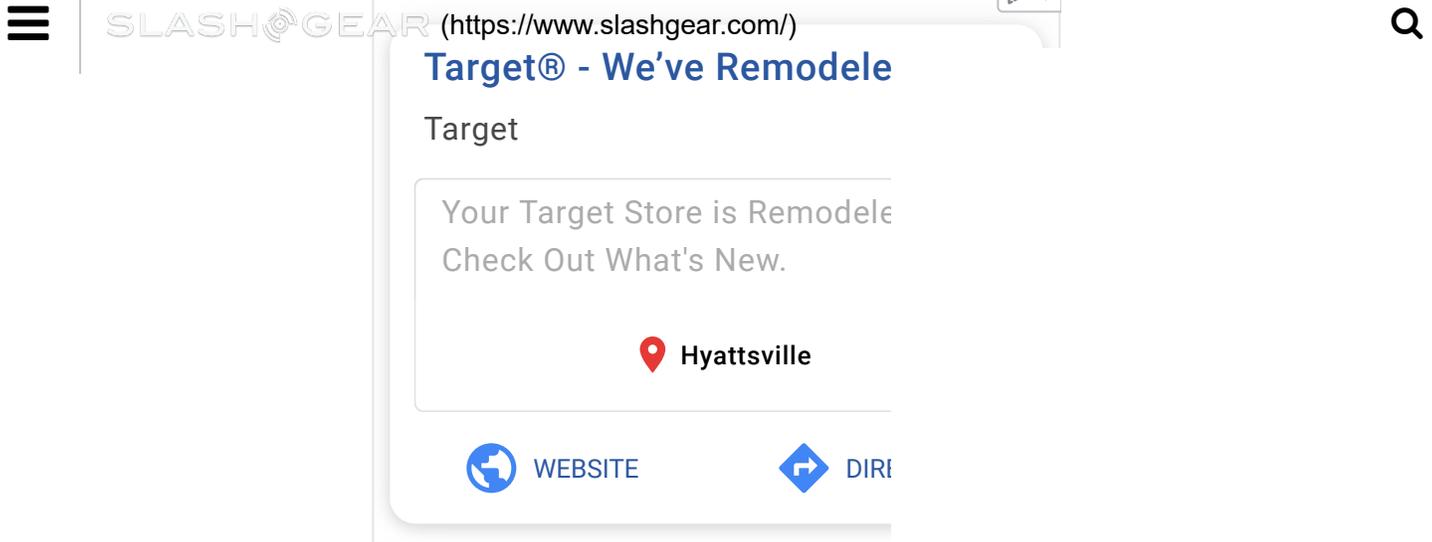


2019 Ford Ranger fuel economy confirmed via an online window sticker

Shane McGlaun (<https://www.slashgear.com/author/shane-mcglau/>) - Nov 26, 2018, 7:36 am CDT



Mid-size truck fans will soon have one more ride to be excited about with the 2019 Ford Ranger hitting the market. We already know quite a bit about the truck with many of the details were announced previously. One thing that we didn't know about the truck was how fuel efficient it would be with its 2.3L EcoBoost four packing 270hp and 310 lb-ft of torque.

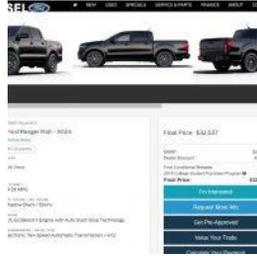


A Ford dealer out of Beaumont, Texas called Kinsel Ford has a 2019 Ranger R4E-302A listed on their website as having been ordered. The listing shows that the truck is rated (<https://www.autoblog.com/2018/11/24/2019-ford-ranger-fuel-economy-leak/>) for 21 mpg in the city and 26 mpg on the highway with the 10-speed automatic transmission.

More details are available when you click the “show window sticker” link on that vehicle listing and get a PDF of the official window sticker for the truck. That window sticker calls out EPA fuel economy ratings of 21 mpg city, 26 mpg highway, and 23 mpg combined. There are no crash test scores listed as the Ranger is yet to be rated.

The truck is a Supercrew 4×2 with a 5-foot bed in XLT trim with a 126.8” wheelbase. The window sticker also tips the price of this modestly optioned truck. The only options here include equipment group 302A including dual-zone electric climate control, a sliding rear window with defrost, and remote start; that package costs \$2,800. The truck also has a trailer tow package for \$495. The total sticker price is \$34,505 counting the \$1,095 delivery fee.

ADVERTISING



(https://www.slashgear.com/2019-ford-ranger-fuel-economy-confirmed-via-an-online-window-sticker-26555140/2019-ford-ranger-xtl-supercrew-980x620/)

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Interestingly, despite that this truck isn't on the dealer lot just yet, the dealer website shows that it is discounting the truck \$1,468 off sticker. We know other specs on the truck, and it has segment high for towing, payload, and torque. It now has the narrow lead in fuel economy as well.

Play like a Founder.

\$129



Addict



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There have been a few that have declared that this EPA estimate, which will move Ranger to the top of all gas-powered pickups for North America, unimpressive. But considering that the rear axle is 3.73 standard, it's configured with rear drive and body-on-frame unlike the slightly-

lower performing Ridgeline V6 that has a lower mpg score, it loses the towing title only to the crew cab diesel Colorado Canyon with a 6 bed (a wheel base not available with Ranger); and it does better than all gas power trains in the segment, including some very inferior 4 cylinder, naturally aspired power trains from the coemption for mpg. For instance, the weaselly Tacoma DOHV 4 cylinder with 111 fewer ponies and 130 lower peak torque comes in at 20/23/21 in it's highest form; three less than this Ranger's highest score at 26, and Ranger does slightly better in the city as well according to the estimate.

So basically, this truck, with it's only power train, which is competitive performance wise with the competitors' V6; and is overall more capable than the competitions trucks with their own strongest power trains, gets the mpg title. If we compare it to other vehicles with this power train, it seems as though it could have achieved a slightly higher highway mpg number. In Mustang with a higher-tuned version of this same power train, the vehicle reaches 32 mpg when mated to the ten speed. They do, however, get the same city rating comparing Ranger to Mustang with either available transmission. Compared to the Ford Explorer, even though the

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Exhibit F

Real-world 2019 Ford Ranger Fuel Economy: Here Is the Unexpected Result after a 1,000 Mile Road Trip (Video)

By **Andre Smirnov** - February 23, 2019



How does a new 2019 Ford Ranger do with fuel economy on a long 1,000+ mile road trip from Los Angeles, CA to Denver, CO? We recently drove a fully-loaded Ranger crew cab 4×4 with the FX4 package and made fuel economy calculations at the pump during three fill-ups.

Ford is currently investigating its own fuel economy/emissions modeling and physical testing procedures. Ford has hired an independent company to check their procedures and data. The first vehicle under the microscope is the 2019 Ranger.

The 2019 Ranger has just one engine/transmission available. It's the 2.3L turbocharged four-cylinder with a rating of 270 hp and 310 lb-ft of torque. The transmission is a 10-speed automatic, and the rear axle ration is a 3.73.

The Ranger 4×4 is EPA certified at 20 mpg in the city and 24 mpg on the highway. It's important to note that the Ranger FX4 we tested has a unique front-end with a steel skid plate to protect the underside while off-roading. The FX4 model removes a lower chin spoiler that is available on other Ranger 4×4 and 2WD models.

After nearly 1,000 miles of measured highway travel and three fill-ups, the final average was 19.5 MPG. This was all highway driving, but we faced an elevation change from sea level to the Rocky Mountains, higher speed limit in Utah (80 MPH), some head wind in Utah, and snow in Colorado.

Update 2/25/19: TFLtruck has *not* yet tested the 2019 Ford Ranger on our 98-mile test loop in Colorado. We will test the truck again on our highway MPG loop in March — stay tuned for more!

Please take a look at the video below for all the details as Nathan and I drive the truck through some beautiful scenery.

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A...

By Upbeat News

Mom surprises her daughter at college with a selfie, but soon r

Andre Smirnov

Andre Smirnov is an Automotive Enthusiast, Producer, Reviewer, Videographer, Writer, Software Engineer, Husband, Father, and Friend.

Exhibit G

Ford Media Center

FORD INVESTIGATING PROCESS FOR U.S. EMISSIONS CERTIFICATION CONCERNING ROAD LOAD

Feb 21, 2019 | DEARBORN, Mich.

DEARBORN, Mich., Feb. 21, 2019 - *The following can be attributed to Kim Pittel, group vice president, Sustainability, Environment & Safety Engineering, Ford Motor Company:*

“In September, a handful of employees raised a concern through our Speak Up employee reporting channel regarding the analytical modeling that is part of our U.S. fuel economy and emissions compliance process.

At Ford, we believe that trust in our brand is earned by acting with integrity and transparency. As part of this, we have a process for looking at how we perform and behave in our broad and complex company.

As a result of the concern, we have taken a number of actions. Specifically:

- We have hired an outside firm to conduct an investigation into the vehicle road load specifications used in our testing and applications to certify emissions and fuel economy.

Road load is a vehicle-specific resistance level used in vehicle dynamometer testing, including for fuel economy ratings and emissions certifications. Road load is established through engineering models that are validated through vehicle testing, including physical track tests referred to as coastdown testing.

- Ford has retained independent industry technical experts as part of our investigation team.
- We are hiring an independent lab to conduct further coastdown testing as part of our investigation.
- Ford also is evaluating potential changes to our road-load modeling process, including engineering, technical and governance components.
- This week, we voluntarily shared these potential concerns with Environmental Protection Agency and California Air Resources Board officials.

The investigation and potential concerns do not involve the use of defeat devices in our products. At this time, there's been no determination that this affects Ford's fuel economy labels or emissions certifications.

We plan to work with regulators and the independent lab to complete a technical review. As part of our review, we have identified potential concerns with how we calculate road load. The first vehicle we are evaluating is the 2019 Ranger; we are assessing additional vehicles as well.

As always, we strive to be transparent with our customers, employees, dealers, shareholders and other stakeholders. We understand how important it is to all audiences that we thoroughly yet swiftly complete this investigation.”

About Ford Motor Company

Ford Motor Company is a global company based in Dearborn, Michigan. The company designs, manufactures, markets and services a full line of Ford cars, trucks, SUVs, electrified vehicles and Lincoln luxury vehicles, provides financial services through Ford Motor Credit Company and is pursuing leadership positions in electrification, autonomous vehicles and mobility solutions. Ford employs approximately 196,000 people worldwide. For more information regarding Ford, its products and Ford Motor Credit Company, please visit www.corporate.ford.com.

Exhibit H

Ford launches internal investigation relating to gas mileage claims

Phoebe Wall Howard, Detroit Free Press Published 8:54 p.m. ET Feb. 21, 2019 | Updated 11:55 a.m. ET Feb. 22, 2019

An earlier version of this story had inaccurate information on Ford's stock. This story has been corrected.

Ford Motor Co. revealed an internal investigation on Thursday into whether its vehicles have worse gas mileage and emit more pollutants than car, truck and SUV labels reveal — going back to 2017 models.

An anonymous “Speak Up” reporting system at Ford raised the issue in September 2018, the company said.



The next generation of Ford's Ranger midsize pickup will probably form the basis for a pickup Volkswagen will sell in South America, Africa and Europe. (Photo: Mark Phelan)

Ford said Thursday it had hired an outside team to evaluate whether Ford's mathematical model was flawed in how it determined miles per gallon and emissions ratings.

To begin the review, Ford said, it will start testing the wildly popular new 2019 Ranger midsize pickup, which just went on sale. And then other models would be tested.

The Ranger was recalled on Feb. 6 for faulty wiring that can prevent the pickup from shifting properly and parking safely.

Ford officials emphasized that the fuel and emissions ratings inquiry is in its preliminary stages and nothing points to a problem at this time.

The company sold nearly 2.6 million Ford and Lincoln vehicles in 2017 and nearly 2.5 million vehicles in 2018, according to financial filings.

Ford spokesman said Deep said: "As soon as we learned of our employee concerns in September, we engaged a third party firm at the end of October to perform initial review, which ended in December. We began a full internal investigation in December, leading to this week's voluntary disclosure about our investigation to the EPA and CARB. We estimate the full investigation will take several more months."

Ford said in its Thursday news release that the company alerted California regulators, who are exceptionally strict about pollution oversight in one of the biggest car markets in the world.

But Dave Clegern, spokesman for the California Air Resources Board (CARB), told the Free Press later Thursday that "as of this moment, CARB has not received notification of the mileage issue from Ford."

Early Friday, Steve Cliff, deputy executive officer of the California regulatory agency, told the Free Press, "We learned of apparent concerns with Ford's emissions certification through reports in the press. Rest assured we'll be carefully scrutinizing this issue in discussions with the automaker. CARB takes seriously violations of our regulations, especially given the recent high profile cases such as Volkswagen."

Deep responded on Friday, "We spoke to Mary Nichols, head of CARB, yesterday at 4:15 California time," which is three hours earlier than Michigan.

He confirmed the call was made by Kim Pittel, group vice president for sustainability, environment and safety engineering at Ford.

Ford released its news advisory at 4:30 p.m. Michigan time.

More: [FCA has to pay some Jeep, Ram owners about \\$3,000 \(/story/money/cars/chrysler/2019/01/10/jeep-ram-fca-settlement/2530204002/\)](#)

More: [Auto supplier fined millions in U.S. diesel emissions fraud \(/story/money/cars/2018/12/18/iav-gmbh-vw-emissions/2350289002/\)](#)

More: [Why California is fighting for tough vehicle emissions standards \(/story/money/cars/2018/04/13/air-quality-california-pollution-cars/499135002/\)](#)

Michael Abboud, EPA spokesman, confirmed to the Free Press that Ford reached out to the EPA a few days before releasing the public statement.

"On Feb. 18, 2019, Ford disclosed to the U.S. EPA that it had discovered potential issues in its emissions certification processes," Abboud said. "On Feb. 20, 2019, Ford briefed the agency on the information it has developed so far in the investigation. The investigation is ongoing and the information too incomplete for EPA to reach any conclusions. We take the potential issues seriously and are following up with the company to fully understand the circumstances behind this disclosure."

Late Thursday, Safe Climate Campaign, Public Citizen and the Sierra Club released a statement through the Sierra Club: "It's shameful that Ford waited months to disclose issues with its emissions testing."

Karl Brauer, executive publisher at Kelley Blue Book, praised Ford for being proactive and informing the public.

"I think it's really smart for Ford to get in front of this circumstance," he said. "Clearly, they discovered something that may suggest an inaccuracy in how they're defining and determining their fuel economy for their cars. They started to dig into it and wanted to get a handle on the issue before they said anything. Now they're letting everybody know."

Ford deserves recognition for having a program that allows tips for potential problems, Brauer said.

Pittel, who is handling this matter for Ford, said in a prepared statement, "In September, a handful of employees raised a concern through our Speak Up employee reporting channel regarding the analytical modeling that is part of our U.S. fuel economy and emissions compliance process."

Ford officials said they believe trust in the brand "is earned by acting with integrity and transparency."

Pittel outlined actions to include:

- Hiring an outside firm to conduct an investigation into the vehicle road load specifications used in testing and applications to certify emissions and fuel economy. Road load is a vehicle-specific resistance level used in vehicle dynamometer testing, including for fuel economy ratings and emissions certifications. Road load is established through engineering models that are validated through vehicle testing, including physical track tests referred to as coastdown testing.
- Hiring independent industry technical experts as part of Ford's investigation team.
- Hiring an independent lab to conduct further coastdown testing.
- Evaluating potential changes to Ford's road-load modeling process, including engineering, technical and governance components.
- Voluntarily sharing this week potential concerns with Environmental Protection Agency and California (California) Air Resources Board officials.

Ford investigates gas mileage, emissions, and other concerns. "At this time, there's been no determination that this affects Ford's fuel economy labels or emissions certifications," Pittel said. "We plan to work with regulators and the independent lab to complete a technical review. As part of our review, we have identified potential concerns with how we calculate road load. The first vehicle we are evaluating is the 2019 Ranger; we are assessing additional vehicles as well."

Labeling issues in 2014

This latest labeling issue is not the first for Ford, which sent checks to 215,000 Ford and Lincoln owners in June 2014 after they purchased vehicles with inaccurate fuel economy ratings. Models included the 2014 Ford Fiesta as well as hybrid version of the 2013-14 Ford Fusion, C-Max and Lincoln MKZ and the C-Max Energi plug-in hybrid.

At that time, ratings were off by 1 to 7 mpg. Reimbursement depended on whether the vehicles were leased or purchased. Checks varied from \$124 for a leased Fiesta to \$1,050 for a purchased Lincoln MKZ.

Raj Nair, then-head of Ford's global product development, said a discrepancy in testing was detected in October 2013 and subsequent testing traced the problem to a new process for correlating wind tunnel results. Those figures are used to determine the resistance level set on the dynamometer that tests vehicle mileage.

After the incident, Ford agreed to enhanced validation tests for future vehicles under EPA oversight to prevent the error from occurring again.

News reports in 2014 noted that it was the second time in a year that Ford had to lower mileage figures on some models. In 2013, Ford voluntarily lowered its claim for the C-Max hybrid from 47 to 43 mpg after Ford tested the Fusion hybrid and applied the same numbers to the other vehicle.

2019 FCA emissions settlement

Accurate labeling has been an issue for other automakers, too.

Fiat Chrysler Automobiles settled a case with the U.S. Justice Department in January 2019 in response to diesel emissions irregularities and allegedly hiding attempts to deceive regulators. As a result, affected vehicle owners received cash payments of more than \$3,000 each.

Including about \$400 million in civil penalties, an extended warranty, a proposed class-action legal settlement and other costs, FCA is expected to spend more than \$790 million to resolve cheating allegations involving approximately 100,000 2014-16 Eco-diesel Ram 1500 pickups and Jeep Grand Cherokees.

While FCA declined to admit wrongdoing, Volkswagen confessed to cheating on U.S. diesel emissions tests. Both companies were accused of installing software known as "defeat devices," which allowed vehicles to pollute more on roads than during testing.

Ford explicitly noted Thursday that no defeat devices were used.

Contact Phoebe Wall Howard: phoward@freepress.com or 313-222-6512. Follow her on Twitter @phoebesaid

Read or Share this story: <https://www.freep.com/story/money/cars/2019/02/21/ford-stock-drops-amid-news-gas-mileage-inquiry/2944609002/>

Exhibit I

The New York Times

Ford Lowers Gas Mileage on 6 Models, All 2013-14s

By **Danielle Ivory**

June 12, 2014

For the second time in less than a year, the Ford Motor Company is lowering the fuel-economy ratings for some of its vehicles.

The automaker said on Thursday that it would reduce the mileage rating on six new models, most of them hybrids, and pay \$125 to \$1,050 to customers who own or lease about 200,000 of the cars in the United States.

The vehicles include four versions of the 2014 Ford Fiesta, as well as the hybrid and plug-in hybrid versions of the 2013-14 C-Max and Ford Fusion and the hybrid version of the 2013-14 Lincoln MKZ. Most of the vehicles' combined city and highway rating will be lowered by one to five miles per gallon; the MKZ will be reduced the most, by seven miles per gallon, to 38 from 45.

The announcement came during increasing federal scrutiny of automakers over safety and fuel-economy standards.

Michelle Krebs, senior analyst at AutoTrader.com, said that Ford's actions came "against two significant backdrops: G.M.'s recall mess, which has prompted all automakers to address issues quickly so as not to be accused of dragging their feet, and automakers addressing fuel economy misstatements."

Last August, Ford lowered the ratings on the 2013 C-Max hybrid to 43 miles a gallon from 47 in combined city and highway driving. After that announcement, the Environmental Protection Agency said it would update its labeling rules, which date to the 1970s, to resolve disparities among hybrid and electric vehicles.

"We apologize to our customers and will provide good-will payments to affected owners," Alan R. Mulally, Ford's chief executive, said in a statement. "We also are taking steps to improve our processes and prevent issues like this from happening again."

Ford is not alone in overstating the fuel efficiency of its vehicles. In November 2012, after an E.P.A. investigation into consumer complaints that their cars were underperforming, Hyundai and Kia Motors said that they would begin to reimburse consumers and restate gas

mileage estimates for about 900,000 vehicles sold in the United States.

The automakers, which are both controlled by the Hyundai Motor Group, set aside about \$400 million to settle consumer lawsuits and compensate drivers that were affected by the incorrect ratings.

Christopher Grundler, director of the E.P.A.'s office of transportation and air quality, said Ford notified the regulatory agency of the issue on March 28, after internal testing had revealed the error, and the agency began retesting vehicles with Ford.

“The E.P.A.’s investigation into this matter is ongoing,” Mr. Grundler said. “We are interested and will continue to look for underlying causes of the error.”

Mr. Grundler said that Ford, which was not fined, has agreed to apply stricter standards on fuel economy testing, which would, essentially, require the company to double-check its tests before manufacturing vehicles. Federal regulators are considering rules that would require all automakers to go through this process, he added.

Jack R. Nerad, editorial director at Kelley Blue Book’s KBB.com, said Ford’s action may spur the E.P.A. to be “more directive and restrictive in how its fuel-economy rules and ratings are administered.”

“At the very least we expect tighter auditing of the process, so that substantial discrepancies over a sizable number of vehicles do not occur in the future,” he said in an email. “Certainly this will gain attention in Congress as well.”

Some consumers have taken to online forums to complain about the gas mileage on these models.

In September, one driver of a 2013 MKZ wrote at Edmunds.com that the mileage was “closer to 36 m.p.g.” than the advertised 45.

Jacob Barros, a real estate agent from Phoenix, said his 2014 Lincoln MKZ hybrid averages 33 to 35 miles per gallon. He finds that disappointing, but isn’t too upset. “I’m an automotive enthusiast,” he said. “I love the car in general so it more than makes up for a few miles per gallon.”

Ford has emphasized fuel economy in its marketing. A Super Bowl commercial in February, for example, trumpeted the Fusion hybrid as having “nearly double the fuel economy of the average vehicle.” With Thursday’s announcement, the rating on that vehicle was reduced to 42 miles per gallon from 47.

Christopher Jensen contributed reporting.

Ford Lowers Gas Mileage on 6 Models, All 2013-14s The New York Times
A version of this article appears in print on June 13, 2014, Section B, Page 3 of the New York edition with the headline: Ford Lowers Gas Mileage on 6 Models, All 2013-14s