

Plaintiffs Seek Class Action Status for 'Hemi Tick' Lawsuit

Owners in three states target Fiat Chrysler for an alleged engine defect leading to various problems and safety concerns. By Nadia El-Yaouti

LOS ANGELES, CALIFORNIA, UNITED STATES, October 11, 2023 /EINPresswire.com/ -- Drivers of popular muscle cars, trucks, and SUVs equipped with a Hemi V8 engine are paying close attention to an ongoing lawsuit in which the plaintiffs are currently seeking class action certification. The case is Petro et al v. FCA US LLC, case number 22-621-GBW, filed in the United States District Court for the District of Delaware.

Known as the 'Hemi tick,' impacted vehicles make a loud ticking noise once the engine is turned over. As reported by Atlanta's Channel 2 Action News, the three plaintiffs in the May 2022 lawsuit are seeking to have Fiat Chrysler Automobiles (FCA) remedy what they describe as a costly and dangerous engine defect. The lawsuit represents three owners of Dodge Ram pickups who live in Illinois, Oklahoma, and Louisiana.

The lawsuit targets Fiat Chrysler Automobiles (FCA) because they manufacture vehicles that are equipped with the popular Hemi engine. These engines are known for their supreme power and are outfitted in popular muscle cars, heavy-duty trucks, and select SUVs.

According to the lawsuit, a "partial list" of impacted vehicles dates back to model year 2014 and includes the Chrysler 300, Dodge Challenger, Dodge Charger, Dodge Durango, Jeep Grand Cherokee, RAM 1500, RAM 2500, and RAM 3500. Defective engines include the Gen III 5.7-liter HEMI or 6.4-liter HEMI 392 V8 engines.

The lawsuit makes a number of claims against the automaker ranging from safety concerns to poor design, to poor workmanship and faulty repairs.



Nick Nita, California Lemon Law Attorney



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At the heart of the lawsuit is the constant ticking noise drivers say they experience coming from the engine when they turn their vehicle on. The plaintiffs say that the V8 engines utilize a valve train system known as a multi-displacement system. They allege that this system is defective and insecure, causing a repeated ticking noise from the engine which in turn leads to failures of the camshaft, lifters, and failure of the overall unit.

The lawsuit explains that this defect contributes to undue wear on the HEMI engine which requires replacements of the valve train components and other costly repairs.

Customers who have paid up to \$15,000 for a factory repair to remedy the ticking defect and other issues find themselves paying for a temporary fix as the ticking noise often returns. The lawsuit highlights that an average HEMI engine should last at least 200,000 miles with valve train components lasting well over 100,000 miles.

However, because of the defective engine, the plaintiffs alleged metal shavings from pieces of the valve train components circulate into the engine oil, damaging the cylinders, which in turn results in a complete failure of the HEMI engine well before its projected useful life.

By repairing a symptom and not addressing the issue, plaintiffs argue that they are forced to pay thousands to repair an issue that was defective to begin with.

The lawsuit also accuses the automaker of not adequately repairing impacted vehicles because the "lifters [are] not totally replaced" and "other engine components that were damaged by the valve train's failure may not be replaced at all."

The plaintiffs also say the engine defect contributes to an unsafe vehicle. Customers have complained about abnormal engine noises, a rough idle when the vehicle is not in motion, a lack of power, and engine misfires. The lawsuit details that defective vehicles pose a safety concern because drivers may experience a "loss of power while driving especially at highway speeds or while trying to merge or change lanes."

Lemon Law Claims Are Superior to Class Actions, Lawyer Says

Car owners experiencing Hemi tick problems might have recourse under their state's lemon law. If so, pursuing an individual claim might be more valuable than joining a class action. Most successful lemon law claims end in a vehicle buyback, replacement or cash settlement, while class action settlements typically provide covered repairs and warranty extensions that might not be as satisfying.

Nick Nita, an attorney with the California-based [Nita Lemon Law Firm](#), says that class actions are not helpful to a consumer with a viable individual lemon law case. In fact, says Nita, when it comes to lemon law, class actions could actually hurt the consumer. Nita cites two main reasons for consumers with lemon law claims to avoid class action litigation. "First, the individual lemon law settlements and remedies are typically much better than the class action settlement," says Nita. "Second," he continues, "class action settlements bar class members from bringing a viable lemon law case in the future for the defects settled in the class action."

Speaking specifically about California's lemon law, Nita says consumers in the state have tremendous individual rights if their car is deemed a lemon, including a buyback (refund of the purchase price less a mileage deduction), a replacement vehicle, or a "cash and keep" settlement that pays the consumer for the diminution in value of the car due to the defect. "By comparison," Nita explains, "class action settlements usually extend the warranty on the vehicle or may give a few hundred dollars in compensation for repair costs."

"I have never seen a class action settlement that offers a statutory buyback remedy to the California consumer," says Nita.

When faced with the decision of staying in a class action or opting out, Nita recommends that consumers always contact an experienced lemon law attorney to evaluate whether they have an individual lemon law case based on the vehicle's repair history and warranty and compare it with any class action settlement. "If you receive a class action settlement notice for your vehicle, please call an experienced lemon law attorney to evaluate your potential lemon law case and discuss the best option for you under your specific circumstances," exhorts Nita.

Unfortunately for consumers, vehicle owners can't join a class action and pursue a lemon law claim at the same time but must instead choose one or the other. According to Nita, consumers must choose if they want to stay in the class action or opt out and be excluded from it to preserve their rights to bring a viable lemon law case. He explains that class actions automatically include all members of the class in a settlement, so affected consumers must take action to exclude themselves if they want to preserve their lemon law rights.

The lawsuit maintains that FCA knew about the issues since at least 2012 but has not offered a fix or issued a recall. Additionally, FCA has shared that the engine ticking noises of their vehicles are normal and don't require any repair.

As far as the lawsuit goes, FCA says it does not comment on pending litigation.

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