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12 Attorneys for Plaintiffs on behalf of themselves and the general public

13 **UNITED STATES DISTRICT COURT**
14 **NORTHERN DISTRICT OF CALIFORNIA**

15 Alejandro Corona and Cabanillas &
16 Associates, P.C., on behalf of
17 themselves and the general public,

18 Plaintiffs,

19 v.

20 Tesla, Inc., a Delaware Corporation

21 Defendant.

CASE NO.:

COMPLAINT FOR:

- 22 **1) PUBLIC INJUNCTIVE RELIEF FOR VIOLATION OF CALIFORNIA'S UNFAIR COMPETITION LAW, BUS. & PROF. CODE § 17200, § 17203, AND**
- 23 **2) PUBLIC INJUNCTIVE RELIEF FOR VIOLATION OF NEW YORK'S GENERAL BUSINESS LAW, § 349**

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Pro Hac Vice Pending

1 Plaintiffs Alejandro Corona and Cabanillas & Associates, P.C (“Plaintiffs”), by
2 and through their attorneys of record, bring this Complaint seeking public injunctive
3 relief against Tesla, Inc. (“Defendant” or “Tesla”). Plaintiffs hereby allege, on
4 information and belief, except for information based on personal knowledge, which
5 allegations are likely to have evidentiary support after further investigation and
6 discovery, as follows:

7 **NATURE OF THE ACTION**

8 1. This is an action seeking public injunctive relief arising from Tesla’s
9 unlawful, unfair and deceptive business practice of misrepresenting to consumers the
10 mileage driving range of its electric vehicles in violation of California’s Unfair
11 Competition Law (“UCL”) and New York’s General Business Law (“GBL”).

12 2. On approximately July 27, 2023, public sources reported that Tesla has
13 engaged in a practice of inflating projections on its vehicle dashboards for the driving
14 range of its electric vehicles. Tesla dashboard range meters indicate to drivers that its
15 vehicles will travel 350 to 400 – or more – miles on a full electric charge. However, as
16 the battery is depleted, the dashboard range meters mileage projections drop at a rate
17 faster than miles are actually driven, resulting in an overall mileage range significantly
18 less than originally projected on the dashboard. Additionally, the public source reports
19 included allegations that Tesla had orchestrated a practice to quash nationwide consumer
20 complaints from this defect and service appointment requests related to this mileage
21 range issue by creating an internal “Diversion Team” whose purpose was to unilaterally
22 cancel the service appointments of customers complaining about the rate at which their
23 car’s driving range was being depeleted.

24 3. The inflated mileage projections resulted in consumers, including Plaintiffs,
25 purchasing Tesla vehicles expecting a longer mileage driving range between charges than
26 their vehicles provided. Plaintiffs continued to receive false and misleading projections
27 from their Tesla vehicles dashboard range meters while using their Tesla vehicles.

1 Tesla's practice violates the UCL and GBL.

2 4. Pursuant to the UCL and GBL, Plaintiffs seek a public injunction
3 compelling Defendant to fix the mileage readings displayed by Tesla's dashboard range
4 meters from Tesla's software, hardware and/or firmware, as necessary and appropriate, so
5 that the readings reflect the actual available mileage in its electric vehicles, rather than
6 intentionally overestimated projections.

7 **JURISDICTION AND VENUE**

8 5. Jurisdiction in this case is based on 28 U.S.C. §§ 1332. Plaintiffs and
9 Defendant are citizens of different states and the amount in controversy exceeds
10 \$75,000, exclusive of interests and costs.

11 6. The Court has jurisdiction to hear and determine this suit because Defendant
12 Tesla, Inc., conducts substantial business within the San Francisco Bay area, including in
13 Palo Alto, California where it has its Engineering Headquarters. Tesla, Inc., is a
14 Delaware corporation headquartered in Austin, Texas.

15 7. Venue is proper in this District because Tesla conducts substantial business
16 within the San Francisco Bay area.

17 **PARTIES**

18 8. Plaintiff ALEJANDRO CORONA is currently a resident of San Diego,
19 California. Mr. Corona owns and has previously owned Tesla vehicles, including a 2023
20 Tesla Model Y.

21 9. Plaintiff CABANILLAS & ASSOCIATES, P.C. is a professional
22 corporation (law firm) located in White Plains, New York. CHRISTOPHER
23 CABANILLAS, a member of CABANILLAS & ASSOCIATES, P.C, is currently a
24 resident of Connecticut. Cabanillas & Associates, P.C. purchased a 2018 Tesla Model X
25 100D on or about December 10, 2018.

26 10. Defendant TESLA, INC. is a Delaware Corporation with its principal place
27 of business in Austin, Texas. Plaintiffs are informed and believe, and on that basis, allege

1 that Tesla, Inc. and at all relevant times was, a Delaware corporation authorized to do
2 business in California.

3 11. At all relevant times, Tesla was doing business in numerous counties
4 throughout California. Tesla is a car manufacturer and dealer operating numerous offices
5 and facilities throughout California, including within the San Francisco Bay area.

6 **FACTUAL ALLEGATIONS**

7 12. The mileage range Tesla has represented to its consumers and designed its
8 software to reflect on the dashboard for its vehicles, intentionally does not match reality.
9 Tesla advertised mileage projections of 350 to 400 miles – or more – on a fully charged
10 battery, and programmed its software to display mileage readings on its vehicles’
11 dashboard range meters that reflected the advertised projections. However, as Plaintiffs
12 and similarly situated consumers drove the vehicles and thereby discharged the battery,
13 the projected mileage range would diverge from the projections, and drop, often
14 significantly, resulting in an actual mileage range which was much less than Tesla’s
15 dashboard projections.

16 13. Plaintiffs and similarly situated consumers did not receive the advertised
17 mileage projections or the dashboard full battery projected mileage range, and instead
18 purchased vehicles with a lesser mileage range than advertised and projected in their
19 vehicles. This negatively impacted Plaintiffs’ and similarly situated consumers’ ability to
20 reliably drive their vehicles between charges. There is some degree of variance in all
21 electric vehicles battery performance, due to numerous factors. Nonetheless, Tesla’s
22 mileage projections do not account for all relevant facts. Instead, Tesla has intentionally
23 programmed its software to provide overly optimistic mileage range projections.

24 14. As reported by Reuters on July 27, 2023, Tesla created an internal
25 “Diversion Team” to address Tesla’s large number of consumer complaints concerning
26 their vehicles failure to achieve advertised or dashboard meter projected driving range.
27 Tesla employees were instructed to blame the shortfalls in projected mileage on the
28

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