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Class Action Targets Harley's 'Shower Head' Engine

Lisa Hoffman, The National Law Journal

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2014 Harley Davidson CVO Limited FLHTKSE.
Photo: Harley Davidson

What was billed as a long-anticipated upgrade to Harley-Davidson Inc.'s elite custom motorcycles has become the subject of a [proposed class action](#) alleging the addition of liquid engine cooling has led to chronic leaks.

Bloomington, Ill., plaintiff Robert Okon, owner of a 2014 FLHTKSE CVO Limited motorcycle, filed a complaint in U.S. District Court for the Northern District of Illinois on Aug. 28 alleging that his \$46,000 motorcycle and others in the same series have a design defect that causes coolant to constantly leak.

Okon alleges that, shortly after he bought the motorcycle—a product of Harley-Davidson's internal factory custom shop, Custom Vehicle Operations—in September 2013, it began to leak from the area of the engine and its cooling system. He said he sought repairs six times at four authorized dealerships, but the service performed amounted to little more than refilling the coolant tank. The leak continued. Online motorcycle owner discussion boards, such as HDForums.com, indicate Okon is far from alone; there, some have given the motorcycle the sarcastic nickname "Shower Head."

Until the introduction of the 2014 CVO Limited motorcycles, Harley-Davidson engines had remained air cooled even as other motorcycle brands switched to liquid cooling. Called by reviewers one of the most dramatic changes the famously conservative company has made in decades, the 2014 CVO Limited came with a Twin-Cooled High Output Twin Cam 103 engine, which is both air-and liquid-cooled. It is coolant from the new system that is leaking, which indicates a flaw in the design, owners contend.

Okon alleges Harley-Davidson has violated the federal Magnuson-Moss Warranty by breaching its written, 24-month, unlimited mileage warranty by not remedying the leak. He asks for actual economic damages and damages for aggravation and inconvenience.

The plaintiffs are represented by Vincent DiTommaso, Peter Lubin and John Auchter of DiTommaso and Lubin P.C.

Lisa Hoffman is a contributor to law.com.

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