

IN THE COUNTY COURT BULK CENTRE

Claim No. K6QZ496Q

Between:

(1) EDWARD BUTLER

Claimant

-and-

(2) TESLA MOTORS LTD

Defendant

PARTICULARS OF CLAIM

1. The Claimant purchased a car from the Defendant, taking delivery on 20/06/2019.
2. The purchase was finalised on 18/06/2019.
3. As part of the purchase, the Claimant selected an optional extra of full self-driving ("FSD") which had an additional cost of £5,800.

4. The Claimant did not test drive a demonstrator model and made the purchase exclusively through the Defendant's website.
5. The Claimant relied on the information presented online by the Defendant, particularly its website.
6. The Defendant has not delivered the optional extra of FSD which is the essence of this claim.

Legislation

7. This claim is brought under the Consumer Rights Act 2015, section 11(1), which states:
"Every contract to supply goods by description is to be treated as including a term that the goods will match the description."
8. The remedy sought is a price adjustment under the Consumer Rights Act 2015, section 24(1) which states:
*"The right to a price reduction is the right—
(a) to require the trader to reduce by an appropriate amount the price the consumer is required to pay under the contract, or anything else the consumer is required to transfer under the contract, and
(b) to receive a refund from the trader for anything already paid or otherwise transferred by the consumer above the reduced amount."*

The Defendant's description of the car's FSD

9. At the time of purchase, the Defendant's website said certain features of FSD would be delivered by the end of 2019. Notably, these were traffic light recognition and automatic driving on city streets.
10. The Defendant claimed, via its website, that the car had the hardware for FSD capabilities, and these would be delivered in the future via a software update.
11. The Defendant claimed that the car had the hardware for FSD in almost all circumstances.

12. The Defendant claimed to demonstrate the upcoming capabilities of FSD by posting a video on their website.

What the Defendant has delivered to the Claimant

13. The Defendant delivered an experimental (“beta”) version of traffic light recognition over 8 months late, on 11th September 2020 via a software update.

14. The Defendant has failed to deliver automatic driving on city streets to the Claimant. At the time of the claim, the Claimant has failed to deliver automatic driving on city streets in any right-hand drive market in the world. There is an experimental version of automatic driving on city streets available in the USA.

15. The Defendant has not delivered any material improvements in FSD since the traffic light update.

And the Claimant claims

16. The sum of £5,800.00; and,

17. Interest under section 69 of the County Courts Act 1984 at the rate of 8% a year from 01/01/2020 to 07/03/2023 on £5,800.00, being 1161 days at £1.27 a total of £1,474.47; and,

18. Interest at the same rate up to the date of judgment or earlier payment at a daily rate of £1.27; and,

19. Costs.

Statement of Truth

I believe that the facts stated in these Particulars of Claim are true.

ED BUTLER
Claimant

Dated: 07/03/2023