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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

In Re:

HYUNDAI AND KIA FUEL
ECONOMY LITIGATION

No. MDL 13-02424-GW (FFMx)

~~PROPOSED~~ ORDER
GRANTING PRELIMINARY
APPROVAL OF CLASS
SETTLEMENT AND
CERTIFYING SETTLEMENT
CLASS

THIS DOCUMENT RELATES TO:

ALL ACTIONS

Courtroom: 10
Hon. George H. Wu

MANDATORY CHAMBERS COPY

[PROPOSED] ORDER

1
2 1. WHEREAS, named plaintiffs Nicole Marie Hunter, Kaylene Brady,
3 Travis Brissey, Ronald Burkard, Adam Cloutier, Steven Craig, John Dixson, Erin
4 Fanthorpe, Thomas Ganim, Eric Hadesh, Michael Keeth, Lillian Levoff, John Kirk
5 MacDonald, Michael Mandahl, Nicholas McDaniel, Mary Moran-Spicuzza, Gary
6 Pincas, Brandon Potter, Thomas Purdy, Rocco Renghini, Michelle Singleton, Ken
7 Smiley, Gregory M. Sonstein, Roman Starno, Gayle Stephenson, Andres Villicana,
8 and Richard Williams (“Named Plaintiffs” or “Class Representatives”), individually
9 and as representatives of a Class defined below, and defendants Hyundai Motor
10 America (“HMA”) and Kia Motors America, Inc. (“KMA”) (collectively, the
11 “Settling Parties”) have entered into a Settlement Agreement dated December 23,
12 2013, which, if approved, would resolve this class action;

13 2. WHEREAS, the Named Plaintiffs have filed a motion for preliminary
14 approval of the proposed settlement and for certification of a settlement class, and
15 the Court has reviewed and considered the motions, the supporting briefs, the
16 Settlement Agreement, and supplemental briefing, and finds there is sufficient basis
17 for granting preliminary approval of the settlement and directing that notice be
18 disseminated to the class upon completion of the review and finalization process for
19 the notice documents set forth on the record at the August 21, 2014 hearing;

20 IT IS HEREBY ORDERED that:

21 3. Capitalized terms not otherwise defined herein shall have the same
22 meaning as set forth in the Settlement Agreement.

23 4. Pursuant to the Settlement Agreement, the class has been defined as:
24 All current and former owners and lessees of a Class Vehicle who were the owner or
25 lessee, on or before November 2, 2012, of such Class Vehicle that was registered in
26 the District of Columbia or one of the fifty (50) states of the United States, except
27 that the following are excluded: (i) Rental Fleet Owners; (ii) government entities,
28 except to the extent that a government entity is the owner or lessee of a Fleet Class

1 Vehicle (in which case such government entity is not excluded from the Class);
2 (iii) judges assigned to the MDL Litigation, including the judge or judges assigned
3 to any lawsuit prior to the transfer of that lawsuit to the MDL Litigation; and
4 (iv) persons who have previously executed a release of HMA or KMA that includes
5 a claim concerning the fuel economy of such Class Vehicle (the “Class” or “Class
6 Members”).

7 5. The Court preliminarily approves the proposed settlement, finding that
8 the terms of the Settlement Agreement appear sufficiently fair, reasonable, and
9 adequate to warrant dissemination of notice of the proposed settlement to the Class.
10 The Court finds that the Settlement Agreement contains no obvious deficiencies and
11 that the parties entered into the Settlement Agreement in good faith, following
12 arm’s-length negotiation between their respective counsel.

13 6. The Court appoints Hagens Berman Sobol Shapiro LLP and
14 McCuneWright, LLP as settlement class counsel and Nicole Marie Hunter, Kaylene
15 Brady, Travis Brissey, Ronald Burkard, Adam Cloutier, Steven Craig, John Dixon,
16 Erin Fanthorpe, Thomas Ganim, Eric Hadesh, Michael Keeth, Lillian Levoff, John
17 Kirk MacDonald, Michael Mandahl, Nicholas McDaniel, Mary Moran-Spicuzza,
18 Gary Pincas, Brandon Potter, Thomas Purdy, Rocco Renghini, Michelle Singleton,
19 Ken Smiley, Gregory M. Sonstein, Roman Starno, Gayle Stephenson, Andres
20 Villicana, and Richard Williams as class representatives.

21 7. The Court has approved the manner of notice via a short-form mailer,
22 email, and flyer at dealers, with the long-form notice made available on the
23 settlement website. The Court will meet with Settling Parties and liaison counsel,
24 Eric Gibbs, on September 3, 2014, at 9 a.m. to revise and finalize the notice and
25 claim forms. The versions based on that meeting will be circulated for a 10-day
26 review and comment period following the September 3, 2014 meeting.

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1 8. Following the September 3, 2014 meeting with Settling Parties, the
2 Court will issue an order setting the schedule for the final approval process
3 consistent with the statements on the record at the August 21, 2014 hearing.

4 9. For purposes of identifying current and former owners and lessees of
5 Class Vehicles, R.L. Polk & Company is hereby authorized to provide the names,
6 most current addresses, dates of purchase, lease or registration, and dates of sale or
7 other disposition (if any) of such owners and lessees to HMA and/or KMA or their
8 designee(s). Any governmental agency in possession of names, addresses, dates of
9 purchase, lease or registration, or dates of sale or other disposition (if any) of current
10 and former Class Vehicle owners or lessees is hereby authorized and directed to
11 release that information to R.L. Polk & Company upon request.

12 10. As set forth in the Settlement Agreement, HMA and KMA shall bear
13 all costs and expenses in connection with providing notice to the Class and
14 administering the proposed settlement.

15 11. The Court retains jurisdiction to consider all further applications arising
16 out of or in connection with the Settlement Agreement.

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DATED: Aug. 29, 2014



HON. GEORGE H. WU
U.S. DISTRICT COURT JUDGE