

Jury Awards \$6 Million in Class Action Against Kia Over Defective Brakes

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A Union County, N.J., jury has awarded \$6 million in a class action suit against Kia Motors America Inc. for claims that its Sephia sedan, sold in the late 1990s, had a defective brake system.

The lawyers for the plaintiffs will earn about \$4 million in fees in addition to the damages award, says one of the attorneys, Alan Feldman.

Kia says it plans to appeal the verdict in *Regina Little v. Kia Motors America, Inc.*, which came June 6 after a five-week trial before Superior Court Judge Katherine DuPuis.

The suit charged that the Sephia's braking system didn't adequately dissipate heat, causing pads and rotors to wear down at 10,000 mile intervals. In Kia's own tests, the heat of the braking system was measured at 950 degrees, the plaintiffs alleged. Kia's warranty didn't cover brake components.

The plaintiffs were people who purchased the Sephia between 1997 and 2000, about 8,450 in number. Each will receive about \$750 from the jury award, the estimated cost of repairing the brakes, says Feldman, of Feldman, Shepherd, Wohlgeleitner, Tanner, Weinstock & Dodig in Philadelphia.

The jury found that the automobile manufacturer breached its express and implied warranty to purchasers of the cars and violated the terms of the 1975 Magnuson-Moss Warranty Act, 15 U.S.C. 2301 et seq., which governs warranties on consumer products and allows prevailing plaintiffs to recover reasonable costs of suit, including attorney fees.

However, the jury held that Kia did not violate New Jersey's Consumer Fraud Act and that there were no diminished values to the cars due to the faulty brakes.

Alex Fedorak, director of public relations at KIA Motors America Inc., said in a statement that Kia honored its warranties and offered free coupons to Sephia owners for those with three complaints about the braking systems.

But Feldman says that 95 percent of owners in the class paid for the brake repairs themselves and were denied reimbursement. The coupons for brake repair stated that no further compensation would be given if future brake problems occurred, he says.

The Union County verdict follows a \$5.6 million verdict in a suit against Kia in Pennsylvania in 2005. A 47-state settlement that same year provided only \$60,000 for the class and exempted Florida, Pennsylvania and New Jersey.

Other plaintiffs attorneys included Edward Goldis of Feldman's firm; Michael Donovan of Donovan Searles in Philadelphia; James Francis of Francis & Mailman in Philadelphia; and Nicole Acchione of Trujillo, Rodriguez & Richards in Haddonfield, N.J. The same team handled the Pennsylvania case.

Kia attorneys included Frederick McClure and Colin Thompson of DLA Piper in Tampa, Fla., and Neal Walters of Ballard Spahr Andrews & Ingersoll in Voorhees, N.J. They declined to comment.