

Bird Marella Obtains Dismissal of Consumer Class Action Lawsuits Against Hyundai and Kia

Representing automotive manufacturers Hyundai Motors America and Kia Motors America, Bird Marella attorneys Ekwan Rhow, Douglas Fretty, and Thomas Reichert prevailed on a motion to dismiss several class action lawsuits without leave to amend.

The plaintiffs, represented by one of the top plaintiff-side law firms in the country, had filed class action suits against virtually all of the major automotive manufacturers alleging the keyless entry system that has become common in vehicles (which allows owners to start and stop their car without having to insert a key in an ignition switch) was inherently dangerous because it allowed people to walk away from their vehicles with the engine running, and could possibly lead to carbon monoxide poisoning. Plaintiffs had not suffered any such injury, but alleged that this defect decreased the value of the vehicles they purchased, and they would not have purchased the vehicles had they known of this defect, or would not have paid as much.

After extensive briefing, the Court heard the argument from the Bird Marella defense team, and granted all of the defendants' motions, dismissed the cases, and refused to allow the plaintiffs to amend their complaint, finding them irreparable as a matter of law.