

BMW OF NORTH AMERICA: Final Approval Hearing Moved to July 14 Class Action  
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In January 2016, Senior District Judge William H. Walls of the District of New Jersey granted plaintiffs' unopposed motion for preliminary approval of the settlement and scheduled the final fairness hearing to assess the fairness, reasonableness, and adequacy of the proposed settlement on May 9, 2016.

Plaintiffs are owners or lessees of MINI Coopers who allege that, at the time of purchase, their vehicles contained a latent defect in a part of the engine known as the timing chain tensioner which causes the part to fail prematurely. The cars are second generation MINI Coopers with an N12 or N14 engine, the MINI Cooper R56 (Cooper Hardtop), 2007-2010 model years, the MINI Cooper R55 (MINI Clubman), 2008-2010 model years and the MINI Cooper R57 (MINI Cooper Convertible), 2009-2010 model years.

Plaintiffs include Joshua Skeen, from Georgia, Laurie Freeman, from Illinois, Scott Lamb, Gina Romaggi, Emmanuel Nomikos, Vicki Blasucci and Julian Mercado, from New Jersey, Gregory Abbott, Kevin Kebabjian, Ginger Roach, James Stoecker, [REDACTED], and Candi Sossa, from California, Scott Bookhout, from Minnesota, Michelle Colberg, from Arizona, Marta Motel, from Pennsylvania, Heather Swango, from Florida, Karla Moreno-Vanni, from New York, Lauren Sanders, from Texas, MaryAnne Howland, from Tennessee and Teresa Welch from Arkansas.

Plaintiffs Skeen and Freeman first filed a complaint against BMW of North America, LLC, BMW (U.S.) Holding Corp., and Bayerische Motorenwerk Aktiengesellschaft on March 12, 2013. Plaintiffs filed a first amended complaint on June 14, 2013, adding Lamb, Romaggi, and Nomikos as Named Plaintiffs. Defendants moved to dismiss the first amended complaint. On December 6, 2013, the court consolidated the action with another action brought in the district, [REDACTED] v. BMW of North America, LLC, [REDACTED], dealing with similar subject matter.

On January 24, 2014, addressing only the first amended complaint and not the consolidated claims from [REDACTED], the court granted defendants' motion to dismiss in part and denied it in part. On May 2, 2014, plaintiffs filed a second amended complaint, specifically incorporating the plaintiffs and claims asserted in [REDACTED] and asserting the eighteen federal and state law claims, including claims for **breach** of express warranty, **breach** of implied warranty, and **violation** of the Magnuson-Moss Warranty Act, 15 U.S.C. Section 2301 et seq., on behalf of themselves and the entire nationwide class.

On April 17, 2014, **Richard Kahn** filed a putative **class action** against defendants in the United States District Court for the

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