

For BMW (US) HOLDING CORP., a Delaware corporation: CHRISTOPHER J. DALTON, ROSEMARY JOAN BRUNO, LEAD ATTORNEYS, BUCHANAN, INGERSOLL & ROONEY, PC, NEWARK, NJ.

JUDGES: William H. Walls, Senior United States District Judge.

OPINION BY: William H. Walls

OPINION

Walls, Senior District Judge

In this class action arising from alleged defects in the MINI Cooper, a line of vehicles produced by Defendants BMW of North America, LLC, BMW (U.S.) Holding Corp., and Bayerische Motorenwerk Aktiengesellschaft, Plaintiffs move for final approval of the settlement between Defendants and a nationwide class of vehicle [*3] owners and an award of attorneys' fees and expenses. Defendants do not oppose the motion for final settlement approval but oppose, in part, the motion for attorneys' fees. After conducting a fairness hearing on July 14, 2016, the Court grants final certification of the settlement class, approves the settlement, and grants in part Plaintiffs' motion for attorneys' fees and expenses.

FACTUAL AND PROCEDURAL HISTORY

I. The second amended complaint

A full factual and procedural background of this case is detailed in this Court's January 6, 2016 opinion and order granting preliminary approval of the settlement and is incorporated here. ECF No. 71. This case arises from claims regarding the MINI Cooper, a line of vehicles produced by Defendants. 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, eventually requiring replacement of that part or even the entire engine. Second Amended Complaint, ECF No. 53 ¶¶ 6-7, 61. The cars at issue are "second generation" MINI Coopers with an N12 or N14 engine: the MINI Cooper [*4] 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. *Id.* at 2, ¶¶ 51-52. Plaintiffs allege that Defendants made various misrepresentations and omissions in relation to the sales and marketing of the vehicles. *Id.* ¶¶ 49-50, 57, 64-66.

Named Plaintiffs in this case include individuals from Georgia, Illinois, New Jersey, Minnesota, Arizona, Pennsylvania, Florida, New York, Texas, Tennessee, and Arkansas who purchased their vehicles between June 2007 and December 2011. *Id.* ¶¶ 15-41. In the second amended complaint, filed after this action was consolidated with another case dealing with similar subject matter, *Curran v. BMW of North America, LLC*, 2:13-cv-4625, see Order of Consolidation, ECF No. 36; and after the Court dismissed several federal and state law claims, see ECF No. 9; the named Plaintiffs bring claims on behalf of themselves and a nationwide class of individuals who leased or purchased the cars at issue. ECF No.

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