

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

In re:
HYUNDAI AND KIA FUEL
ECONOMY LITIGATION

Case No. MDL 13-2424-GW(FFMx)

Constance Martyn,

Case No. **SACV 13-475-GW(FFMx)**

Plaintiff(s),

DISMISSAL ORDER

v.

Hyundai Motor America,

Defendant(s).

On February 6, 2013, the Judicial Panel on Multidistrict Litigation (“JPML”) or the “Panel”) assigned to this Court for centralized pre-trial proceedings twelve class actions pending in five federal districts, all involving “the marketing, sale and advertising of the mileage estimates” for certain Hyundai Motor America (“Hyundai”) and Kia Motors America, Inc. (“Kia”) vehicles. *See In re Hyundai and Kia Fuel Economy Litigation* (MDL No. 2424), Master Transfer Order at pages 1 and 3, Docket No. 1¹ (“Transfer Order”),² 923 F.Supp.2d 1364 (JPML 2013). Eventually, 56 actions were consolidated into this MDL litigation. *See Ruling on Motion for*

¹ Unless otherwise noted, all references to docket entries herein are to Case No. 13-MDL-2424-GW (FFMx) in the United States District Court for the Central District of California.

² At that time, the Panel had been notified of 22 additional related actions pending in twelve districts, which it designated as potential “tag-along” actions. *See Transfer Order*, footnote 1.

1 Final Approval of Class Settlement (“Final Approval Ruling”), Docket No. 495 at
2 pages 4-5 and 21-22 of 22.

3 Following a series of hearings and tentative rulings in June and July of 2014
4 (*see* Docket Nos. 267, 290), on August 21, 2014, the Court granted the motion to
5 certify a class for settlement purposes consisting of:

6 “all current or former owners or lessees of a specified list of [2011
7 through 2013] Hyundai and Kia vehicles for which inaccurate state-
8 ments as to fuel economy were made in advertising and/or selling the
9 vehicles . . . , who purchased or leased their vehicles on or before . . .
10 November 2, 2012 . . . and where the vehicle was registered in the
11 District of Columbia or one of the fifty states of the United States.”

12 *See* 8/21/14 Minute Order, Docket No. 317 at page 2 of 10; Docket No. 267 at pages
13 7-8 of 27. Also litigated by the parties and ruled upon by this Court was the necessity
14 of a remand of certain portions of lawsuits which had been filed in Virginia where the
15 proposed class consisted not only of persons who purchased/leased their vehicles
16 before the November 2, 2102 date, but also persons who purchased/leased after that
17 cut-off date. *See* Docket Nos. 230, 317.

18 On June 11, 2015, the Court issued an Order Granting Final Approval of Class
19 Action Settlement which, *inter alia*, (1) dismissed, on the merits and with prejudice,
20 all claims pending before the Court belonging to class members who did not request
21 exclusion from the class action, and (2) dismissed - without prejudice - the initial case
22 before the Court (*i.e.*, *Espinoza v. Hyundai Motor America*, Case No. 2: 12-cv-
23 00800-GW-FFMx) “and all other lawsuits in this MDL in which the named plaintiffs
24 in such lawsuit(s) did not timely exclude themselves from the settlement in
25 accordance with the procedures set forth in the Class Notice.” *See* Docket No. 494
26 at page 4 of 6. For a detailed delineation of the proceedings in this MDL, *see* Final
27 Approval Ruling, Docket No. 495 at pages 2-9 of 22; and for a list of the 56 cases
28 consolidated into this MDL, *see* Appendix: List of Cases by Filing Date which is
attached at the end of the Final Approval Ruling. *Id.* at pages 21-22 of 22.


On August 18, 2015, this Court recommended to the JPML that the MDL case
known as “In re: Hyundai and Kia Fuel Economy Litigation” (MDL No. 2424) be

1 terminated and that portions of three cases be remanded to the United States District
2 Court for the Western District of Virginia. *See* Docket No. 534.³ The JPML was
3 also advised that, once the Panel accepted the recommendation, this Court would
4 close Case No. 13-MDL-2424 in the Central District of California and dismiss all of
5 the remaining actions which had been consolidated into that litigation.

6 On August 26, 2015, the JPML issued (but stayed for seven days) an order for
7 the office of the Clerk for the United States District Court for the Central District of
8 California to remand the portions of the three Virginia cases to the Virginia federal
9 court. *See* Docket No. 170 in JPML Case # MDL No. 2424. On September 3, 2015,
10 the Panel indicated that no objection had been filed to the order and, therefore, the
11 stay was lifted. *Id.* at No. 172.

12 In light of the above, it is Ordered that *Constance Martyn v. Hyundai Motor*
13 *America*, Case No. SACV 13-475-GW(FFMx), is hereby DISMISSED.

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15 Dated: This 14th day of September, 2015.

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19 GEORGE H. WU
20 United States District Judge
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23 ³ Four Notices of Appeal to the Ninth Circuit Court of Appeals have been filed by various
24 objectors to the settlement and the concomitant award of attorney's fees. *See* Docket Nos. 497, 498,
25 500, 503. Additionally, one appeal has been brought challenging the settlement's failure to include
26 a sub-class for residents of the state of Virginia. *See* Docket No. 505; *see also In re: Hyundai and*
27 *Kia Fuel Economy 10 Litigation - Gentry v. Hyundai Motor America*, Ninth Circuit Case No.
28 15-56064, Docket No. 2. There is one further appeal which challenges the failure of the Court to
award any attorney's fees to Plaintiffs' counsel in the *Gentry* matter. *See* Docket No. 506 in this
case; *see also* Docket No. 2 in Ninth Circuit Case No. 15-56067. This Court concluded that the
above appeals should not preclude granting the recommendation to terminate the present multi-
district litigation. *See* Docket No. 534 at page 3 of 4.