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**UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

IN RE : HYUNDAI SONATA ENGINE  
LITIGATION

Case No. 5:15-cv-1685-BLF

**[PROPOSED] FINAL ORDER AND  
JUDGMENT**

1 Plaintiffs' Motion for Final Approval of Class Settlement and Motion for Attorney Fees, Costs,  
2 and Service Awards came before the Court for hearing on December 15, 2016, pursuant to the Order  
3 Granting Preliminary Approval of Class Settlement dated July 8, 2016 ("Preliminary Approval Order").  
4 Having considered the parties' Settlement Agreement, and all papers filed and proceedings had herein,  
5 IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

6 1. Capitalized terms not otherwise defined herein shall have the same meaning as set forth  
7 in the Settlement Agreement.

8 2. All preliminary findings and conclusions in the Court's preliminary approval order are  
9 hereby made final. In particular, the Court affirms its findings that the following settlement class  
10 ("Class") meets the requirements of Rule 23(b)(3) of the Federal Rules of Civil Procedure:

11 All owners and lessees of a Class Vehicle who purchased or leased the Class Vehicle in  
12 the United States, excluding the territories, or abroad while on active military duty.

13 Excluded from the Class are all claims for death, personal injury, property damage, and  
14 subrogation. Also excluded from the Class are HMA; any affiliate, parent, or subsidiary  
15 of HMA; any entity in which HMA has a controlling interest; any officer, director, or  
16 employee of HMA; any successor or assign of HMA; any judge to whom this Action is  
17 assigned, his or her spouse, and all persons within the third degree of relationship to  
18 either of them, as well as the spouses of such persons.

19 "Class Vehicles" refer to all 2011, 2012, 2013, and 2014 model year Hyundai Sonata  
20 vehicles factory equipped with a Theta II 2.0 liter or 2.4 liter gasoline direct injection  
21 engine, which were purchased or leased in the United States, excluding the territories, or  
22 abroad while a Class member was on active military duty.

23 This Class is certified with respect to the following causes of action:

24 Any claims that are based on (i) the facts alleged in any complaint filed in *In re:*  
25 *Hyundai Sonata Engine Litigation*, No. 5:15-cv-1685 (N.D. Cal.), inclusive of the  
26 underlying cases that were consolidated, and all legal claims of whatever type or  
27 description arising out of, that may have arisen as a result of, or which could have been  
28 brought based on, any of the facts, acts, events, transactions, occurrences, courses of  
conduct, representations, omissions, circumstances or other matters pleaded in  
complaints filed in *In re: Hyundai Sonata Engine Litigation*, No. 5:15-cv-1685 (N.D.  
Cal.), inclusive of the underlying cases that were consolidated, (ii) oil consumption, oil  
maintenance, engine repairs or replacement related to oil maintenance for the Class  
Vehicles, or engine durability related to oil maintenance for the Class Vehicles, or  
(iii) marketing or advertising for the oil consumption, oil maintenance, engine repairs or

1 replacement related to oil maintenance for the Class Vehicles, or engine durability  
2 related to oil maintenance for the Class Vehicles. Excluding claims for (i) death,  
3 (ii) personal injury, (iii) damage to tangible property other than a Class Vehicle, or  
4 (iv) subrogation.

5 3. The Court finds that notice has been disseminated to the Class in compliance with the  
6 Court's Preliminary Approval Order and that the notice given was the best notice practicable under the  
7 circumstances, fully satisfied due process, and met the requirements of Rule 23 of the Federal Rules of  
8 Civil Procedure.

9 4. The Court finds that the Settlement is fair, reasonable, is in the best interests of the  
10 Class, has been entered into in good faith, and should be and hereby is fully and finally approved  
11 pursuant to Federal Rule of Civil Procedure 23.

12 5. The Court finds the attorney fees and costs requested by Class Counsel are fair and  
13 reasonable, given Class Counsel's lodestar of \$882,201, the results achieved through this litigation, and  
14 the contingent nature of the fee. The Court has reviewed the records submitted by Class Counsel and  
15 finds Class Counsel reasonably spent over 1,962 hours representing the class's interests through this  
16 litigation, that Class Counsel's hourly rates are reasonable and in line with the prevailing rates in the  
17 community for complex class action litigation, and that the costs incurred to prosecute the litigation  
18 were reasonable. Accordingly, Class Counsel is hereby awarded attorney fees and costs in the amount  
19 of \$795,000, to be paid by Defendant pursuant to the terms of the Settlement.

20 6. The Court preliminarily approves the proposed settlement, finding that its terms appear  
21 sufficiently fair, reasonable, and adequate to warrant dissemination of notice of the proposed settlement  
22 to the Class. The Court finds that the settlement contains no obvious deficiencies, falls within the range  
23 of possible approval, and that the parties entered into the settlement in good faith, following arms-  
24 length negotiations between their respective counsel with the assistance of a neutral mediator.

25 7. The Court further finds the requested service awards are fair and reasonable, given the  
26 time and effort expended by the class representatives on behalf of the Class. Plaintiff Mendoza and  
27 Plaintiff Graham are hereby awarded \$2,500 each, to be paid by Defendant pursuant to the terms of the  
28 Settlement

1           8.       The Mutual Release set forth in the Settlement, in Section VI, is incorporated herein  
2 and, as of the Effective Date, is binding and effective on all Class Members who have not properly  
3 excluded themselves from the Class.

4           9.       Attached to this Final Order and Judgment is a list setting forth the name of each person  
5 who properly excluded themselves from the Class in compliance with the procedures set forth in the  
6 Preliminary Approval Order. The persons so identified shall be neither entitled to benefits from the  
7 Settlement nor bound by this Final Order and Judgment.

8           10.      There being no just reason for delay, the Court, in the interests of justice, expressly  
9 directs the Clerk of the Court to enter this Final Order and Judgment, and hereby decrees that, upon  
10 entry, it be deemed a final judgment. Without affecting the finality of this Judgment in any way, this  
11 Court hereby retains continuing jurisdiction over (a) implementation of the Settlement; (b) further  
12 proceedings, if necessary, on applications for attorneys' fees, expenses, and costs in connection with  
13 the action and the settlement; and (c) the Parties and the Class Members for the purpose of construing,  
14 enforcing, and administering the Settlement Agreement and all orders and judgments entered in  
15 connection therewith.

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Dated: \_\_\_\_\_

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BETH LABSON FREEMAN  
United States District Court Judge