

New truck breaks down, company sues and big lemon law settlement is reached
associated press - 0610312007

BLACK RIVER FALLS, Wis. - A northern Wisconsin company has reached one of the largest settlements ever under the state's so-called lemon law in a dispute over a new truck that kept breaking down.

Ken's Septic Cleaning of Holcombe received a \$400,000 settlement with the manufacturer of a 2005 Freightliner, purchased for \$80,000, said Tom Lister of Black River Falls, the attorney for the cleaning service.

"They came out pretty well," he said. "As part of the deal, they got to keep a very valuable truck."

The settlement avoided a trial in U.S. District Court in Madison, he said.

Ken's Septic sued Oregon-based Freightliner LLC in March 2006 under the lemon law after more than a dozen attempts to repair the truck failed to make it run properly, including after a new engine was installed, Lister said. The engine's manufacturer eventually solved the problem with a "computer software fix" but not before Ken's Septic suffered numerous business losses because of the problems, he said.

Vince Megna, a Milwaukee attorney known as the leading lemon law attorney in the United States, said the only bigger settlement under the law in Wisconsin occurred in 2001. It involved problems with a semi-truck and totaled about \$500,000.

Megna, who has handled some 1,500 lemon law lawsuits, said that Ken's Septic keeping the disputed vehicle is unique, too.

"It is an incredible result," he said. "That is really one of the first, if not the first, time that they have more than double damages plus keeping the truck."

Lister said the settlement involved about \$180,000 in attorney fees.