

# Lawyers USA

## Consumer anger fuels lemon law suits

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A lemon of a pickup truck is going to end up costing General Motors Corp. about \$550,000. The GM verdict not only illustrates the level of anger consumers feel, it also demonstrates that attorneys can make a living specializing in consumer protection issues, Megna said.

Since the verdict was publicized, he has received calls from all over the country from owners of GM trucks and SUV s who had similar problems with their power steering. He said the problem affects 58 different models from 1999 through 2007.

Last fall, a Wisconsin jury deliberated only an hour before deciding that Todd Van Natta's 2007 pickup truck was a lemon.

Van Natta, a 46-year-old plumber from Minocqua, Wis., had tried repeatedly to get GM to replace his truck because the steering locked whenever he applied the brakes at a low rate of speed.

The problem made parking the truck almost impossible. Von Natta's wife testified at trial that she stopped driving the truck because she lacked the strength to turn the steering wheel when the power steering failed.

After the trial, a judge ordered General Motors to pay \$259,000 (due this month) to cover the plaintiff's attorney fees. When this is added to the \$120,000 in damages that was stipulated prior to trial, and GM's own legal fees, the company is going to end up spending about \$550,000 on a case it could have settled by replacing the truck, said Von Natta's attorney Vince Megna. "GM turned a \$35,000 issue into a \$550,000 problem. No wonder they need bailout money," he commented.

In his 19 years of lemon law litigation, Megna, an attorney with Aiken & Scoptur in Milwaukee, Wis., has sued GM about 700 times. That's almost 40 times more than the 19 times he's sued Toyota.

"I'm no fan of Toyota, and I sue them every chance I get, but they do make a better car and they repair them better than the U.S. automakers," Megna said.

"We talked to the jurors, and the foreperson of the jury said on the first vote it was unanimous," Megna said. "Not one person leaned to GM."

### **Lemon law variations**

Megna introduced an internal GM memo at trial that described the problem. It stated, "A lack of steering assist could occur if the brakes are applied and [the driver is] turning the steering wheel

with the vehicle stopped or during parking lot type maneuvers."

Attorneys seeking to specialize in lemon law litigation generally practice in states considered to have strong lemon laws. California, for example, has a strong law, as does Wisconsin, which provides for double damages if a consumer wins.

"This makes it very effective," Megna said.

About 15 states, however, have what Megna called "bad" lemon laws. Those states, including Illinois, Colorado and Kansas, don't require the manufacturer to pay the consumer's attorney fees if the consumer wins.

Lemon law claims are rarely brought in those states. Instead, consumers generally rely on the Magnuson-Moss Warranty Act, according to Megna.

Mandatory arbitration - often conducted through the manufacturer's arbitration program - is also common in those jurisdictions.

Some states are even less consumer-friendly.

Florida's lemon law not only requires arbitration, it imposes "mileage depreciation charges" that reduce the value of the car when the manufacturer buys it back, according to Rosemary Shahan, founder of Consumers for Auto Reliability and Safety in Sacramento, Calif.

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