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\$702.7M class settlement on air bags OK'd

Chicago lawyer co-led class counsel in lawsuit against Honda, Nissan

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Nissan and Honda have reached agreements with consumers that would compensate tens of millions of vehicle owners for money they lost due to the massive Takata air bag recall.

U.S. District Judge Federico A. Moreno of the Southern District of Florida on Wednesday gave the green light to the \$97.7 million Nissan and \$605 million Honda class-action settlements, as part of a larger multidistrict litigation. The agreements were preliminarily approved in September.

Since the cases were first filed in 2014, the class-action

litigation has brought \$1.25 billion to affected class members, according to Todd A. Smith, co-lead counsel and co-founding partner and Power, Rogers & Smith.

The case involved dozens of other law firms from throughout the country.

"We've done something pretty unusual in creating something of this size," Smith said. "It's not as if they decided to come easily to this resolution, they fought terribly hard."

Smith said about 11 percent of the affected class members live in Illinois.

The settlement fund provides compensation for lost wages or child care while affected class members were taking their vehicle in for the recall repair. Vehicle owners can also be refunded for rental car or vehicle storage fees, in addition to getting a free ex-

tended warranty on the replacement airbags.

Millions of Takata airbags were found to be defective after finding the air bag inflators can explode during a crash. The largest safety recall in U.S. history has resulted in one dozen deaths and 180 injuries worldwide.

As of January, 37 million vehicles have been recalled for as many as 50 million defective Takata air bags, according to the National Highway Traffic Safety Administration.

Smith said in 2014 his firm sued Takata and seven auto companies, alleging they installed defective airbags in vehicles and then put them on the market for more than a decade without informing customers.

The automakers included Toyota, Mazda, Subaru, BMW, Honda, Nissan and Ford. All cases filed at that time, includ-

ing those in Illinois, were consolidated into a multidistrict litigation in late 2014.

Moreno approved a \$550 million settlement in November against Toyota, Mazda, Subaru and BMW. The case against Ford is ongoing, Smith said.

Despite the agreed-upon settlements, each of the seven car companies continues to deny liability and that it violated any law or wrongdoing, according to statements on the Takata settlement website.

"Both sides in the lawsuit agreed to a settlement in order to increase recall completion rates and to avoid the cost and risk of further litigation, with the goal of enhanced customer satisfaction," the statement read.

The case is *In Re: Takata Airbag Products Liability Litigation*.

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