

MADDOX | ISAACSON | CISNEROS LLP
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9 *Attorneys for Plaintiffs and the Class*

10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**

12 NICHOLAS WYLIE and SHAWNA
13 WYLIE (fka BROWN), TIMOTHY RYAN,
14 and GREGORY PERGER, individually,
15 and on behalf of a class of similarly situated
16 individuals,

17 Plaintiff,

18 vs.

19 HYUNDAI MOTOR AMERICA, a
20 California corporation,

21 Defendant.

CASE NO.: 8:16-CV-02102

**DECLARATION OF TROY L.
ISAACSON, ESQ. IN SUPPORT
OF MOTION FOR
PRELIMINARY APPROVAL
OF CLASS ACTION
SETTLEMENT**

Date: TBD
Time: 8:30 a.m.
Place: Courtroom 9D

22 **DECLARATION OF TROY L. ISAACSON, ESQ.**

23 1. I am an attorney at law admitted before all the courts of the States of
24 California and Nevada and our firm of Maddox | Isaacson | Cisneros LLP, serves
25 along with Capstone Law APC (collectively "Plaintiffs' Counsel"), as co-counsel of
26 record for Plaintiffs in this matter. This Declaration is made in support of the
27 Motion for Preliminary Approval of Class Action Settlement. I have personal
28 knowledge of and am familiar with the facts set forth herein all of which are true and

1 correct, except those matters stated to be upon information and belief, and as to
2 those matters, I believe them to be true.

3 2. I am a partner with Maddox | Isaacson | Cisneros LLP. My partner,
4 Norberto J. Cisneros, Esq. and I are the primary attorneys at our firm responsible for
5 handling claims for the defective vehicles distributed and/or sold by Hyundai Motor
6 America.

7 3. The following declaration is separated into three parts: (1) my own
8 personal experience and firm’s qualifications to serve as co-counsel in this matter; (2)
9 a brief summary of the work counsel has done to date on this matter as it pertains to
10 and affects the claims against the Hyundai Motor America; and (3) the settlement
11 terms reached in this matter.

12 I.
13 BACKGROUND AND QUALIFICATIONS

14 4. Our firm’s practice focuses on litigation and trial work in civil matters
15 representing clients in state and federal courts. Those matters include single plaintiff,
16 joinder and class action claims against negligent manufacturers and suppliers of
17 consumer products. Our firm similarly handles medical malpractice cases, securities
18 litigation, tribal matters and serves as general counsel for numerous homeowners’
19 associations throughout Nevada and began doing so in approximately 1973.

20 5. My career began in working on the *In re Gen. Motors Corp. Pick-Up Truck*
21 *Fuel Tank Prod. Liab. Litig.*, 134 F.3d 133 (3d Cir. 1998), and has long since involved
22 class-based claims. Many of the construction defect claims brought in Nevada were
23 on a class basis. Most recently, our firm participated in *George v. Uponor Corp.*, No.
24 CIV. 12-249 ADM/JJK, 2015 WL 5255280 (D. Minn. Sept. 9, 2015); *In re Wirsbo*
25 *Non-F1807 Yellow Brass Fittings*, No. 2:08-CV-1223-NDF-MLC, 2015 WL 13665077
26 (D. Nev. Oct. 26, 2015); and *Verdejo v. Vanguard Piping Systems*, Cal. Superior Court
27 Case No. BC448383 (Sept. 2014), in resolving claims surrounding defective plumbing
28 fittings installed in homes throughout Nevada, California and the United States.

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1 Maddox | Isaacson | Cisneros, LLP served as class co-counsel in each of these
2 matters which resulted in settlements for homeowners nationwide.

3 6. I am an AV-rated attorney by Martindale-Hubbell and our office is
4 widely recognized by other attorneys and judges as a leading authority on Nevada
5 law, particularly as it relates to community association and construction defect laws.
6 In 2014, I was further elected by my colleagues in Clark County, Nevada to serve on
7 the State Bar of Nevada’s Board of Governors which, among other items: develops,
8 review and approves the Bar’s annual budget; governs the admission of members to
9 the practice of law; and formulates and enforces the rules of professional conduct,
10 with the approval of the Nevada Supreme Court.

11 7. My partner, Norberto Cisneros, is likewise licensed to practice in
12 Nevada and California. Mr. Cisneros received his Bachelor of Arts Degree in
13 Psychology from the University of California, Los Angeles, and a Juris Doctor from
14 the University of San Diego School of Law. Mr. Cisneros has extensive trial
15 experience in representing individuals in civil litigation. He has litigated numerous
16 cases to juries, judges and arbitration panels, in matters involving construction
17 defects, personal injury and contract disputes. Mr. Cisneros has also represented
18 governmental agencies, including school districts, water districts, and Native
19 American tribes, in labor negotiations, personnel matters, employee disciplinary
20 matters, advising Human Resource managers on personnel issues, construction
21 matters, civil matters, immigration matters and other governance.

22 8. My partner, Robert Maddox (“Bob”), is similarly an AV-rated attorney
23 by Martindale-Hubbell and is widely recognized by other attorneys and judges as a
24 leading authority on Nevada community association and construction defect laws. Mr.
25 Maddox graduated with honors from Brown University in 1966 with a Bachelor of
26 Arts degree in International Relations and received his law degree in 1970 from
27 Harvard Law School. Bob originally founded our firm in 1973 as Maddox &
28 Associates, which became Maddox | Isaacson | Cisneros LLP in 2009.

1 9. Robert Maddox has been referred to as “the father of construction defect
2 law in Nevada,” having played the lead role in the creation of Nevada’s first
3 construction defect statute, Chapter 40 in 1995. NRS Chapter 40 gives Nevada
4 homeowners and community associations the right to receive full compensation for
5 faulty construction. He has worked extensively as an unpaid lobbyist for Nevada
6 community associations and homeowners in the Nevada State Legislature in every
7 session since 1995. Bob is frequently asked to lecture on legal issues facing community
8 associations and homeowners, and has appeared on all major Nevada television
9 networks in connection with his work to protect the people of Nevada from
10 construction defects. He is widely recognized by other attorneys and judges as a
11 leading authority on Nevada community association and construction defect laws. In
12 2002 the Justices of the Nevada Supreme Court named Bob a trustee of the Nevada
13 Law Foundation, the entity that administers funds generated from lawyers’ trust
14 accounts to persons who could not otherwise afford legal representation. Bob is also
15 a lifetime colleague of the Nevada Law Foundation. Bob was elected President of the
16 Nevada Trial Lawyers Association in 1999 and he was chosen in 2000 as the Trial
17 Lawyer of the Year by the Nevada Trial Lawyers Association. Under Mr. Maddox’s
18 leadership, our firm has recovered more that \$225 Million on behalf of Nevadans
19 victimized by faulty construction. In 2004, Mr. Maddox was honored as a Friend of
20 Nevada’s Working Families by the AFL-CIO, for his longtime commitment to
21 Nevada’s working families.

22 10. Our office has further appeared before and argued cases in the California
23 Superior Court, the Nevada District Court, the Nevada Supreme Court and the Ninth
24 Circuit Court of Appeals. Significant appellate decisions successfully argued by our
25 firm include: *Wardleign v. Second Judicial Dist. Court*, 111 Nev. 345, 891 P.2d 1180
26 (1995)(addressing issues surrounding discovery of attorney-client privilege in
27 homeowners’ association meetings and minutes); *McKeeman v. General Am. Life Ins. Co.*,
28 111 Nev. 1042, 899 P. 2d 1124 (1995)(reversing trial court’s dismissal of claims for

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1 proceeds under a life-insurance policy); *Calloway v. City of Reno*, 116 Nev. 250, 993 P.2d
2 1259 (2000)(discussion of economic loss doctrine and strict products liability on claims
3 preceding NRS Chapter 40); *Burch v. District Court*, 118 Nev. 438, 49 P.3d 647
4 (2002)(finding terms of homebuyers’ warranty an unconscionable adhesion contract);
5 *Desert Fireplaces Plus, Inc. v. Eighth Judicial Dist. Court*, 120 Nev. 632, 97 P.3d 607
6 (2004)(tolling statutes of limitation as to dissolved corporation); *Webb v. Shull*, 270 P.3d
7 1266, 2012 Nev. LEXIS 22, 128 Nev. Adv. Rep. 8 (Nev. 2012)(no showing of mental
8 state required for application of treble damages from a finding seller failed to disclose
9 defects in the sale of a home); *Vanguard Piping Sys. v. Eighth Judicial Dist. Court* (Nev.
10 2013) 309 P.3d 1017, 129 Nev. Adv. Rep. 63 (2014)(Vanguard defendants compelled
11 to produce their insurance policies despite pending appeal contesting jurisdiction);
12 *Barrett v. The Eight Judicial District Court*, 130 Nev. Adv. Rep. 65 (August 7, 2014)(NRS
13 Chapter 40 Notice not required prior to the filing of a “fourth-party” complaint against
14 a supplier); and *High Noon at Arlington Ranch Homeowners Ass’n v. Eighth Judicial Dist.*
15 *Court in & for Cty. of Clark*, 402 P.3d 639 (Nev. 2017)(Associations have
16 representational standing to represent unit owners who purchase their units after the
17 litigation commences).

18 11. Together, my partner, Norberto Cisneros and I, manage our day-to-day
19 efforts in this case on behalf of our firm. I and my firm are committed to vigorously
20 and tenaciously prosecuting this litigation as Maddox | Isaacson | Cisneros LLP has
21 vigorously and tenaciously prosecuted many other cases. Maddox | Isaacson |
22 Cisneros LLP has extensive experience with successfully prosecuting claims on
23 behalf of classes and large groups of plaintiffs.

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1 II.
2 CASE BACKGROUND

3 12. As noted, our office serves as co-counsel with Capstone Law APC
4 (collectively “Plaintiffs’ Counsel”) in this matter.

5 13. In or about September of 2016, Plaintiffs’ Counsel began investigating
6 and prosecuting claims related to defective dual clutch transmissions distributed and
7 sold by Hyundai Motor America. These dual clutch transmissions appear to have
8 been manufactured by or on behalf of Hyundai Motor America’s parent company,
9 Hyundai Motor Company, a South Korean corporation. Our investigations and
10 prosecution of these claims have been done in conjunction with our co-counsel at
11 Capstone Law APC.

12 14. As a result of those investigations, the Class Action Complaint was filed
13 on November 22, 2016, against Hyundai Motor America.

14 15. From the outset, Plaintiffs’ Counsel were faced with a range of legal
15 objections and a vigorous defense to the claims. The denial of these claims by the
16 Hyundai Motor America continued through discovery, which included, among other
17 items, depositions of Hyundai Motor America’s FRCP 30(b)(6) witnesses on fourteen
18 separate topics surrounding the design, manufacture, sales, testing and repairs of the
19 dual clutch systems installed in the class vehicles, requests for production of
20 documents on thirty four categories which resulted in the production of
21 approximately 200,000 pages of documents.

22 III.
23 THE SETTLEMENT

24 16. After approximately three years of litigation in this matter, the parties
25 have reached a settlement which is in the best interests of all concerned.

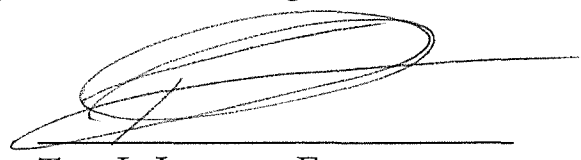
26 17. Along with co-counsel, I was personally involved in negotiating and
27 drafting the terms of the Settlement Agreement.
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This Settlement Agreement is indisputably fair, reasonable, and adequate terms that satisfy the standards for both preliminary and final approval.

I declare under penalty of perjury under the laws of California that the foregoing is true and correct.

Executed this 18th day of July of 2019, in Las Vegas, Nevada.



Troy L. Isaacson, Esq.

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