

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOSHUA RIAUBIA, individually and on behalf of all others similarly situated, Plaintiff,	:	CIVIL ACTION
	:	
v.	:	No. 16-5150
	:	
HYUNDAI MOTOR AMERICA Defendant.	:	
	:	

ORDER

AND NOW, this 26TH day of November, 2019, after a telephone conference with the parties, it is hereby **ORDERED** that:

1. The Court preliminarily approved the Settlement on August 7, 2019 (ECF Nos. 47-48), as being fair, reasonable, and adequate and in the best interest of the Plaintiff and all putative members of the Settlement Class (as defined below); and the Court further finds that effecting a settlement of the Settlement Class members' claims as set forth in the Agreement is the most expeditious, efficient, and fair means of resolving such claims.
2. The Court further determines, for settlement purposes only, the following: (a) the proposed Settlement Class satisfies all the requirements of Rule 23 and is maintainable under Rule 23(b)(3); (b) the proposed class representative and Settlement Class counsel are adequate; and (c) there is a sufficient unity of interest among the Settlement Class members to support the certification of the class for settlement purposes in accordance with the Agreement.
3. The Court therefore certifies in accordance with the Agreement, and for purposes of settlement only, the following Settlement Class:

All persons or entities in the fifty United States and the District of Columbia who currently own or lease, or previously owned or leased, a model year 2015 to 2017 U.S. specification Hyundai Sonata vehicle equipped with the Smart Trunk feature (the “Settlement Class” or “Class”).

4. The Court approved the form of the class notice and exclusion/opt-out form attached to the Parties’ Agreement. The class notice has been mailed by the claims administrator, by first class mail, to the members of the Settlement Class at their last known address.
5. Pursuant to Federal Rule of Civil Procedure 23(e)(2), a final approval hearing (the “Settlement Hearing”) is set for December 16th, 2019, at 2:00 p.m., in Courtroom 3E, United States Courthouse, 601 Market Street, Philadelphia, PA, 19106, to determine whether the settlement is fair, reasonable and adequate and should be finally approved.
6. Any Settlement Class member may appear in person or through counsel at the Settlement Hearing and be heard as to why the proposed Agreement should not be approved as fair, adequate, and reasonable, or why a final judgment dismissing the action against Defendant with prejudice should or should not be entered. No Settlement Class member, however, shall be heard or entitled to object, and no papers or briefs submitted by any such person shall be received or considered by the Court, unless written notice of intention to appear at the Settlement Hearing, together with copies of all papers and briefs proposed to be submitted to the Court at the Settlement Hearing, shall have been filed with the Court and have been served personally on or before the December 6th, 2019, upon the following:

James C. Shah, Esquire; and Natalie J. Finkelman Bennett, Esquire
Shepherd, Finkelman, Miller & Shah, LLP
35 East State Street
Media, PA 19063

Noah Axler, Esquire; and Marc Goldich, Esquire
Axler Goldich, LLC
1520 Locust Street, Suite 301
Philadelphia, PA 19102

Robert P. Cocco, Esquire
Robert P. Cocco, P.C.
1500 Walnut Street, Suite 900
Philadelphia, PA 19102

7. Any member of the Settlement Class who does not make and serve his or her written notice and objections in the manner provided above and described in Section VI of the Settlement Agreement, (ECF No. 42-3), shall be deemed to have finally waived such objections and shall be foreclosed from making any objections (by appeal or otherwise) to the proposed Agreement.
8. In the event no objections are raised to the Agreement, the Court reserves the right to adjourn the Settlement Hearing and base its decision regarding final approval of the Agreement, and any requests related thereto, on the written submissions of the parties.

BY THE COURT:

/s/ Lynne A. Sitarski
LYNNE A. SITARSKI
United States Magistrate Judge