

United States District Court for the Eastern District of Pennsylvania

If you are a current or former owner or lessee of a U.S. specification model-year 2015 to 2017 Hyundai Sonata vehicle equipped with the Smart Trunk feature, you may be eligible for benefits of a class-action settlement.

*A court has authorized this notice. You have received this notice because Hyundai's records indicate that you are a current or former owner or lessee of a U.S. specification model-year 2015 to 2017 Hyundai Sonata vehicle. **This is not a solicitation from a lawyer.***

- A nationwide settlement ("Settlement") has been reached in a class action lawsuit against Hyundai Motor America ("HMA"). The lawsuit concerns model year 2015 to 2017 U.S. specification Hyundai Sonata vehicles equipped with the Smart Trunk feature purchased or leased in the fifty United States or the District of Columbia ("Class Vehicles"). The lawsuit alleges that the Smart Trunk on the Class Vehicles is defective because it does not open a sufficient amount. Defendant has denied these allegations.
- The Settlement provides an opportunity to be reimbursed for certain past expenses, to obtain a free inspection and repair of the affected trunk components, and to receive a cash payment or a HMA dealer credit.
- Your legal rights are affected whether you act or don't act, so please read this notice carefully.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT:

SUBMIT A CLAIM AND/OR TAKE YOUR CLASS VEHICLE TO AN AUTHORIZED HMA DEALER	Make a claim for relief so that you may be able to receive the valuable benefits available to you under the Settlement and/or take your vehicle to an authorized HMA Dealer after the Settlement is approved.	Claims must be submitted by <u>January 3, 2020</u> . See <i>Question 10, below</i> . You must bring your Class Vehicle to an authorized Hyundai Dealer after the Settlement is approved. See <i>Question 8, below</i> .
EXCLUDE YOURSELF	Get no reimbursement for out-of-pocket expenses. This is the only option that allows you to be part of any other lawsuit, or your own lawsuit, against the Defendant about the legal claims released in this Settlement.	Must be postmarked by <u>November 4, 2019</u> . See <i>Questions 13 and 16, below</i> .
OBJECT	Write to the Court about why you do not like the Settlement.	Must be filed and postmarked by <u>November 4, 2019</u> . See <i>Question 20, below</i> .

GO TO A HEARING	Ask to speak in Court about the Settlement.	The Final Approval Hearing will be scheduled on or after <u>December 4, 2019</u> . See Question 24, below.
DO NOTHING	Give up rights to any reimbursement benefits for out-of-pocket expenses under the Settlement and to be part of this or any other lawsuit against the Defendants about the legal claims released by the Settlement. You can still take advantage of the Service Campaign and your vehicle will receive the warranty extension provided under the Settlement.	See Question 12, below.

- These rights and options -- ***and the deadlines to exercise them*** -- are explained in this notice.
- The Court in charge of this case still has to decide whether to approve the Settlement, so that the benefits may be provided. Payments will be made if the Court approves the Settlement and after any appeals are resolved. Please be patient.

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1. Why have I received this notice?

A Court has authorized this notice because you have a right to know about the proposed settlement of this class action lawsuit, and your options, before the Court decides whether to give "final approval" to the Settlement. You should read the entire notice. This notice explains the lawsuit, the proposed Settlement, and your legal rights. You have received this notice because HMA's records indicate that you are a current or former owner or lessee of a model-year 2015 to 2017 U.S. specification Hyundai Sonata vehicle equipped with the Smart Trunk and purchased or leased in the fifty United States or the District of Columbia.

Judge C. Darnell Jones of the United States District Court for the Eastern District of Pennsylvania is overseeing this class action lawsuit. The case is known as *Riaubia v. Hyundai Motor America*, Civil Action No. 2:16-cv-5150 ("Action"). Joshua Riaubia, the person who sued, is called the "Plaintiff," and the company that was sued, HMA, is called the "Defendant."

2. What is the lawsuit about?

This lawsuit is about model-year 2015 to 2017 U.S. specification Hyundai Sonata vehicles equipped with the Smart Trunk feature ("Class Vehicles"). The lawsuit alleges that certain torsion bars installed in the Smart Trunk on the Class Vehicles opens the trunk less than 7.5 inches, either because of the quality of the torsion bars or by some other means of wear-and-tear (the alleged "Defect"). HMA, which distributes and warrants Hyundai vehicles in the United States, denies these allegations and stands behind and supports its products.

3. What Vehicles are included in the Settlement?

The Settlement includes all model-year 2015 to 2017 U.S. specification Hyundai Sonata vehicles equipped with the Smart Trunk feature and purchased or leased in the fifty United States or the District of Columbia.

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4. Why is there a class action?

In a class action, one or more persons called the “Class Representatives” (in this case, Joshua Riaubia) asserts claims on behalf of people who have similar claims. All of these people are a “Class” or “Class Members.” One court resolves the issues for all Class Members, except for those who timely exclude themselves from the Class.

5. Why is there a Settlement?

All parties have agreed to a Settlement to avoid the cost and risk of a trial, and so that the people affected can get benefits, in exchange for releasing the Defendant from liability for the claims that were raised or could have been raised involving the Class Vehicle Defect. The Settlement does not mean that the Defendant broke any laws, or otherwise did anything wrong, because Judge Jones did not decide which side was right. The Class Representative and the lawyers representing him think the Settlement is best for all Class Members.

6. How do I know if I am a Class Member?

The Settlement Class includes 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 and purchased or leased the vehicle in the United States and the District of Columbia.

HMA’s records indicate that you have or had a Class Vehicle. If you’re not sure whether you are included in the Settlement Class, you may call (toll-free) **866-944-7620** with questions.

7. If my trunk has not had problems, am I a Class Member?

Yes. You don’t have to have experienced any problems with the Smart Trunk to be included in the Settlement. If you still own or lease a Class Vehicle you will be eligible to take advantage of the Settlement’s extension of the warranty, for example.

8. What are the benefits of the Settlement?

The Settlement provides the following benefits:

Cash Payment or HMA Dealer Credit for Documented Complaints:

After Judge Jones grants final approval of the Settlement and the Settlement becomes effective (the “Effective Date”), if you have a documented complaint, repair, or warranty claim pertaining to the Smart Trunk not opening to expectation that was made to a Hyundai dealer, to HMA directly, or made on a publicly available complaint forum, prior to the Class Notice you may submit one claim for payment of \$50 cash (in the form of a pre-paid debit card) or a \$100 HMA dealer credit, regardless of whether you have any out-of-pocket loss.

In order to obtain the cash payment or Hyundai Dealer credit, you must submit a Claim Form either through the settlement website, www.SonataSmartTrunkSettlement.hyundaiusa.com or by mail and include all of the following: (a) documentation that identifies the Class Vehicle’s Vehicle Identification Number (“VIN”), (b) a repair order, invoice, or other documentation that identifies a documented complaint made to a Hyundai dealer, to HMA directly, or made on a publicly available complaint forum regarding the Smart Trunk not opening to

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expectation that includes a description of the complaint along with information regarding repair or lack thereof, and payment for repair, if applicable.

Free Inspection, and Repair or Replacement of Affected Smart Trunk Torsion Bars:

After the Effective Date, Class Members who believe that the Smart Trunk is not opening 7.5 inches or more will be able to make an appointment with an authorized Hyundai Dealer (“Dealer”) for an inspection of your Class Vehicle. If an authorized Hyundai Dealer determines that the Smart Trunk on a Class Vehicle opens less than 7.5 inches, subject to any exclusions set forth herein, replacement of the torsion bars will be performed. Any replacement torsion bars installed during the appointment are covered by Hyundai’s 78 month/78,000 mile extended warranty or Hyundai’s standard 2 year/unlimited mileage replacement parts warranty if the vehicle is outside the extended warranty period. This inspection and any necessary repair or replacement will be provided to the Class Member free of charge. Subsequent to the installation of the replacement torsion bars, the Class Member may also submit one claim for payment of a \$70 Hyundai Dealer credit.

If after the new torsion bars are installed, a Class Member believes that the Smart Trunk still fails to open 7.5 inches or more, the Class Member will be permitted to make a second appointment with an authorized Hyundai Dealer for a further inspection of eligible Class Vehicle(s). If an authorized Hyundai Dealer determines that the Smart Trunk on a Class Vehicle opens less than 7.5 inches, subject to any exclusions set forth herein, the torsion bars will again be replaced with a second set of torsion bars. Any replacement torsion bars installed during the appointment are covered by HMA’s extended 78 month/78,000 mile warranty or standard 2 year/unlimited mileage replacement parts warranty if the subject vehicle is outside the extended warranty. This inspection and any necessary repair or replacement will be provided to the Class Member free of charge. Subsequent to the installation of the replacement torsion bars, the Class Member may also submit one claim for an additional \$100 cash payment (in the form of a pre-paid debit card) or a \$200 HMA Dealer credit.

Warranty Extension:

After the Effective Date, all Class Vehicles under warranty will receive a warranty extension for the Smart Trunk torsion bars from five (5) years or 60,000 miles to seventy-eight (78) months or 78,000 miles, whichever is sooner. If your Class Vehicle is outside the warranty after the effective date, you will receive a warranty extension specific to the Smart Trunk torsion bars for a period of eighteen (18) months or 18,000 miles, whichever is sooner. The warranty extension is subject to the terms and conditions of the original warranty, as are the replacement parts, but will transfer with the Class Vehicle if it is later sold.

Reimbursement for Past Expenses:

In addition to the free inspection and warranty extension, if you previously incurred eligible out-of-pocket expenses at an authorized Hyundai Dealer or third-party repair shop for relocation, repair, or replacement of the Smart Trunk torsion bars due to the trunk not opening to expectation, you may be entitled to reimbursement of one claim per Class Vehicle.

Defendant does not warrant or guarantee any repairs performed at third-party repair shops and, should any such repairs fail, you will not be entitled to submit an additional claim. Defendant will not reimburse any work performed at third-party repair shops after the Effective Date of the Settlement.

In order to obtain reimbursement for eligible past expenses, you must submit a Claim Form and include all of the following: (a) documentation that identifies the Class Vehicle’s Vehicle Identification Number (“VIN”), (b) a dated repair order/invoice that includes a description of the repair, cause of the failure, parts used, labor time

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and costs, and mileage at the time of repair, and (c) proof of payment for the repair.

To seek reimbursement for these reimbursement benefits, please complete and submit a Claim Form, as set forth in Answer 10, below.

* * *

As part of the claims confirmation process, a claim for reimbursement will be rejected if: (1) the VIN number associated with the claim does not match the Settlement Class Member's Vehicle's VIN number; (2) the Settlement Class Member has received any payments or refunds from HMA or an authorized Hyundai Dealer in connection with any complaints about the Smart Truck, that are equal to the amount of the claim for reimbursement submitted, and can be documented as such by HMA (3) the claim for reimbursement is for an item or service that is not covered under this Settlement Agreement; or (4) the claim is fraudulently submitted.

This is just a summary of the Settlement terms. More details and specific information are available in a document called the Settlement Agreement, which is available at www.SonataSmartTrunkSettlement.hyundaiusa.com.

9. What am I giving up in exchange for the Settlement benefits?

If you do not exclude yourself and the Settlement becomes final, that means you are staying in the Class. Class Members will be releasing Defendant and related people and entities from all of the claims described and identified in Section VII.A of the Settlement Agreement. In essence, the claims released by Class Members are all claims (except for personal injury or damage to property other than the Class Vehicle) that could arise based on the Smart Trunk torsion bars not opening at least 7.5 inches in Class Vehicles, so you cannot sue, continue to sue, or be part of any other lawsuit against HMA about the legal issues in this case. The Settlement Agreement is available at www.SonataSmartTrunkSettlement.hyundaiusa.com. The Settlement Agreement describes the released claims with specific descriptions, in necessarily accurate legal terminology, so read it carefully.

Judge Jones has appointed specific attorneys to represent you in this lawsuit and Settlement. You can talk to one of the lawyers listed below free of charge if you have questions about the released claims or what they mean. You can also speak with your own attorney, should you have one, about this Settlement.

10. How do I get the benefits of the Settlement?

All Class Members will receive the warranty extension. If you are a Class Member and would like to obtain Settlement benefits in the form of free inspection, and repair or replacement of the Smart Trunk torsion bars in your Class Vehicle, you can do so after the Effective Date of the Settlement by making an appointment for this service with an authorized Hyundai Dealer in your area. Judge Jones will hold a hearing on or after **December 4, 2019** to decide whether to give final approval to the Settlement. Check the settlement website, www.SonataSmartTrunkSettlement.hyundaiusa.com, after that date to find out if the Settlement was given final approval and the deadline to take advantage of this benefit.

If you are a Class Member and would like to obtain reimbursement benefits, you need to complete the Claim Form that accompanies this Notice and either submit the claim through the settlement website, www.SonataSmartTrunkSettlement.hyundaiusa.com or by mail, with all the required proofs, to the address provided on the Claim Form. Additional copies of Claim Forms are available at www.SonataSmartTrunkSettlement.hyundaiusa.com. The current deadline for submitting Claim Forms is **January 3, 2020**. If you fail to submit a Claim Form and required documentation by the specified deadline, you will not get paid. Sending in a Claim Form late or without required documentation will be the same as

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doing nothing.

Please keep a copy of your completed Claim Form and all documentation you submit for your own records.

These benefits are also subject to limitations, including based on the model year and make of your Vehicle, which are discussed in Question 8.

If you have any questions on how to complete the Claim Form or what information is needed, you can call the following toll-free number: **866-944-7620**.

Inspections cannot be scheduled, and claim forms will not be processed nor will payments be issued, until after the Effective Date, which is thirty (30) days after Judge Jones gives final approval of the Settlement, unless an appeal is filed, in which case it may be longer. Please be patient, and feel free to check the website for current status.

11. What if my claim is denied?

There is a process in the Settlement to resolve disagreements between you and Defendant over your claim. During this process, the court-appointed attorneys listed below will represent you in any dispute regarding relief under the terms of the Settlement, and the dispute will be handled in accordance with the procedures set forth in the Settlement Agreement. You may have the right to appeal any denied claim to a third party at no cost to you. If you have questions regarding this process, visit www.SonataSmartTrunkSettlement.hyundaiusa.com to see a copy of the Settlement Agreement, or contact Class Counsel below.

12. What if I do nothing?

If you do nothing, you will give up the right to be part of any other lawsuit against Defendant about the legal claims released by the Settlement. You will be entitled to take your Class Vehicle to a HMA Dealer for an inspection, and repair or replacement of the torsion bars and receive any warranty extension for which you are eligible. However, you will not receive any of the payment or reimbursement benefits offered by this Settlement unless you timely submit a Claim Form.

13. Can I exclude myself from this Settlement?

Yes. If you want to keep the right to sue or continue to sue Defendant over the legal issues in this case, then you must take steps to get out of this Settlement. This is called asking to be excluded from – sometimes called “opting out” of – the Class.

14. If I exclude myself, can I get anything from this Settlement?

Yes. If you exclude yourself, you will give up rights to any reimbursement benefits for out-of-pocket expenses under the Settlement and to be part of this or any other lawsuit against the Defendants about the legal claims released by the Settlement. However, you can still take advantage of the Service Campaign and your vehicle will receive the warranty extension provided under the Settlement.

15. If I don't exclude myself, can I sue later?

No. Unless you exclude yourself, you give up the right to sue Defendant for the claims that this Settlement resolves.

QUESTIONS? VISIT www.SonataSmartTrunkSettlement.hyundaiusa.com

16. How do I exclude myself from the Settlement?

To exclude yourself from the Settlement, you must send a letter by mail saying that you want to be excluded from *Riaubia v. Hyundai Motor America*, Civil Action No. 2:16-cv-5150-CDJ. Be sure to include: (1) your full name and current address; (2) the model year and VIN of your Class Vehicle(s) and the date(s) of purchase/lease; (3) specifically and clearly state your desire to be excluded from the Settlement and from the Settlement Class; and (4) your signature. You cannot ask to be excluded over the phone or via the internet. You must mail your request to be excluded, postmarked no later than **November 4, 2019** to the Settlement Administrator at the address below:

Riaubia Settlement
P.O. Box 10759
Newport Beach, California 92658

Failure to comply with any of these requirements for excluding yourself may result in you being bound by this Settlement.

17. Do I have a lawyer in the case?

The Plaintiff and you have been represented by a number of lawyers and several law firms that have prosecuted this case together. Judge Jones has appointed the following lawyers to represent you and other Class Members as “Class Counsel”:

James C. Shah
Natalie Finkelman Bennett
SHEPHERD, FINKELMAN, MILLER & SHAH, LLP
35 E. State Street
Media, PA 19063
Tel: (610) 891-9880

Noah Axler
Marc A. Goldich
AXLER GOLDICH LLC
1520 Locust Street, Suite 301
Philadelphia, PA 19102
Tel: (267) 534-7400

Robert P. Cocco
ROBERT P. COCCO, P.C.
1500 Walnut St., Ste. 900
Philadelphia, PA 19102
Tel: (215) 351-020

You will not be charged for these lawyers. If you want to be represented by another lawyer, you may hire one to appear in Court for you at your own expense.

18. Proposed Service Awards to Class Representative.

Class Counsel has requested a payment to the Class Representative Joshua Riaubia, not to exceed \$5,000.00. Defendant has agreed not to oppose this request. This payment will not reduce any benefits recoverable by members of the Settlement Class.

QUESTIONS? VISIT www.SonataSmartTrunkSettlement.hyundaiusa.com

19. How will the lawyers be paid?

As part of the resolution of the Actions, Class Counsel and Defendant have agreed Class Counsel may apply for an award of attorneys’ fees, costs, and expenses not to exceed \$828,876.00. The Parties have further agreed that Class Counsel will not seek payment of any amount in excess of \$828,876.00 if awarded by Judge Jones. The Class Counsel Fees and Expenses will be paid separate and apart from any relief provided to the Class. Judge Jones will determine the amount of attorneys’ fees, costs, and expenses. Defendant has agreed not to oppose this request. These payments will not reduce the value of the benefits distributed to Class Members. Defendant will also separately pay the costs to administer the Settlement.

20. How do I tell the Court if I don’t like the Settlement?

You can object to the Settlement if you don’t like some part of it. You can give reasons why you think Judge Jones should not approve it. To object, send a letter saying that you object to the Settlement in *Riaubia v. Hyundai Motor America*, Civil Action No. 2:16-cv-5150-CDJ. You must include: (1) your full name and current address and the name of your attorney and your attorney’s address if you are represented by an attorney; (2) the model year and VIN of your Vehicle(s) and the date(s) of purchase or lease; (3) whether your objection applies only to yourself, to specific subset of the Class, or to the entire Class; (4) the reasons why you object and the factual and legal reasons for your objection (including all relevant documents that pertain to your objection); (5) state that you have reviewed the Settlement Class definition and understand that you are a Settlement Class Member, and you have not opted out of the Settlement Class; (6) a detailed list of any other objections to any class action settlements you submitted to any court, whether State, Federal, or otherwise, in the United States in the previous five (5) years; (7) a Notice of Intention to Appear at the Final Approval Hearing if you intend to appear in person at the hearing; and (8) your signature. The objection must be filed with the Court on or before **November 4, 2019** and mailed to the Claims Administrator, Class Counsel, and Defendants’ Counsel. The mailed copies must be postmarked on or before **November 4, 2019**:

COURT	Clerk of Court United States District Court Eastern District of Pennsylvania James A. Byrne U.S. Courthouse 601 Market Street Philadelphia, PA 19106		
CLAIMS ADMINISTRATOR	Riaubia Settlement, Claims Administrator P.O. Box 10759 Newport Beach, California 92728		
CLASS COUNSEL	James C. Shah Natalie Finkelman Bennett SHEPHERD, FINKELMAN, MILLER & SHAH, LLP 35 E. State Street Media, PA 19063	Noah Axler Marc A. Goldich AXLER GOLDICH LLC 1520 Locust Street, Suite 301 Philadelphia, PA 19102	Robert P. Cocco ROBERT P. COCCO, P.C. 1500 Walnut St., Ste. 900 Philadelphia, PA 19102

QUESTIONS? VISIT www.SonataSmartTrunkSettlement.hyundaiusa.com

COURT	Clerk of Court United States District Court Eastern District of Pennsylvania James A. Byrne U.S. Courthouse 601 Market Street Philadelphia, PA 19106
DEFENDANT'S COUNSEL	Christopher J. Dalton Jacqueline M. Weyand Buchanan Ingersoll & Rooney PC 550 Broad Street, Suite 810 Newark, NJ 07102-4582

21. What's the difference between objecting and excluding myself?

Objecting is simply telling Judge Jones that you don't like something about the Settlement. You can object only if you stay in the Class. Excluding yourself is telling Judge Jones that you don't want to be part of the Class. If you exclude yourself, you have no basis to object because the Settlement no longer affects you.

22. When and where will Judge Jones decide whether to approve the Settlement?

Judge Jones will hold a hearing to decide whether to approve the Settlement. If you have filed an objection on time, you may attend and ask to speak, but you don't have to. Judge Jones will hold a Final Approval Hearing on or after **December 4, 2019** at the United States District Court for the Eastern District of Pennsylvania, James A. Byrne U.S. Courthouse, 601 Market Street, Philadelphia, PA 19106. At this hearing, Judge Jones will consider whether the Settlement is fair, adequate, and reasonable. If there are objections, Judge Jones will consider them. Judge Jones will only listen to people who have asked to speak at the hearing (*See* Question 23 below). Judge Jones will also decide how much to pay the lawyers representing Class Members and the Class Representative. After the hearing, Judge Jones will decide whether to approve the Settlement. If Judge Jones approves the Settlement, there may be appeals. We do not know how long these decisions will take. You should monitor www.SonataSmartTrunkSettlement.hyundaiusa.com to find out if any dates have changed, to learn if Judge Jones has approved the Settlement, and to get information about the progress of any appeals and the timing of payments – please be patient.

23. Do I have to come to the hearing?

No. Class Counsel will answer any questions Judge Jones may have, but you are welcome to come at your own expense. If you send an objection, you don't have to come to Court to talk about it. As long as you file and mail your valid written objection on time, Judge Jones will consider it. You may also pay another lawyer to attend, but it's not required.

24. May I speak at the hearing?

You may ask Judge Jones for permission to speak at the Final Approval Hearing. To do so, you must file a "Notice of Intent to Appear" in *Riaubia v. Hyundai Motor America*, Civil Action No. 1:15-cv-04889. Be sure to include your name, address, telephone number, signature, and other requirements outlined in Question 19. You must file your Notice of Intent to Appear no later than **November 4, 2019** and simultaneously mail it to the addresses listed in Question 20. You cannot speak at the hearing if you exclude or have excluded yourself from the Class.

QUESTIONS? VISIT www.SonataSmartTrunkSettlement.hyundaiusa.com

25. How do I get more information?

This notice summarizes the proposed Settlement. More details are in the Settlement Agreement. You can get copies of the Settlement Agreement and related documents at www.SonataSmartTrunkSettlement.hyundaiusa.com. You may also write with questions to Riaubia Settlement, Claims Administrator, P.O. Box 10759, Newport Beach, California 92658, or call toll free at 866-944-7620.

QUESTIONS? VISIT www.SonataSmartTrunkSettlement.hyundaiusa.com