SHAMELL SAMUEL-BASSETT on behalf of herself and all
others similarly situated,
Plaintiff,
v.
KIA MOTORS AMERICA, INC.,
Defendant.

COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY

**JANUARY TERM 2001** 

NO. 2199

CLASS ACTION

## **NOTICE OF PENDENCY OF CLASS ACTION**

To: All residents of the Commonwealth of Pennsylvania who purchased or leased a model year 1997, 1998, 1999 or 2000 Kia Sephia between January 17, 1997 and January 17, 2001.

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# PLEASE READ THIS NOTICE CAREFULLY, IT MAY AFFECT YOUR LEGAL RIGHTS.

# THIS NOTICE IS NOT A NOTIFICATIONTHAT YOU HAVE BEEN SUED.

This is a notification that you are a member of a plaintiff class (the "Class") in this case against Kia Motors America, Inc. ("Defendant" or "Kia") in the Philadelphia County Court of Common Pleas (the "Lawsuit").

The purpose of this Notice is to explain to you:

- 1. What the Lawsuit is about.
- 2. Your Rights as a Class Member.
- 3. Further Court Proceedings.
- 4. How to Get More Information.

### 1. WHAT THE LAWSUIT IS ABOUT

In this lawsuit, Plaintiff claims the Sephia 1997, 1998, 1999, and 2000 model automobiles have defects in their braking system. Plaintiff claims this is a breach of warranty and a violation of the Magnuson-Moss Warranty Improvement Act.

Plaintiff seeks to recover money damages from Defendant which may include the costs of repairs and compensation for the reduction in vehicle value.

Defendant Kia Motors America, Inc. denies these allegations. No final ruling has been made on these claims.

#### 2. YOUR RIGHTS AS A CLASS MEMBER

The Class consists of:

All residents in the Commonwealth of Pennsylvania who purchased and/or leased model year 1997-2000 Kia Sephia automobiles for personal, family or household purposes for a period of four years preceding the filing of the complaint in this action.

The certified Class Representative is the Plaintiff, Shamell Samuel-Bassett. The certified Class counsel are the law firms of Donovan Searles, LLC, 1845 Walnut Street, Suite 1100, Philadelphia, Pennsylvania 19103 and Francis & Mailman, P.C. 100 South Broad Street, Land Title Building, 19<sup>th</sup> Floor, Philadelphia, Pennsylvania 19110 and Feldman, Shepherd, Wohlgelernter and Tanner, 1845 Walnut Street, Philadelphia, Pennsylvania 19103. These attorneys will represent you as a part of the class unless you choose to hire your own attorney. You have the right to hire your own attorney.

If you wish to remain in the class YOU DO NOT NEED TO TAKE ANY ACTION. If you remain in the Class you will be bound by any decision, favorable or unfavorable, in this case.

If you do not wish to remain in the Class, then you must make your request in writing. If you exclude yourself from the Class you will not participate in any settlement or favorable judgment in the Lawsuit but you also will not be bound by an unfavorable judgment.

Your request to be excluded from the class must be in writing and must provide your name and address and a statement that you wish to be excluded from the Class in <u>Bassett v. Kia</u> <u>Motors America, Inc.</u> This statement must be sent by first-class mail, postmarked not later than January 15, 2005, addressed to any attorney listed below. If you request exclusion on behalf of anyone other than yourself you must describe your legal authority to make this request.

#### **Class Counsel:**

James A. Francis, Esq. FRANCIS & MAILMAN, P.C. 100 South Broad Street Land Title Building, 19<sup>th</sup> Floor Philadelphia, PA 19110 (215) 735-8600 Michael D. Donovan, Esq. DONOVAN SEARLES, LLC 1845 Walnut Street, Suite 1100 Philadelphia, PA 19103 (215) 732-6067 (800) 619-1677

### 3. **<u>FURTHER COURT PROCEEDINGS</u>**

The Court will proceed to decide the merits of Plaintiff's claims as asserted in the Lawsuit. Either party could prevail on the merits.

#### 4. HOW TO GET MORE INFORMATION

The pleadings and other records in this litigation, including copies of the Amended Class Action Complaint and the Class Certification Order, may be examined during regular office hours at the Office of the Prothonotary, Philadelphia County Court of Common Pleas, City Hall, Broad and Market Streets, Philadelphia, Pennsylvania 19107. If you need additional information, you should call or write to Class Counsel at the address and phone numbers above.

#### DO NOT CALL THE COURT OR THE DEFENDANT.

BY THE COURT:

Mark I. Bernstein, J.

Date: November 9, 2004