

## **Christopher D. Lonn Wins Unprecedented Arizona “Lemon Law” Lawsuit**

**PHOENIX, Ariz. (August 31, 2017)** – Attorney Christopher D. Lonn secured a favorable verdict in a three-year “lemon law” litigation with BMW of North America (BMW N.A.). This is the first verdict in Arizona (and possibly the United States) where a jury found that excessive brake noise is a defect under a governing “lemon law” statute.

In 2012, while residing in Oregon, Dr. Nordean and his wife took delivery of a custom ordered 2013 BMW M6 coupe, a luxury high performance vehicle that was hand built in Germany. The vehicle was ordered through, and delivered to, a BMW-authorized dealer in Nevada. After approximately 1,500 miles, the Nordeans noticed excessive brake noise and howling, as well as brake vibration when coming to a stop. They reported the problem to an authorized dealer in Oregon. Upon relocating to Arizona in 2013, The Nordeans again reported the problem to an authorized dealer in Scottsdale, where an attempt was made to fix the brake problems by installing updated and re-designed brake pads that would allegedly reduce the brake noise. The re-designed brake pads, also manufactured by BMW N.A., eliminated the brake howling and vibration problem; however, they caused the brake noise to be louder and more frequent. After four failed attempts to correct or repair the excessive brake noise, the Nordeans requested in writing that the manufacturer repurchase the M6 under Arizona’s “lemon law” statute. The manufacturer refused. In response, the Nordeans hired attorney Christopher D. Lonn to file a lawsuit against BMW N.A., under the consumer protection-focused Arizona “lemon law” statute.

During a four-day jury trial in the Maricopa County Superior Court, Mr. Lonn was able to establish, without being required to have an expert witness testify, that there was a defect in materials or workmanship regarding the excessively noisy brakes that did not conform to the express warranty from BMW N.A. Another interesting fact in the case was that BMW N.A. had previously repurchased two other 2013 BMW M6s in another state for the exact same brake noise issues. These buybacks occurred just a few months before the Nordeans requested the repurchase of their vehicle, which was denied by BMW N.A.

After deliberating for 2.5 hours, the jury found in favor of the Nordeans and ordered BMW N.A. to repurchase the vehicle, with a modest offset of the purchase price for use of the vehicle.

This is believed to be the first “lemon law” verdict issued by a jury against BMW N.A. in Arizona.