

October 2015



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NEWS AND VIEWS OF THE SPANGENBERG LAW FIRM.

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This newsletter is intended to provide information regarding this law firm, legal issues, and public events. It is not legal advice. Every case is unique. Do not rely on information in this newsletter to make decisions without consulting with an attorney. You may copy and distribute this newsletter only in its entirety.

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CONSUMER ALERT: VOLKSWAGEN TDI LAWSUITS FILED

BY: NICHOLAS A. DICELLO, ESQ.



Buyers of Volkswagen diesel cars were lied to by the German automaker, who marketed their diesel cars as "clean" diesel when the company knew its vehicles could not pass emission standards. Now that VW's deception has been exposed, owners of these vehicles will find it difficult to sell their cars because they do not pass emission laws. Whether and when a fix is coming and how it may affect performance remains uncertain.

Volkswagen has admitted that it intentionally installed sophisticated engine software programming to switch engines to clean mode during official emissions testing so that its vehicles would pass U.S. emission requirements. The software contains a complex algorithm that allows the cars to pass emissions testing by reducing the engines' pollution emission through a so-called "defeat device." When the software "defeat device" is switched off, the vehicles drive more powerfully on the road but emit up to 40 times the legal limit of pollution.

This was not an "accident," but rather, an intentional deception so the world's largest

automaker could claim its cars are better for the environment while still delivering the performance demanded by consumers. It has been widely reported that 500,000 cars in the U.S. and 11 million cars worldwide are affected. New car sales of the affected models have been halted.

The vehicles affected by the software are:

- Volkswagen Jetta diesel 2009-2015
- Volkswagen Beetle diesel 2009-2015
- Volkswagen Golf diesel 2009-2015
- Volkswagen Passat diesel 2014-2015
- Audi A3 diesel 2009-2015

What does this mean for consumers who own these vehicles? For one, hundreds of thousands of people are driving cars that are producing illegal amounts of pollution every day and our environment is paying the price. Second, the cars themselves will have a significantly reduced value in the secondhand market because most potential buyers will not want to take on the risk or headache of owning a car that will not pass emissions tests. For most owners, it means they are probably stuck with their diesel VW or Audi A3, for the moment at least.



December 18 Deadline to File Class Action Lawsuit Claim Form

BY: WILLIAM B. EADIE, ESQ.

The U.S. District Court for the Northern District of Ohio has granted preliminary approval to a proposed settlement in a class action lawsuit filed by two Ohio residents - represented by the Spangenberg Law Firm - on behalf of themselves and those similarly situated against retail giant Wal-Mart.

Our clients claimed that when items they purchased from Wal-Mart or Sam's Club retail locations, or on-line from Walmart.com or Samsclub.com, were returned to a location different than the location of purchase, the amount of sales tax refunded or credited was, at times, less than the full amount of sales tax paid at the time the product was purchased.

Wal-Mart has agreed to pay \$5 million to pay for claims, attorneys' fees and expenses, incentive awards to class members and administration of the settlement proceeds. Eligible class members will have the opportunity to apply for and receive a credit in the form of a gift card that is redeemable towards purchases made at Walmart stores, Sam's Club stores, walmart.com, or samsclub.com.

Who is Eligible?

The Court has decided that for settlement purposes, any individual person who purchased a product from or was given as a gift a product purchased from Wal-Mart or Sam's Club, then returned the product and the amount of sales tax refunded or credited was less than initially paid between May 2, 2010 and July 16, 2015, is considered a Settlement Class Member.

How to Receive a Benefit

To receive a settlement benefit, you must submit an online Claim Form on the settlement website on or before December 18, 2015.

Class Members also have the right to exclude themselves from the proposed settlement or object to a portion or all of the proposed settlement. A fairness hearing is scheduled on December 17, 2015, in the United States District Court for the Northern District of Ohio.

For more information about the settlement - including instructions about how to exclude yourself from the settlement and preserve your right to sue on your own, and on how to object to the settlement - visit www.WalmartSalesTaxSettlement.com or call the Claims Administrator toll free at (844) 239-6705.

Halloween Safety

Halloween Safety Tips

- Costumes should be made of fireproof fabric and include reflectors and bright colors
- Costumes should not obstruct vision or movement
- Bring flashlights or glow sticks to increase visibility
- Adults should accompany children under 12. Children over 12 should go in groups and stick to familiar areas
- Always cross at street corners, using traffic signals and crosswalks
- Look left-right-left when crossing and keep eye contact with drivers to make sure they see you
- Watch out for cars backing out of driveways

Have a safe and happy Halloween!

PUMPKIN CHEESECAKE

It's hard to resist the fun and excitement of Halloween. Here is one more temptation that's sure to become a holiday favorite in your home: Pumpkin Cheesecake, from the kitchen of our Director of Information Technology, Alex McLaughlin:

INGREDIENTS:

For filling:

- 24 oz cream cheese, at room temperature
- 15 oz pureed pumpkin
- 2 eggs plus 2 egg yolks
- 1/4 cup sour cream
- 1 1/4 cups sugar
- 1/4 teaspoon ground cinnamon
- 1/4 teaspoon fresh ground nutmeg
- 1/8 teaspoon ground cloves
- 2 tablespoon all-purpose flour
- 1 1/2 teaspoon vanilla extract

For crust:

- 1 3/4 cups graham cracker crumbs
- 3 tablespoons light brown sugar
- 1/2 teaspoon ground cinnamon
- 1 stick melted salted butter

DIRECTIONS:

Crust:

In medium bowl, combine crumbs, sugar and cinnamon. Add melted butter. Press down flat into a 9-inch springform pan. Set aside.

Filling:

Beat cream cheese until smooth. Add pumpkin puree, eggs, egg yolks, sour cream, sugar and the spices. Add flour and vanilla. Beat together until well combined.

Pour into crust. Spread out evenly and place in oven for 1 hour at 350 degrees. Remove from the oven and let sit for 15 minutes. Cover with plastic wrap and refrigerate for 4 hours.



WELCOME MAXINE EADIE!

We are thrilled to announce the arrival of little Maxine Eadie, daughter of Spangenberg Law Firm attorney William Eadie and his wife Christine.

Born on October 4th, the newest member of the Eadie family weighed in at 6 pounds 13 ounces and measured 19.5 inches.

Congratulations Will and Christine and big sisters Stella and Vivienne!

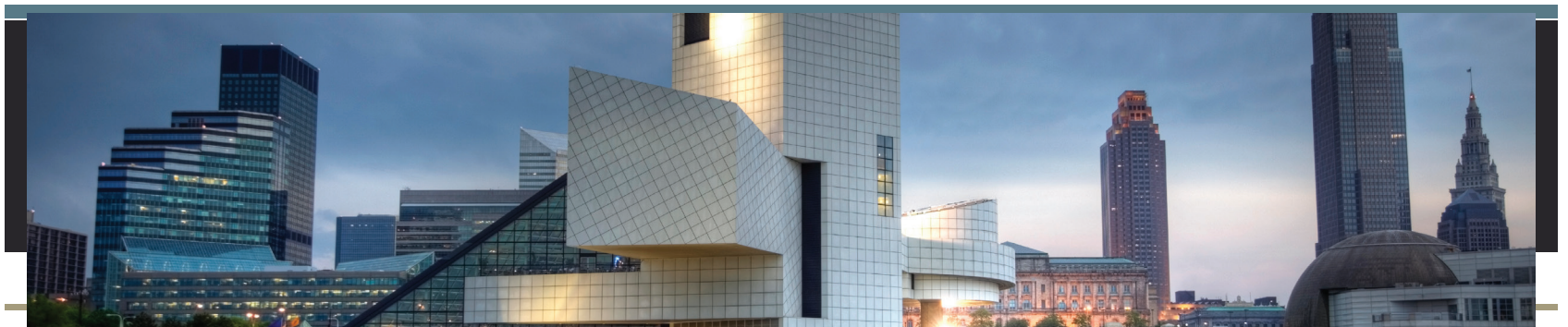
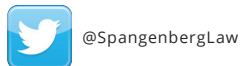
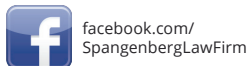


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A referral from a client or friend is the greatest compliment our firm can receive. We are grateful for every one of these gestures and for the confidence you place in us by doing so. From all of us at Spangenberg Shibley & Liber, we express our sincere appreciation. Thank you!

NEWS & ANNOUNCEMENTS



Spangenberg Law Firm attorneys **Nicholas A. DiCello** and **Jeremy A. Tor** were invited to speak at Mass Torts Made Perfect - the premier national conference for those working in the area of plaintiff's mass tort and personal injury litigation. Mr. DiCello presented on the Volkswagen Fuel Emissions Fraud Litigation. Mr. Tor spoke on the topic of the Benicar litigation, in which the firm has been selected by the Judge for a national leadership position.



Managing Partner **Peter H. Weinberger** has been recognized for the fourth consecutive year as a Local Litigation Star – Plaintiff in the 2016 edition of Benchmark Litigation, a publication focusing on leading trial attorneys in the United States. The guide's "local litigation stars" reflect lawyers who are recommended by peers and clients to have established consistent reputations as trial attorneys.

Peter H. Weinberger participated recently as a faculty member in a Volkswagen Emissions Fraud webinar, an educational program sponsored by the American Association for Justice. Mr. Weinberger's presentation focused on the status of litigation against the German automaker for marketing its diesel cars as "clean" diesel when it knew its vehicles could not pass emission standards.