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Class Action Lawsuits Against Volkswagen Spread To Kansas City

By [DAN MARGOLIES \(/PEOPLE/DAN-MARGOLIES\)](#) • SEP 24, 2015

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This story was updated at 1:21 p.m. and at 3:16 p.m.

As Volkswagen's problems mount over its diesel-emissions deception, class action complaints by irate customers are multiplying like vehicles at rush hour.

One of the latest was filed Wednesday in federal court in Kansas City, Kansas, by Jared residents, who say they purchased a 2015 Golf SportWagen TDI at Bud Brown Volkswagen less than a month ago.

http://mediad.publicbroadcasting.net/p/kcur/files/2015/09/VW_Kan_City.jpg

Two Kansas City residents who bought a 2015 Golf SportWagen of the kind pictured here have filed a class action lawsuit against Volkswagen following the disclosure that some of its diesel cars were designed to circumvent emissions tests.

They bought it “because they believed it was environmentally friendly without having to sacrifice performance,” the complaint states. Had they known the emissions data was false and the vehicle “was rigged to cheat the emission tests, they would not have purchased this vehicle.”

“They’re friends of ours and approached me and said, ‘What the hell am I going to do? I just bought this car,’” says Jeffrey S. Lawrence, one of the lawyers representing Bustamante and Fox. “So we just went off to the races.”

The complaint, which seeks class action status on behalf of affected Volkswagen vehicles as of Sept. 21, seeks unspecified damages for fraud, violation of the Kansas Consumer Protection Act and breach of express and implied warranties.

At least 25 class actions had been filed across the country against Volkswagen as of Tuesday, according to Reuters. The news agency reported that the first was filed by a well-known class action law firm in Seattle on behalf of David Fiol, a personal injury lawyer in San Francisco.

Typically, class actions arising from the same event are consolidated in one court, which then chooses lead counsel to represent the plaintiffs. Because lead counsel collects the largest share of fees resulting from any settlement or verdict, oftentimes there’s a race to the courthouse as lawyers vie for the role.

“Watching the various plaintiffs’ firms compete and try to outmaneuver each other is sometimes great theater,” says Kansas City attorney Craig O’Dear of Bryan Cave, who frequently defends class action cases.

The KCK lawsuit was filed by three small law firms, David R. Smith, P.C., Kapke & Willerth, and Lawrence’s firm, Peiffer Rosca Wolf Abdullah Carr & Kane, which is based in New Orleans.

Volkswagen has admitted that 11 million of its diesel cars were equipped with software that circumvented tests measuring emissions. The company has set aside \$7.3 billion for costs related to fixing the problem and faces fines of up to \$18 billion in the U.S. alone.

The company also faces criminal investigations in multiple jurisdictions as well as civil lawsuits, such as the one filed in Kansas City, Kansas, that could cost it additional billions.

“People like to use the phrase ‘bet-the-company-case,’ but this is the kind of case, in my view, from just what I read in the press, that may really put the enterprise at risk,” O’Dear says.

Update: Another class action lawsuit was filed against Volkswagen on Thursday by Independence resident Zachary D. Gall. Gall is represented by the Independence law firm of Humphrey Farrington & McLain. The suit was filed in U.S. District Court for the Southern District of Iowa, the jurisdiction where Gall says he

bought his 2011 Volkswagen Jetta.

Dan Margolies, editor of the Heartland Health Monitor team, is based at KCUR.

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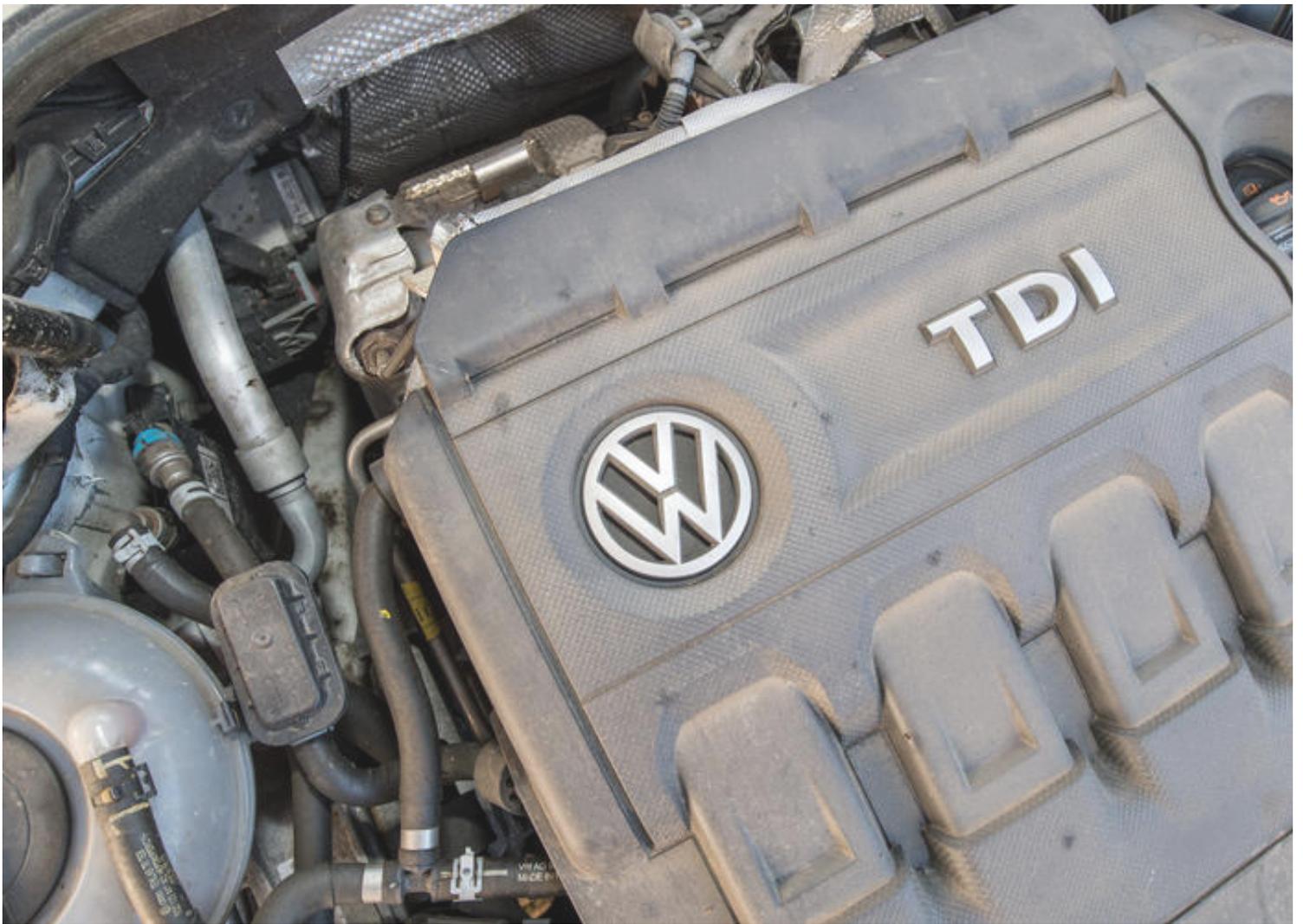
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