

**UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION**

**IN RE: KIA HYUNDAI VEHICLE THEFT
MARKETING, SALES PRACTICES, AND
PRODUCTS LIABILITY LITIGATION**

MDL No. 3052

TRANSFER ORDER

Before the Panel: Plaintiff in the action listed on Schedule A (*Cheeks*) moves under Panel Rule 7.1 to vacate the order conditionally transferring the action to MDL No. 3052. Defendant Kia America, Inc., opposes the motion and supports transfer.

After considering the argument of counsel, we find that this action involves common questions of fact with the actions transferred to MDL No. 3052, and that transfer under 28 U.S.C. § 1407 will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation. In our order establishing this MDL, we held that the Central District of California was an appropriate Section 1407 forum for actions sharing factual questions concerning allegations that certain Kia and Hyundai branded vehicles are defective because the cars lack engine immobilizer technology. Such technology prevents cars from being started unless a code is transmitted from a unique smart key. See *In re Kia Hyundai Vehicle Theft Mktg., Sales Pracs., and Prods. Liab. Litig.*, 648 F. Supp. 3d 1374 (J.P.M.L. 2022). The vehicles at issue in MDL No. 3052 include 2011–2022 Kia vehicles and 2015–2022 Hyundai vehicles that were equipped with traditional “insert-and-turn” steel key ignition systems. Plaintiff in this action is the owner of a 2021 Kia Rio, which was stolen from his home and crashed by the thieves. He blames the lack of an engine mobilizer for making his Kia Rio easy to steal, placing his allegations squarely within the MDL’s ambit.

Plaintiff argues that the Panel should not transfer his action to the MDL because he opted out of the consumer class settlement reached in MDL No. 3052.¹ Opting out of a settlement does not opt a party out of MDL proceedings. “The Panel has long recognized that transfer of opt-out actions to the MDL addressing the proposed class settlement is desirable because of the efficiencies from the transferee court’s management of overlapping actions, integration of existing discovery with discovery in the new actions, and the court’s expertise in the issues.” Transfer Order at 2 n.4, *In re Payment Card Interchange Fee & Merch. Disc. Antitrust Litig.*, MDL No. 1720 (J.P.M.L. Oct. 16, 2013), ECF No. 204. The transferee court currently presides over some non-settling consumer actions. It also presides over two additional litigation tracks for

¹ In October 2024, Judge James V. Selna granted final approval for the settlement of consumer class-action claims in MDL No. 3052. *In re Kia Hyundai Vehicle Theft Litig.*, No. 8:22-03052, 2024 WL 4800876 (N.D. Cal. Nov. 27, 2024), *appeal docketed*, No. 24-7185 (9th Cir. Nov. 27, 2024). Plaintiff received notice of the settlement and opted out of the class.

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governmental entities and insurers, and no settlements have occurred in either litigation track. The transferee court's familiarity with the evidence and its oversight of parallel litigation leaves it best positioned to oversee the efficient litigation of plaintiff's action.

Plaintiff further argues that because pretrial proceedings are not being conducted in MDL No. 3052, transfer of his action to the MDL does not effectuate the MDL statute's purpose. Contrary to plaintiff's assertions, the MDL remains very active. Fact discovery remains open in the governmental entity and subrogation tracks until October 17, 2025. Order re June 13, 2025 Scheduling Conference, *In re Kia Hyundai Vehicle Theft Mktg., Sales Pracs., & Prods. Liab. Litig.*, C.A. No. 8:22-03052 (C.D. Cal. June 13, 2025), ECF No. 885. The transferee court also will need to resolve the cases of any plaintiffs whose cases were transferred to the MDL that opted out of the consumer class. Transfer of plaintiff's action to the MDL for pretrial supervision along with the ongoing litigation in the MDL will best promote the just and efficient conduct of this litigation.

IT IS THEREFORE ORDERED that the action listed on Schedule A is transferred to the Central District of California and, with the consent of that court, assigned to the Honorable James V. Selna for inclusion in the coordinated or consolidated pretrial proceedings.

PANEL ON MULTIDISTRICT LITIGATION



Karen K. Caldwell
Chair

Nathaniel M. Gorton
David C. Norton
Dale A. Kimball

Matthew F. Kennelly
Roger T. Benitez
Madeline Cox Arleo

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SCHEDULE A

District of Minnesota

CHEEKS v. KIA AMERICA, INC., C.A. No. 0:25-01593