

**June 22, 2000**

## Wisconsin State Journal

### **Court Rules Against Saturn Corp.**

Automaker refused to return customer's money within 30 days because she wouldn't sign a waiver.

**By Cary Segall**

People who buy a defective vehicle can't be forced to sign away all their claims against car companies to take advantage of the state lemon law, the 2nd District Court of Appeals decided Wednesday.

The court said Saturn Corp. improperly refused to return a customer's money within 30 days because she wouldn't sign a release absolving Saturn of any other claims.

Barbara Schultz of Waukesha bought a Saturn in July 1996 and a year later asked for her money back, minus a reasonable amount for her use of the car.

She said she had a legal lemon – a vehicle with a substantial defect after being in the shop for the same warranty-covered problem within the lesser of a year or the warranty term, or out of service for 30 days for any warranty-covered problem during the same time.

Saturn, though, asked Schultz to sign a general release first and didn't give her a refund within the 30 days required by law.

The appeals court, in upholding Waukesha County Circuit Judge Marianne Becker, said the law barred Saturn from asking for such a release.

"Rather than merely acknowledge that Saturn had fulfilled its obligations under the lemon law, the release... would have barred any suit against anyone about anything having to do with her car. (The lemon law) prohibits such a release," Judge Richard Brown wrote for the unanimous court.

For violating the law, Saturn will have to pay Schultz double the \$22,374.69 she spent on the car and related costs, plus another \$40,000 in interest and legal fees.

Schultz's lawyer, **Vince Megna**, whose practice consists only of lemon law cases, said the decision is important for the buyers of the estimated 3,000 lemons bought each year in Wisconsin, about 1 percent of new vehicles sold.

**Megna** said the buyers sometimes have other claims against car companies and dealers that would be foreclosed if they had to sign a release to get their choice of a new vehicle or their money back.