

FEDERAL JUDGE GRANTS CERTIFICATION OF PROPOSED NISSAN ROGUE CLASS

Beasley Allen is interim co-lead counsel for the plaintiffs' class and welcomes the ruling allowing the case to proceed.

Montgomery, Ala. (April 4, 2023) – Middle District of Tennessee federal judge William L. Campbell, Jr. granted certification of a class of Nissan Rogue owners and lessees claiming the vehicles with an AEB (Automatic Emergency Braking) system experience sudden unintended brake activation when there are no hazardous objects in the vehicles' path, placing the vehicles' occupants at risk.

"Class certification is a pivotal step in a class action," said Beasley Allen attorney Dee Miles, interim co-lead counsel for the plaintiffs' class. "Now that the court granted class certification, we look forward to continuing the case and believe our evidence will lead to meaningful relief for the car owners."

The judge certified, at least at this point, 10 states as a class, California, Connecticut, Florida, Illinois, Massachusetts, Missouri, New York, Ohio, Pennsylvania and Texas. A nationwide class remains an option.

The alleged sudden unintended brake activation ("SUBA") defect is a problem with the sensor used in all class vehicles, the Continental ARS410. This sensor erroneously detects obstacles in the path of the class vehicles and triggers a programmed response that directs the vehicles to brake without driver input, causing accidents and other hazards. The class plaintiffs contend that Nissan was aware of this defect even before the vehicle was placed on the market and failed ever to offer a remedy or warning.

The class case will now move forward to a jury trial or a possible class resolution for the court to consider. The other co-lead firms along with Beasley Allen are Bailey Glasser, Stranch Law Firm, Bursor Fischer and DiCello Levitt.

Beasley Allen lawyers and co-counsel filed a class action for consumers in 2019. Class members allege that Nissan knew or should have known about the problem but continued selling affected vehicles without telling customers about the problem. They say they would not have purchased it if they had known their vehicle had a dangerous defect.

The case is *In Re Nissan North America, Inc. Litigation*, case number 3:19-CV-00843, filed in the U.S. District Court for the Middle District of Tennessee.

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