



**ARIZONA SUPREME COURT
ORAL ARGUMENT CASE SUMMARY**

**ELEANORA FERNANDEZ v. NISSAN NORTH AMERICA, INC., GENERAL MOTORS CORPORATION; FORD MOTOR COMPANY; DAIMLERCHRYSLER CORPORATION; 1 CA-CV 03-0473 (Memorandum Decision);
CV-04-0277-PR**

Parties and Counsel:

Petitioner: Nissan North America Inc., represented by Paul G. Cereghini, Jill S. Goldsmith, and James C. Goodwin, of Bowman & Brooke LLP, Phoenix. General Motors Corporation, represented by Paul G. Cereghini, Jill S. Goldsmith, James C. Goodwin, of Bowman and Brooke LLP, Phoenix. Ford Motor Co., represented by Martha E. Gibbs and Gregory J. Marshall, of Snell & Wilmer LLP, Phoenix, Ariz. and by Brian C. Anderson of O’Melveny & Myers LLP, Washington, D.C. DaimlerChryssler Corp., represented by Patrick X. Fowler and Bob J. McCullough of Snell & Wilmer LLP, Phoenix, Ariz., and by Lewis H. Goldfarb and Christopher B. Wren, Hogan & Hartson, LLP, New York, N.Y.

Respondent: Eleanora Fernandez, represented by David J. Catanese, of Rake & Catanese PC.

FACTS:

Plaintiff Eleanora Fernandez bought a vehicle that had TK-52 series seatbelts whose buckles she claims are defective and will not protect the vehicle’s occupants in an accident. She sued the petitioner vehicle manufacturers and asserted individual and class action claims against them. A class action claim is one in which a party to the lawsuit seeks to sue not just on her own behalf, but also on behalf of other persons similarly situated, in this case, other persons who own vehicles with the same or similar seatbelt buckles. Fernandez’ vehicle was not manufactured by any of the four vehicle manufacturers, and so they contend that Fernandez’ class action claims against them should be dismissed, as were her individual claims. They argue that Fernandez does not have standing to sue them on a class action claim, because she has no individual claim against them. Fernandez argues that this should not prevent her from representing others who do have individual claims against the manufacturers.

ISSUE:

Did the Court of Appeals err in concluding that a plaintiff who lacks standing to bring claims against several automobile manufacturers can nevertheless allege class action claims against these manufacturers and require them to remain as parties to the lawsuit because she seeks to represent a class of other vehicle owners, some of whom may have standing to sue those manufacturers?

This Summary was prepared by the Arizona Supreme Court Staff Attorney’s Office solely for educational purposes. It should not be considered official commentary by the court or any member thereof or part of any brief, memorandum or other pleading filed in this case.

