

Judge sets refunds for car buyers

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A Cook County judge Wednesday ordered 178 new car dealers, virtually all in the Chicago area, to notify nearly 1 million customers that they are entitled to refunds averaging about \$50 because of overcharges on fees for license plates, title registrations and transfers.

Circuit Court Judge Robert Sklodowski ordered the dealers to notify affected customers by Oct. 15 if they have a right to participate in the settlement of the class action lawsuit filed in 1987.

Customers who will be eligible for the refunds bought new or used cars, or leased cars, between Jan. 1, 1987, and Feb. 16, 1990, and were charged the higher fees.

The refunds will come in the form of coupons, good for double the amount of the overcharge, and are redeemable for any merchandise or services at the dealer where the customer bought the car.

The coupons will be good from Dec. 22, 1990, to Dec. 31, 1991 and are not transferable unless the customer no longer owns a car.

Vincent DiTommaso and Glen Berman, the Oak Brook attorneys who represented the overcharged customers, said the dealers typically overcharged customers between \$5 and \$105 on costs that should have totaled \$53.

The \$53 fee includes \$48 for license plates and title registration, and \$5 for transfer of title. Both fees are remitted to the secretary of state.

Nearly all of the dealers are in Cook, Du Page and Lake counties. Numbers of customers affected are estimated at between 850,000 and 1 million.

DiTommaso and Berman estimated that the refunds will total about \$42 million, with the dealers incurring additional costs of at least \$1.5 million to pay for the mailings and attorney fees on both sides.

The dealers' attorney fees have not been disclosed, but Sklodowski capped DiTommaso and Berman's fees at \$250,000, plus \$10,000 in expenses. The cost of retaining a private mailing service is expected to be about \$600,000.

The 178 dealers who were accused in the lawsuit of pocketing the overcharges denied any wrongdoing in the settlement, to which Sklodowski is expected to give final approval on Nov. 20. They are among more than 1,250 new car dealers in Illinois.

DiTommaso and Berman said plaintiffs will be given an opportunity in the notice to exclude themselves from the class-action settlement. They can proceed at their own expense against the dealer. But the expected refund of \$100 or less would be far outweighed by legal fees, which typically average at least \$150 an hour.

A customer should contact DiTommaso and Berman if he has not received a notice by Oct. 15 and wants to determine if his dealer was guilty of the overcharges. That is because Wednesday's order does not preclude legal action against other dealers who may have overcharged customers but were not parties to the current litigation.

The attorneys said the remainder of the Illinois dealerships opted out of the defendant class on grounds that they either were not overcharging or would deal individually with a customer's complaint.

Sixty of the dealers in Wednesday's order also were among 120 who entered into consent decrees earlier this year after the Illinois attorney general's office charged them with overcharging customers for preparing, handling and processing other documents related to the sale.

The dealers agreed to charge no more than \$40 for all such costs and to post signs explaining the charge, as well as furnishing an explanation on the buyer's order.

Following is a list of the dealers affected by Wednesday's court order:

Al Piemonte Dodge Inc.; Al Piemonte Ford Sales Inc.; Al Piemonte Lincoln-Mercury Inc.; Al Piemonte Nissan Inc.; Al Piemonte's Arlington Heights Ford Inc.

Archer Kedzie Jeep/Eagle Inc.; Arlington Acura in Palatine; Arrow Chevrolet Inc.; Arrow Chrysler-Plymouth Inc.; Autohaus on Edens Inc.

A.J. Werks Inc.; Bredemann Toyota Inc.; Buffalo Grove Nissan; Carr's Acura.

Carr's Honda; Castle Buick Inc.; Celozzi-Ettleson Chevrolet Inc.; City Chevrolet Inc.; Colonial Chevrolet Inc.

Conlon-Collins Ford, Jeep/Eagle Inc.; Continental Acura (ACA Motors Inc.); Continental Classic Motors Inc.; Continental Honda; Continental Jeep/Eagle Inc.

Continental Toyota Inc.; Court Street Ford; Courtesy Buick-Mazda Inc.; Currie Motors Inc.; C. Frank Chevrolet/Subaru.

Dan Wolf Pontiac & GMC Inc.; Dave Miller Nissan Inc.; Dave Miller Oldsmobile Inc.; David Pontiac Inc.; Des Plaines Chrysler-Plymouth Sales Inc.

Dodge City of Countryside (Olympia Dodge of Countryside); Dodge City of Des Plaines (Olympia Dodge of Des Plaines); Downers Grove VW, Mazda, Saab Inc.; Ed Napleton Honda; Ed Scott Toyota.

Elmhurst Dodge; Elmhurst Ford (Elmhurst Motors Inc.); Elmwood Ford Motors Inc.; Emerald Buick; Fair Oaks Ford Inc.

Fairfield Ford Inc.; Faul Chevrolet Inc.; Fergus Nissan Inc.; Frank Shirey Cadillac; Fred Ozer Automobiles Inc.

Gateway Chevrolet Inc.; Gleason Dodge/Jeep/Eagle Inc.; Grant Dean Buick Inc.; Gregory Dodge Inc.; Grossinger Pontiac-GMC Truck Inc.

Grossinger's Village Cadillac Inc.; Grossinger's Village Suzuki Inc.; Grossinger's Village Volvo Inc.; Hawkinson Ford Co.; Highland Park Ford Inc.

Horizon Chevrolet Inc.; Jack Phelan Chevrolet II Inc.; Jack Thompson Oldsmobile Inc.; James Miller Chevrolet Inc.; Jeep/Eagle of Schaumburg.

Jennings Chevrolet Inc.; Jennings Volkswagen Inc.; Jerry Gleason Buick Inc.; Jerry Gleason Chevrolet Inc.; Jerry Gleason's Golf Mill Ford Inc.

Joe Gentile Chrysler-Plymouth Inc.; Joe Jacobs Chevrolet Co.; Joe Levy's Toyota in Evanston Inc.; Joliet Nissan Inc.; J.J. Wright Oldsmobile.

Kickert Nissan Inc.; King Nissan Inc.; Knauz Continental Autos Inc. (Knauz of Lake Forest); Knauz Motor Sales (Knauz of Lake Forest); Kronon Motors Sales Inc.

Lake County Chrysler-Plymouth Inc.; Lake Villa Chrysler-Plymouth Inc.; Larry Faul Chrysler-Plymouth Inc.; Larry Faul Oldsmobile-GMC Truck Co.; Lawrence Cadillac Inc.

Liberty Buick Co. Inc.; Liberty Chevrolet Inc.; Liberty Import Center, Libertyville Mitsubishi (Patrick); Loeber Motors Inc.

Loeber Motors Lincolnwood Corp.; Lombard Lincoln-Mercury Inc.; Lynch Buick (Lynch Group); Lynch Chevrolet Inc. (Lynch Group); Lynch Ford (Lynch Group).

Lynche Porsche (Lynch Group); Mancari's Chrysler-Plymouth Inc.; Mancari's Imports Inc.; Mancari's Jeep/Eagle Inc.; Marquette Park Chrysler-Plymouth Inc.

Martino Motor Sales; Mathieu Imports; McGrath Acura Inc.; McGrath Honda Inc.; McKay Libertyville Ltd.

McKeever Volkswagen Inc.; Midway Dodge Inc.; Motor Werks of Barrington; Motor Werks Suzuki Inc.; Naperville Jeep/Eagle Inc.

North Cicero Dodge Inc.; North Oak Chrysler-Plymouth; North Shore Nissan Ltd.; Northwest Lincoln-Mercury Inc.; Northwest Valley Dodge Inc.; Nortown Oldsmobile Inc.; Oakfield Ford Inc.

Ogden Chrysler-Plymouth Inc.; Old Orchard Chevrolet Inc.; Olympia Jeep/Eagle Inc.; Olympia Hyundai Inc.; Olympia Oldsmobile-GMC.

Orland Park Nissan Inc.; Orloff Jaguar-Volvo; Park Ridge Lincoln Mercury Inc.; Patrick BMW and Saab; Patrick Cadillac Co.

Patrick Chrysler-Plymouth Inc.; Patrick Mitsubishi and Subaru; Patrick Pontiac/GMC Truck Inc.; Patrick Sterling Inc.; Patrick Volkswagen Inc.

Patrick Volvo; Piemonte Chevrolet Inc.; Piemonte Volkswagen Inc.; Rally Chevrolet (Shamrock Auto Sales Inc.); and Ray Kim Ford Inc.

Ray Oldsmobile Inc.; Reed-Randle Motors Inc.; Richard Buick Inc.; River Chevrolet Inc.; River Front Chrysler-Plymouth.

River Oaks Lincoln-Mercury Inc.; Rizza Chevrolet Inc.; Rogers Pontiac Corp.; Schaumburg Dodge Inc.; Schaumburg Honda (Robert V. Rohrman Inc.).

Schaumburg Toyota Inc./Woodfield Hyundai Inc.; Schmerler Ford Inc.; South Oak Dodge Inc.; Southside Ford Truck Sales Inc.; Spring Hill Ford Inc.

Star Chrysler-Plymouth Inc.; Suburban Dodger Sales Inc.; Team Chevrolet; Terry's Buick Inc.; Terry's Lincoln Mercury.

Terry's Lincoln Mercury of St. Charles Inc.; Thomas Dodge; Tony Piet Lincoln-Mercury Inc.; Tony Piet Motor Sales Inc.; Tony Piet Pontiac Inc.

Torco Chrysler-Plymouth; Torco Dodge; Valley Imports Inc.; Walton on Dempster Inc.; Wenban Buick Inc. (Knauz of Lake Forest).

West Gate Lincoln Mercury Inc.; Westfield Ford Inc.; Westside Jeep/Eagle Inc.; Whitney Volkswagen Inc.; Willowbrook Ford Inc.

Woodfield Ford Sales Inc.; Woodward Ford-Mercury Inc.; Zimmerman Ford Inc.; Z. Frank Chevrolet-Geo; Z. Frank Hyundai Inc.; Z. Frank Oldsmobile Inc.