

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2002-009955

03/27/2003

HONORABLE PETER C. REINSTEIN

CLERK OF THE COURT
A. Reinhart
Deputy

FILED: 03/31/2003

STEVE VAN DER TOORN JR.

MARSHALL SCOTT MEYERS

v.

GENERAL MOTORS CORPORATION

NEGATU MOLLA

RULING ON MOTION

Pending before the Court is Defendant's Motion for Summary Judgment. The Court has considered the pleadings. Oral argument is requested; however, because the pleadings are so comprehensive, oral argument will not assist the Court in resolving the issues.

THE COURT FINDS that with regard to Plaintiff's warranty claim against General Motors, that state law requires privity of contract and that the Magnuson-Moss Act does not supplant that state law. The Court also finds that the warranty in question is a "limited" warranty. Therefore, the Plaintiff is not entitled to a repurchase of the vehicle by the Defendant.

However, the Court believes that summary judgment is not appropriate on the claims in Count I and II of the complaint requesting a payment for "diminution in value."

Therefore,

IT IS HEREBY ORDERED granting Defendant's Motion for Summary Judgment on all Plaintiff's claims based on warranty and on Plaintiff's claim for repurchase of the vehicle.

IT IS FURTHER ORDERED denying summary judgment on the diminution in value claim.