



## We Advocate for Justice and Victims' Rights With Integrity, Passion and Excellence.

Welcome to the latest installment of the FeganScott firm newsletter.

This year has been both challenging and memorable, and it has proven that now—more than ever—strong advocacy can help usher in positive change. With dozens of new filings and court decisions this past year, we're looking forward to continuing to champion victims' rights in 2021.

We'd also be remiss to not recognize the hard work of the entire FeganScott team, which continues to fight for clients daily. It's always been our mission to zealously represent our clients and the causes we care about, and we've stayed true to that purpose through our team's commitment and collaboration.

Below, you can read more about important case updates and ways to connect with our firm for more information.



## FeganScott Files Groundbreaking Racial Discrimination Case Against NCAA



In December, Beth Fegan and Jessica Meeder filed a class action lawsuit on behalf of a group of Black student-athletes at Historically Black Colleges and Universities (HBCUs) against the NCAA, alleging the organization's Academic Performance Program (APP) is intentionally discriminatory toward and punishes Black student-athletes at HBCUs.

The complaint alleges that the NCAA knew when it adopted the APP, a program designed to improve student-athlete academic performance, that it would in fact undermine HBCUs' efforts to meet their mission to serve a historically underserved Black community, including Black student-athletes.

Beth and plaintiff Troyce Manassa joined [NPR's Tom Goldman](#) to discuss the case:

"While only six and a half percent of Division 1 schools are HBCUs," said Beth Fegan, "Seventy-two percent of the teams that've been banned from post-season competition are HBCUs. So in effect, 114 of 159 teams are HBCU teams that've been banned."

[Read more](#) about our case.

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## Judge Denies Essentia Health's Motion to Dismiss



# Essentia Health

In April of this year, Essentia Health notified approximately 50,000 patients in North Dakota and Minnesota that their medications or vaccines might have been compromised due to improper storage temperatures at a distributor.

To advocate on behalf of consumers, FeganScott filed a class action suit, arguing that although Essentia Health offered to revaccinate free of charge, the free vaccines are worthless because certain medications cannot be re-administered, such as annual flu vaccines.

The suit also claims that Essentia Health refuses to disclose the identity of the distributor, and the steps it has implemented to ensure the proper storage and handling of vaccines.

In a win for affected consumers, the Court denied Essentia's motion to dismiss the case, rejecting Essentia's argument that the plaintiffs have not suffered an injury.

Read more about the significance of the decision [here](#).

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## Featured Investigations



### FeganScott Continues to Advocate on Behalf of Hyundai and Kia Owners

FeganScott's proposed class action against Hyundai and Kia claims the automobile manufacturers sold over a million vehicles with a potentially deadly defect that can cause spontaneous engine compartment fires, resulting in the total loss of the vehicles and threatening the lives of bystanders.

The lawsuit seeks to represent all current and former owners and lessees of one of the class vehicles, including the 2007-2010 Hyundai Elantra; 2009-2011 Hyundai Elantra Touring; 2007-2008 Hyundai Entourage; 2007 Hyundai Santa

Fe; 2006-2011 Hyundai Azera; 2006 Hyundai Sonata; 2006-2010 Kia Sedona; 2007-2009 Kia Sorento; 2008-2009 Kia Sportage; 2013-2015 Kia Optima; 2014-2015 Kia Sorento; 2019 Kia Stinger; 2013-2015 Hyundai Santa Fe Sport; and 2019-2021 Hyundai Tucson.

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## Tesla Model X and Model S Face Investigation by FeganScott

We launched an investigation on behalf of 2012-2018 Tesla Model S and 2016-2018 Tesla Model X owners and lessees regarding a potential defect in the vehicles' touchscreen media control units (MCUs).

On June 22, 2020, the National Highway Traffic Safety Administration (NHTSA) announced an investigation into allegations of premature MCU failures in 2012-2015 Model S vehicles. NHTSA warned that the “[f]ailure of the touchscreen/MCU results in loss of the rear camera image display when reverse gear is selected, reducing rear visibility in backing maneuvers” and cautioned that the “climate control [can] default to Auto mode and [there are] limits on battery charging current and maximum state of charge when recharging.” On November 12, 2020, NHTSA announced that it had expanded the scope of its investigation to include additional model years and warned that MCU failures can have “an impact on the advanced driver assistance support (ADAS), Autopilot system, and turn signal functionality[.]”

In addition to our MCU investigation, we also launched an investigation into allegedly faulty suspension parts on Tesla vehicles. On November 22, 2020, NHTSA opened an investigation regarding Front Fore Link failures in Tesla 2015 -2017 Model S and 2016 – 2017 Model X vehicles, which can reportedly cause damage to tires.

NHTSA's probe was initiated after Tesla was forced to recall tens of thousands of its vehicles in China due to the same alleged suspension defect. Tesla, however, has refused to recall the same vehicles in the United States.

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### Attorney Melissa Ryan Clark Named to Crain's New York 2021 Notable Women in Law

We're honored to share that FeganScott attorney Melissa Ryan Clark was recently named to Crain's New York 2021 Notable Women in Law list. The award is intended to honor determined and trailblazing female attorneys who are making a difference in the New York area.

"It's my honor to be recognized with so many fantastic attorneys around New York," said Melissa Ryan Clark. "Especially this year, I'm grateful to be able to witness the impact that these amazing women are making in the legal profession."

Read more about Melissa's accomplishments [here](#).



### Jessica Meeder Honored as Top 100 Civil Plaintiffs Lawyers in Washington D.C. by National Trial Lawyers

In October, attorney Jessica Meeder was named as one of the Top 100 Civil Plaintiffs Lawyers in Washington D.C. by National Trial Lawyers. Only a select few of the most qualified attorneys from each state or region receive invitations to join this exclusive organization.

"To be named among this esteemed list of peers is such an honor," said Jessica Meeder. "It's humbling to know that my advocacy has had such a profound impact, and I look forward to continuing to fight for our clients."

Read more about Jessica's accomplishments [here](#).

### Warm Welcome to Brooke Achua

We're thrilled to welcome attorney Brook





Achua to our New York City office. Formerly at Tadler Law and Robins Kaplan, Brooke has experience in consumer class actions, antitrust litigation, contract disputes, and data privacy and security. In her work, Brooke has overseen forensic analysis of electronic discovery in three class action data breach cases, defended small-business owners from a variety of breach of contract claims, and propelled discovery forward

through her effective representation of a class of merchants in a price-fixing suit.

“We are excited for Brooke to join the FeganScott team,” said Elizabeth Fegan, founding partner of FeganScott. “In every case she focuses on, Brooke brings a uniquely client-focused approach that combines her technical experience and creative problem-solving skills to arrive at legal solutions that best serve our clients.”

Read more about Brooke [here](#).

## Related Cases You Might Be Interested In



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