

AMERICA

\$482,000 for Benz lemon

Owner gets big payout in court — but is still driving the car 5 years later.

Associated Press

A Wisconsin judge has ordered Mercedes-Benz to pay \$482,000 in damages and legal fees to a customer who was sold a defective car and not given a refund on time.

Vince Megna, a Milwaukee lawyer who represents the customer, said he believes the judgment is the largest involving a single car under a state "lemon law," which protect consumers who are sold junk cars.

The spat started when Marco Marquez, the 37-year-old owner of Mexican restaurants in Waukesha and Janesville, purchased a new Mercedes E320 for \$56,000 from a Milwaukee dealership in 2005.

Almost immediately, the car often would not start. The battery was replaced multiple times, but the problem continued. After several repair attempts, the dealership said the problem could not be fixed.

Marquez hired Megna, who sent the company a refund demand in October 2005. After a few weeks, an employee tried to talk Marquez into taking a replacement instead. He declined and again asked for a refund. At one point, the employee said he should fire his lawyer and deal with them on his own.

The company finally agreed to the refund, but failed to provide one within 30 days. On the 31st day, Megna filed the lawsuit on behalf of Marquez seeking double damages and attorneys' fees.

Mercedes-Benz has acknowledged the car was defective, but for years has accused Marquez of acting in bad faith.

The company says an employee



Marco Marquez, left, and attorney Vince Megna with the ill-fated Mercedes E320: The \$482,000 judgment may be the biggest lemon law award in the U.S.

AP

asked Marquez for information about his auto loan on the 30th day so the refund could be granted, but Marquez failed to follow through. Megna said Mercedes-Benz had the information it needed for the refund but was stalling.

While states have a variety of lemon laws, Wisconsin's is one of the strongest. It allows customers who buy cars that don't run or can't be repaired to demand a replacement or refund. Manufacturers have 30 days to respond and can be ordered to pay double the purchase price plus legal fees for violating the law.

A series of rulings by Waukesha County Circuit Judge Michael Bohren have calculated the damages for Marquez at roughly \$168,000 (double the

purchase price plus interest), plus \$314,000 in costs and legal fees for Megna and other lawyers.

In the meantime, Marquez has continued to drive the vehicle in question, which now has 56,000 miles. He said it was back in the shop for repairs twice last year but has been "working fine" lately.

Still, he can barely contain his anger at the company he once admired.

"Frustrated is really an understatement," he said. "You put that much faith in a car company and you give your hard earned money to that company and then you are basically let down. You drop \$50,000 for a car that doesn't work."

Thanks, Charlie: We'll opt for 'prehab'

By Laura M. Holson
New York Times

Sometimes you hear a word for the first time and think: "Of course." How better to describe Paris Hilton than as a "celebutante" or the frequent tabloid target Alec Baldwin as "the bloviator"? (Thanks, *New York Post!*)

Now make room for "prehab."

Prehab made its debut on Feb. 23, the handiwork of GlasgowRose, a commenter on Gawker.com, after a publicist for Charlie Sheen announced that the star of *Two and a Half Men* was entering rehab as a "preventative measure." The announcement was supposed to deflect rumors that Sheen had returned to his hard-partying ways. But instead, Gawker wrote a satirical post defining prehab as a vehicle for celeb-



For Sheen, rehab is a "preventative measure."

rity spin. "Get the 'rehab' career bump without actually being an addict," Gawker wrote.

After being picked up by a number of blogs, prehab quickly moved to mainstream news outlets, including the *Boston Herald*, where one columnist questioned whether prehab was "the new personal leave," and the *New York Daily News*, where it was described as a "celebrity thing."

Sheen has struggled with alcohol and drugs for years. That's why, to some people, prehab sounds a lot like rehab minus the stigma of admitting a relapse.

"If you have to use the word prehab to get someone some help, I'm okay with that," said Brad Lamm, an intervention specialist in Los Angeles who has appeared on *The Dr. Oz Show*. "But there is no such thing as prehab."

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