

# If You Bought or Leased a New Motor Vehicle, or Bought Certain Replacement Parts for a Motor Vehicle in the U.S. Since 2000

## You Could Get Money from Settlements Totaling Approximately \$54 Million

*A Federal Court authorized this Notice. This is not a solicitation from a lawyer.*

- Please read this Notice and the settlement agreements available at [www.AutoPartsClass.com](http://www.AutoPartsClass.com) carefully. Your legal rights may be affected whether you act or don't act. This notice is a summary and is not intended to set forth all of the specific details of each settlement agreement. To obtain more specific details concerning the settlements, please read the settlement agreements.
- Separate lawsuits claiming that Defendants in each lawsuit entered into unlawful agreements that artificially raised the prices of certain motor vehicle component parts have been settled with two defendants and their affiliates ("Settling Defendants").
- You are included if, at any time between 2000 and 2015, depending upon the component part, you: (1) bought or leased a qualifying new vehicle in the U.S. not for resale or (2) indirectly paid for a qualifying motor vehicle replacement part. Indirectly means you bought the replacement part from someone other than the manufacturer of the part.
- The Settling Defendants have agreed to pay approximately \$54 million to be made available to Settlement Class members who purchased or leased a qualifying new vehicle or purchased a qualifying replacement part in the District of Columbia and the following states: Arizona, Arkansas, California, Florida, Hawaii, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, West Virginia, and Wisconsin.
- The Settlements also include provisions requiring Settling Defendants' cooperation in the ongoing litigations. The Settling Defendants have also agreed not to engage in the specified conduct that is the subject of the lawsuits for a period of two years from the date of entry of the final judgment.

Your Legal Rights And Options		
<b>EXCLUDE YOURSELF</b>	You will not be included in the Settlements from which you exclude yourself. You will receive no benefits from those Settlements, but you will keep any rights you currently have to sue the Settling Defendants about the claims in the case(s) from which you exclude yourself.	March 28, 2016
<b>DO NOTHING NOW</b>	You will be included in the Settlements and eligible to file a claim for a payment (if you qualify) at a later date. You will give up your rights to sue the Settling Defendants about the claims in this case.	
<b>OBJECT TO THE SETTLEMENTS</b>	If you do not exclude yourself, you can write to the Court explaining why you disagree with the Settlements.	March 28, 2016
<b>GO TO THE HEARING</b>	Ask to speak in Court about your opinion of the Settlements.	May 4, 2016
<b>REGISTER ON THE WEBSITE</b>	The best way to receive notice about filing a claim and updates about the lawsuits.	

- These rights and options -- and the deadlines to exercise them -- are explained in this Notice.
- The Court in charge of these cases still has to decide whether to finally approve the Settlements. Payments will only be made (1) if the Court approves the Settlements and after any appeals are resolved, and (2) after the Court approves a Plan of Allocation to distribute the Settlement Funds minus expenses ("Net Settlement Funds") to Class members. A Plan of Allocation will be proposed at the conclusion of the cases against the Non-Settling Defendants or as ordered by the Court. The Plan will be described in a future notice to be given at a later date, providing Class members with an opportunity to state their views regarding the Plan.

Questions? Call 1-877-940-5043 or Visit [www.AutoPartsClass.com](http://www.AutoPartsClass.com)

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Questions? Call 1-877-940-5043 or Visit [www.AutoPartsClass.com](http://www.AutoPartsClass.com)

## BASIC INFORMATION

### 1. WHY IS THERE A NOTICE?

This Notice is to inform you about the partial Settlements reached in 11 of the pending cases that are included in this litigation, before the Court decides whether to finally approve the Settlements. This Notice explains the lawsuits, the Settlements, and your legal rights.

The Court in charge is the United States District Court for the Eastern District of Michigan. This litigation is known as *In re Automotive Parts Antitrust Litigation*, MDL No. 2311. The people who sued are called the “Plaintiffs.” The companies they sued are called the “Defendants.”

### 2. WHAT ARE THESE LAWSUITS ABOUT?

The lawsuits claim that the Defendants in each lawsuit agreed to unlawfully raise the price of certain motor vehicle component parts. As a result, businesses and consumers who purchased or leased qualifying new motor vehicles containing those parts, or who indirectly purchased replacement parts from the Defendants, may have paid more than they should have. Although the Settling Defendants have agreed to settle, the Settling Defendants do not agree that they engaged in any wrongdoing or are liable and owe any money or benefits to Plaintiffs. The Court has not yet decided who is right.

### 3. WHO ARE THE SETTLING DEFENDANTS?

The Settling Defendants are:

- Hitachi Automotive Systems, Ltd. (“HIAMS”), and
- T.RAD Co., Ltd. and T.RAD North America, Inc. (together, “T.RAD”).

### 4. WHO ARE THE NON-SETTLING DEFENDANTS?

A list of the Defendants in addition to the Settling Defendants and the parts they manufactured and sold is available at [www.AutoPartsClass.com](http://www.AutoPartsClass.com).

### 5. WHAT MOTOR VEHICLE PARTS ARE INCLUDED?

The Settlements involve the following motor vehicle component parts:

**Air Flow Meters** are used to measure the volume of air flowing into motor vehicle engines.

**Alternators** are electromechanical devices that generate an electric current while motor vehicle engines are in operation.

**ATF Warmers** are automatic transmission fluid warmer or cooler devices located in the engine compartment of a vehicle that moderate the temperature of the automatic transmission fluid.

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**Electronic Throttle Bodies** control the amount of air flowing into a motor vehicle's engine.

**Fuel Injection Systems** admit fuel or a fuel/air mixture into motor vehicle engine cylinders. Fuel Injection Systems can also be sold as part of a broader system, such as an engine management system, or as separate components. Fuel Injection Systems include one or more of the following parts: injectors; high pressure pumps; rail assemblies; feed lines; engine electronic control units; fuel pumps and fuel pump modules; manifold absolute pressure sensors; and pressure regulators, pulsation dampers, and purge control valves.

**Ignition Coils** release electric energy to ignite the fuel/air mixture in cylinders.

**Inverters** convert direct current electricity to alternating current electricity.

**Motor Generators** are electric motors used to power electric drive systems that can also capture and regenerate energy.

**Radiators** are heat exchangers or other devices that help prevent automotive vehicle engines from overheating or otherwise regulate the temperature of the engine compartment of a vehicle and the fluids passing through it, including all devices physically attached to and sold as part of a radiator (as more fully described in the settlement agreement).

**Starters** are small electronic motors used in starting internal combustion engines.

**Valve Timing Control Devices** (also called Variable Timing Devices and/or Variable Timing Control Devices), control the timing of engine valve operation and include the Variable Timing Control actuator or solenoid valve. Some valve timing control devices may also contain an oil control valve.

## **6. WHY ARE THESE CLASS ACTIONS?**

In class actions, one or more people called the “class representatives” sue on behalf of themselves and other people with similar claims in the specific class action. All of these people together are the “class” or “class members.” In these class actions, there are a total of fifty-eight class representatives. In a class action, one court may resolve the issues for all class members, except for those who exclude themselves from the class.

## **WHO IS INCLUDED IN THE CLASSES**

## **7. HOW DO I KNOW IF I MAY BE INCLUDED IN THE CLASSES?**

Generally, you may be included in one or more Settlements if, at any time from 2000 to 2015, you: (1) bought or leased a qualifying new motor vehicle in the U.S. (not for resale), or (2) paid to replace one or more of the qualifying new motor vehicle parts listed in Question 5 above. Qualifying new motor vehicles are automobiles, light trucks, vans, mini-vans, and sport utility vehicles.

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These cases are proceeding as class actions seeking monetary recovery for consumers and businesses in 30 states and the District of Columbia, and for nationwide injunctive relief to stop the Defendants' alleged illegal behavior and prevent this behavior from happening in future (*see* Question 13).

Purchasers or lessees of new motor vehicles or indirect purchasers of any of the replacement parts listed in Question 5 may be members of the Classes entitled to monetary recovery if the purchase or lease transaction occurred in the District of Columbia or one or more of the following states during the relevant time periods listed below: Arizona, Arkansas, California, Florida, Hawaii, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, West Virginia, and Wisconsin. A separate Settlement Class has been preliminarily approved by the Court for each of the cases settled by the Settling Defendants and their affiliates. The time period for each of the Classes is provided below.

Defendant	Time Period Starts	Time Period Ends	Auto Parts
HIAMS	January 1, 2000	March 26, 2015	Alternators, Starters, Ignition Coils, Motor Generators, Inverters, Fuel Injection Systems, Valve Timing Control Devices, Air Flow Meters, and Electronic Throttle Bodies
T.RAD	November 1, 2002	August 12, 2015	ATF Warmers
	February 1, 2001	August 12, 2015	Radiators

The specific definitions of each Settlement Class are available at [www.AutoPartsClass.com](http://www.AutoPartsClass.com) or can be obtained by calling 1-877-940-5043.

## **8. WHO IS NOT INCLUDED IN THE CLASSES?**

The Classes do not include:

- Any of the Defendants, their parent companies, subsidiaries, and affiliates;
- Any co-conspirators;
- Federal government entities and instrumentalities;
- States and their political subdivisions, agencies, and instrumentalities; and
- All persons who purchased their motor vehicle parts directly from the Defendants or for resale.

## **9. WHY ARE THE LAWSUITS CONTINUING IF THERE ARE SETTLEMENTS?**

Settlements have been reached with the Settling Defendants (listed in Question 3) as specified in the individual settlement agreements. The lawsuits will continue against all of the remaining Defendants who have not settled ("Non-Settling Defendants").

**Questions? Call 1-877-940-5043 or Visit [www.AutoPartsClass.com](http://www.AutoPartsClass.com)**

Additional money may become available in the future as a result of a trial or future settlements. Alternatively, the litigation may be resolved in favor of the Non-Settling Defendants, and no additional money may become available. There is no guarantee as to what will happen.

Please register at the website, [www.AutoPartsClass.com](http://www.AutoPartsClass.com), to be notified of any future settlements.

## THE SETTLEMENTS' BENEFITS

### 10. WHAT DO THE SETTLEMENTS PROVIDE?

The Settlement Funds total approximately \$54 million. After deduction of attorneys' fees, notice and claims administration costs, and litigation expenses, as approved by the Court, the remaining Settlement Funds will be available for distribution to Class members who timely file valid claims.

The Settlements also include non-monetary relief (*see* Question 13), including cooperation and agreements by the Settling Defendants not to engage in the conduct that is the subject of the lawsuits, as more fully described in the proposed Final Judgments located on the Settlement website [www.AutoPartsClass.com](http://www.AutoPartsClass.com).

The Settlement Funds are allocated by the motor vehicle parts in question, as follows:

<b>Auto Parts Settlements and Settlement Funds</b>			
<b>Automotive Parts Case</b>	<b>Settling Defendant</b>	<b>Amount Settled</b>	<b>Settlement Fund</b>
Air Flow Meters	HIAMS	\$5,047,920	\$5,047,920
Alternators	HIAMS	\$6,216,420	\$6,216,420
ATF Warmers	T.RAD	\$741,000	\$741,000
Electronic Throttle Bodies	HIAMS	\$6,870,780	\$6,870,780
Fuel Injection Systems	HIAMS	\$8,693,640	\$8,693,640
Ignition Coils	HIAMS	\$7,431,660	\$7,431,660
Inverters	HIAMS	\$2,337,000	\$2,337,000
Motor Generators	HIAMS	\$2,337,000	\$2,337,000
Radiators	T.RAD	\$6,669,000	\$6,669,000
Starters	HIAMS	\$3,832,680	\$3,832,680
Valve Timing Control Devices	HIAMS	\$3,972,900	\$3,972,900
<b>Total</b>			<b>\$54,150,000</b>

Any interest earned will be added to each of the Settlement Funds. More details about the Settlements are in the settlement agreements, available at [www.AutoPartsClass.com](http://www.AutoPartsClass.com).

**Questions? Call 1-877-940-5043 or Visit [www.AutoPartsClass.com](http://www.AutoPartsClass.com)**

## **HOW TO GET BENEFITS**

### **11. HOW MUCH MONEY CAN I GET?**

At this time, it is unknown how much each Class member who submits a valid claim will receive. Payments will be determined on a *pro rata* basis. This means payments will be based on the number of valid claims filed by all Class members as well as on the number and type of motor vehicle component parts you purchased indirectly. It's possible that any money remaining after claims are paid will be distributed to charities, governmental entities, or other beneficiaries approved by the Court. No matter how many claims are filed, no money will be returned to the Settling Defendants once the Court finally approves the Settlements.

In order to receive a payment, you will need to file a valid claim form before the claims period ends. The claims period has not yet begun. A notice about the claims process will be made at a later date as ordered by the Court. If you want to receive a notice about the claims process or future settlements, you should register at [www.AutoPartsClass.com](http://www.AutoPartsClass.com).

### **12. WHEN WILL I GET A PAYMENT?**

No money will be distributed yet. The lawyers for the Plaintiffs will continue to pursue the lawsuits against the Non-Settling Defendants. All Settlement Funds that remain after payment of the fees, costs, and expenses (*see* Question 10) will be distributed together at the conclusion of the lawsuits or as ordered by the Court.

### **13. WHAT IS THE NON-MONETARY RELIEF?**

The Settling Defendants have agreed not to engage in certain specified conduct that would violate the antitrust laws that are at issue in these lawsuits for a period of two years. Additionally, the Settling Defendants will cooperate with the Plaintiffs in their ongoing litigation against the Non-Settling Defendants.

## **REMAINING IN THE CLASSES**

### **14. WHAT HAPPENS IF I REMAIN IN THE CLASSES?**

You will give up your right to sue the Settling Defendants on your own for the claims described in the settlement agreements unless you exclude yourself from one or more of the Classes. You also will be bound by any decisions by the Court relating to the Settlements.

In return for paying the Settlement amounts and providing the non-monetary benefits, the Settling Defendants (and certain related entities defined in the settlement agreements) will be released from claims relating to the alleged conduct involving the vehicle parts identified in the settlement agreements. The settlement agreements describe the released claims in detail, so read them carefully, since those releases will be binding on you if the Court approves the Settlements. If you have any questions, you can talk to Class Counsel listed in Question 18 for free, or you can, of course, talk to your own lawyer (at your own expense) if you have questions about what this means. The settlement agreements and the specific releases are available at [www.AutoPartsClass.com](http://www.AutoPartsClass.com).

**Questions? Call 1-877-940-5043 or Visit [www.AutoPartsClass.com](http://www.AutoPartsClass.com)**

## EXCLUDING YOURSELF FROM THE CLASSES

### **15. HOW DO I GET OUT OF THE CLASSES?**

To exclude yourself from one or more of the Classes, you must send a letter by mail stating that you want to be excluded from *In re Automotive Parts Antitrust Litigation*, MDL No. 2311, and specifying which Settlement Class(es) (including the specific automotive part case and the Settling Defendant(s)) you wish to be excluded from. Your letter must also include:

- Your name, address, and telephone number;
- Documents reflecting your purchase or lease of a new vehicle and/or purchase of the applicable replacement part. Purchase or lease documentation should include: (a) the date of purchase or lease, (b) the make and model year of the vehicle, (c) the state where the vehicle was purchased or leased, and (d) the amount paid. Replacement part documentation should include: (a) the date of purchase, (b) type of replacement part purchased, (c) the state where the replacement part was purchased, and (d) the amount paid; and
- Your signature.

You must mail your exclusion request, postmarked no later than **March 28, 2016**, to:

Automotive Parts Indirect Exclusions  
P.O. Box 10163  
Dublin, OH 43017-3163

### **16. IF I DON'T EXCLUDE MYSELF, CAN I SUE FOR THE SAME THING LATER?**

No. Unless you exclude yourself, you give up any right to sue the Settling Defendants for the claims being released in this litigation.

### **17. IF I EXCLUDE MYSELF, CAN I STILL GET MONEY BENEFITS?**

No. If you exclude yourself from the Settlement Class in any case, you will not get any money as a result of the Settlement in that case. However, you may exclude yourself from some Settlements but remain in other Settlements. In that case, you may receive money from the Settlements in which you remain.

## THE LAWYERS REPRESENTING YOU

### **18. DO I HAVE A LAWYER REPRESENTING ME?**

The Court has appointed the following law firms as Class Counsel to represent you and all other members of the Classes:

Questions? Call 1-877-940-5043 or Visit [www.AutoPartsClass.com](http://www.AutoPartsClass.com)

<p>Steven Williams Cotchett, Pitre, &amp; McCarthy LLP San Francisco Airport Office Center 840 Malcolm Road, Suite 200 Burlingame, CA 94010</p>	<p>Hollis Salzman Robins Kaplan LLP 601 Lexington Avenue Suite 3400 New York, NY 10022</p>	<p>Marc Seltzer Susman Godfrey L.L.P. 1901 Avenue of the Stars Suite 950 Los Angeles, CA 90067</p>
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You will not be charged for contacting these lawyers. If you want to be represented by your own lawyer, you may hire one at your own expense.

## **19. HOW WILL THE LAWYERS BE PAID?**

At the final fairness hearing, Class Counsel will ask the Court to: (a) reimburse them for certain costs and expenses, and (b) set aside up to \$2 million for future litigation costs and expenses as the lawsuits against the Non-Settling Defendants continue. At the final fairness hearing, or at a later date, Class Counsel will ask the Court for attorneys' fees based on their services in this litigation, not to exceed one-third of the approximately \$54 million in Settlement Funds. Class Counsel may also request a payment to the class representatives who helped the lawyers on behalf of the Classes. Any payment to the attorneys and class representatives will be subject to Court approval, and the Court may award less than the requested amount. The fees, costs, expenses, and awards that the Court orders, plus the costs to administer the Settlement, will come out of the Settlement Funds. Class Counsel may seek additional attorneys' fees, costs, and expenses from any other settlements or recoveries obtained in the future.

When Class Counsel's motion for fees, costs and expenses, and class representative payments is filed, it will be available at [www.AutoPartsClass.com](http://www.AutoPartsClass.com). The motion will be posted on the website at least 45 days before the Court holds a hearing to consider the request, and you will have an opportunity to comment on the motion.

Register at the website or by calling 1-877-940-5043 to receive notice when the motion is filed.

## **OBJECTING TO THE SETTLEMENTS**

### **20. HOW DO I OBJECT TO OR COMMENT ON THE SETTLEMENTS?**

If you have objections to or comments about any aspect of one or more of the Settlements, you may express your views to the Court. You can only object to or comment on one or more of the Settlements if you do not exclude yourself from that Settlement Class. To object to or comment on a Settlement, you must specify which Settlement (including the specific motor vehicle part and the Settling Defendant(s)) you are objecting to and send a letter that also contains the following:

- Your name, address, and telephone number;
- Documents reflecting your purchase or lease of a new vehicle and/or purchase of the applicable replacement part. Purchase or lease documentation should include: (a) the date of purchase or lease, (b) the make and model year of the vehicle, (c) the state where the vehicle was purchased or leased, and (d) the amount paid. Replacement part documentation should include: (a) the date of purchase,

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- (b) type of replacement part purchased, (c) the state where the replacement part was purchased, and  
 (d) the amount paid;
- The name of the Settling Defendant whose Settlement you are objecting to or commenting on;
  - The automotive part case that is the subject of your objection(s) or comments;
  - The reasons you object to the Settlement, along with any supporting materials; and
  - Your signature.

Any comment or objection must be postmarked by **March 28, 2016**, and mailed to:

Court	Notice Administrator
U.S. District Court for the Eastern District of Michigan Clerk's Office Theodore Levin U.S. Courthouse 231 W. Lafayette Blvd., Room 564 Detroit, MI 48226	Auto Parts Settlements Objections P.O. Box 10163 Dublin, OH 43017-3163

## **21. WHAT IS THE DIFFERENCE BETWEEN EXCLUDING MYSELF FROM THE CLASSES AND OBJECTING TO THE SETTLEMENTS?**

If you exclude yourself from one or more of the Classes, you are telling the Court that you do not want to participate in the Settlements from which you exclude yourself. Therefore, you will not be eligible to receive any benefits from those Settlements, and you will not be able to object to those Settlements. Objecting to a Settlement simply means telling the Court that you do not like something about the Settlement. Objecting does not make you ineligible to receive a payment.

## **THE FINAL FAIRNESS HEARING**

The Court will hold a hearing to decide whether to approve the Settlements and any requests by Class Counsel for fees, costs, expenses, and class representative awards. You may attend and you may ask to speak, but you do not have to do so.

## **22. WHEN AND WHERE WILL THE COURT DECIDE WHETHER TO APPROVE THE SETTLEMENTS?**

The Court will hold a Final Fairness Hearing at 2:00 p.m. on **May 4, 2016**, at the United States Courthouse, 231 W. Lafayette Blvd, Detroit, MI 48226, Room 272. The hearing may be moved to a different date or time without additional notice, so check [www.AutoPartsClass.com](http://www.AutoPartsClass.com) or call 1-877-940-5043 for current information. At this hearing, the Court will consider whether the Settlements are fair, reasonable, and adequate. If there are objections or comments, the Court will consider them at that time and may listen to people who have asked to speak at the hearing. The Court may also decide how much to pay Class Counsel. At or after the hearing, the Court will decide whether to approve the Settlements.

**Questions? Call 1-877-940-5043 or Visit [www.AutoPartsClass.com](http://www.AutoPartsClass.com)**

### **23. DO I HAVE TO ATTEND THE HEARING?**

No. Class Counsel will answer any questions the Court may have. But you are welcome to attend at your expense. If you send an objection or comment, you do not have to come to Court to talk about it. As long as you mailed your written objection on time, the Court will consider it. You may also hire your own lawyer at your own expense to attend on your behalf, but you are not required to do so.

### **24. MAY I SPEAK AT THE HEARING?**

If you send an objection or comment on the Settlements as described in Question 20, you may have the right to speak at the Final Fairness Hearing as determined by the Court. You cannot speak at the hearing if you exclude yourself from the Classes.

## **THE TRIAL**

### **25. WHEN AND WHERE WILL THE TRIAL AGAINST THE NON-SETTLING DEFENDANTS TAKE PLACE?**

If the cases are not dismissed or settled, the Plaintiffs will have to prove their claims against the Non-Settling Defendants at trial. Trial dates have not yet been set.

At the trial, a decision will be reached about whether the Plaintiffs or the Non-Settling Defendants are right about the claims in the lawsuits. There is no guarantee that the Plaintiffs will win any money or other benefits for Class members at trial.

### **26. WHAT ARE THE PLAINTIFFS ASKING FOR FROM THE NON-SETTLING DEFENDANTS?**

The class representatives are asking for money for Class members in the District of Columbia and 30 states listed in Question 3 above. The class representatives are also seeking an order to prohibit the Non-Settling Defendants from engaging in the alleged behavior that is the subject of the lawsuits.

### **27. WILL I GET MONEY AFTER THE TRIAL(S)?**

If the Plaintiffs obtain money or benefits as a result of a trial or settlement, Class members will be notified about how to ask for a share or what their other options are at that time. These things are not known right now.

## **GET MORE INFORMATION**

### **28. HOW DO I GET MORE INFORMATION?**

This Notice summarizes the Settlements. More details are in the settlement agreements. You can get copies of the settlement agreements and more information about the Settlements at [www.AutoPartsClass.com](http://www.AutoPartsClass.com). You also may write with questions to Auto Parts Settlements, P.O. Box 10163, Dublin, OH 43017-3163 or call the toll-free number, 1-877-940-5043. You should also register at the website to be directly notified of any future Settlements, the terms of the Plan of Allocation of the Settlement Funds, and other information concerning these cases.

**Questions? Call 1-877-940-5043 or Visit [www.AutoPartsClass.com](http://www.AutoPartsClass.com)**