

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

IN RE: AUTOMOTIVE PARTS ANTITRUST LITIGATION	No. 12-md-02311 Hon. Sean F. Cox
In Re: Wire Harness Systems	Case No. 2:12-cv-00103
In Re: Instrument Panel Clusters	Case No. 2:12-cv-00203
In Re: Fuel Senders	Case No. 2:12-cv-00303
In Re: Heater Control Panels	Case No. 2:12-cv-00403
In Re: Automotive Bearings	Case No. 2:12-cv-00503
In Re: Occupant Safety Systems	Case No. 2:12-cv-00603
In Re: Alternators	Case No. 2:13-cv-00703
In Re: Anti-Vibrational Rubber Parts	Case No. 2:13-cv-00803
In Re: Windshield Wiper Systems	Case No. 2:13-cv-00903
In Re: Radiators	Case No. 2:13-cv-01003
In Re: Starters	Case No. 2:13-cv-01103
In Re: Automotive Lamps	Case No. 2:13-cv-01203
In Re: Switches	Case No. 2:13-cv-01303
In Re: Ignition Coils	Case No. 2:13-cv-01403
In Re: Motor Generator	Case No. 2:13-cv-01503
In Re: Steering Angle Sensors	Case No. 2:13-cv-01603
In Re: HID Ballasts	Case No. 2:13-cv-01703
In Re: Inverters	Case No. 2:13-cv-01803
In Re: Electric Powered Steering Assemblies	Case No. 2:13-cv-01903
In Re: Air Flow Meters	Case No. 2:13-cv-02003
In Re: Fan Motors	Case No. 2:13-cv-02103
In Re: Fuel Injection Systems	Case No. 2:13-cv-02203
In Re: Power Window Motors	Case No. 2:13-cv-02303
In Re: Automatic Transmission Fluid Warmers	Case No. 2:13-cv-02403
In Re: Valve Timing Control Devices	Case No. 2:13-cv-02503
In Re: Electronic Throttle Bodies	Case No. 2:13-cv-02603
In Re: Air Conditioning Systems	Case No. 2:13-cv-02703
In Re: Windshield Washer Systems	Case No. 2:13-cv-02803
In Re: Automotive Constant Velocity Joint Boot Products	Case No. 2:14-cv-02903

In Re: Spark Plugs	Case No. 2:15-cv-03003
In Re: Automotive Hoses	Case No. 2:15-cv-03203
In Re: Shock Absorbers	Case No. 2:15-cv-03303
In Re: Body Sealing Products	Case No. 2:16-cv-03403
In Re: Interior Trim Products	Case No. 2:16-cv-03503
In Re: Automotive Brake Hoses	Case No. 2:16-cv-03603
In Re: Exhaust Systems	Case No. 2:16-cv-03703
In Re: Ceramic Substrates	Case No. 2:16-cv-03803
In Re: Power Window Switches	Case No. 2:16-cv-03903
In Re: Automotive Steel Tubes	Case No. 2:16-cv-04003
In Re: Access Mechanisms	Case No. 2:16-cv-04103
In Re: Side Door Latches	Case No. 2:17-cv-04303
In Re: Electronic Braking Systems	Case No. 2:21-cv-04403
In Re: Hydraulic Braking Systems	Case No. 2:21-cv-04503
THIS DOCUMENT RELATES TO: End-Payor Actions	

ORDER
OVERRULING FRS’S OBJECTIONS AND
APPROVING END-PAYOR PLAINTIFFS’ MOTION FOR
DISTRIBUTION OF \$100 MINIMUM PAYMENTS TO AUTHORIZED
CLAIMANTS

This long-running multidistrict antitrust litigation is currently before the Court on the “End-Payor Plaintiffs’ Motion For Distribution Of \$100 Minimum Payments To Authorized Claimants.” As stated in the motion, the Settling Defendants have not filed a response to the motion, as they have long since been dismissed from this litigation and they have no interest in the distribution of the Settlement Funds. Financial Recovery Strategies (“FRS”) filed an objection to the motion. No other objections have been filed, despite there being tens of

thousands of Settlement Class members. The issues have been briefed and the Court concludes that oral argument is not necessary. *See* E.D. Mich. L.R. 7.1(f)(2).

FRS objects to the motion, asserting that “substantial uncertainty” exists over the status of FRS claims. In a rather transparent attempt to relitigate its “placeholder claims,” FRS asserts that the Court should provide a mechanism for disputes by claimants to be addressed by EPIC, and then by this Court if necessary. This objection is without merit. This Court denied FRS’s untimely motion to intervene to litigate the placeholder claims.¹ The Sixth Circuit affirmed that ruling and this Court will not revisit this issue.

In its objections, FRS also asks this Court to issue an order requiring that Epiq provide notice of eligibility determinations for the \$100 payment because it does not have clarity regarding the status of FRS claims. This objection is moot in light of the September 19, 2024 Declaration of Peter Sperry.

NOW, having rejected FRS’s objections, and upon consideration of End-Payor Plaintiffs’ Motion for Distribution of \$100 Minimum Payments to Authorized Claimants (“Motion”), it is hereby ORDERED as follows:

¹As the Sixth Circuit noted in its opinion, while FRS argued that its purpose for intervening was “narrow,” it was not. *In re Auto. Parts Antitrust Litig., End-Payer Actions*, 33 F.4th 894, 902 (6th Cir. 2022). “Because of the practical consequences of processing the supplemental information, the ultimate end-goal of FRS’s intervention – to determine whether it had a subrogation right and to assert that right if it did – reaches far beyond mere clarification of a legal issue.” *Id.*

1. The Court previously granted final approval of all settlements in connection with the Rounds 1 through 5 Settlements.¹

2. The Court previously approved the Plan of Allocation applicable to the Rounds 1 through 4 Settlements² and the Plan of Allocation applicable to the Round 5 Settlements.³

¹ See, e.g., Amended Opinion and Order Granting Final Approval of Class Action Settlements, Case No. 2:12-cv-00103 (Aug. 9, 2016), ECF No. 512 (“Round 1 Final Approval Order”); Order Granting Final Approval to the Round 2 Settlements, Case No. 2:12-cv-00403 (July 10, 2017), ECF No. 239 (“Round 2 Final Approval Order”); Order Granting Final Approval to the Round 3 Settlements, Case No. 2:12-cv-00103 (Nov. 8, 2018), ECF No. 628 (“Round 3 Final Approval Order”); Order Granting Final Approval of the Round 4 Settlements, Case No. 2:12-cv-00603 (Sept. 23, 2020), ECF No. 230 (“Round 4 Final Approval Order”); Order Granting Final Approval of the Round 5 Settlements, Case No. 2:16-cv-03703 (Feb. 6, 2023), ECF No. 211 (“Round 5 Final Approval Order”).

² See, e.g., Order Granting EPPs’ Unopposed Motion for an Order Approving the Proposed Further Revised Plan of Allocation and for Authorization to Disseminate Supplemental Notice to the Settlement Classes, Master File No. 2:12-md-02311 (Dec. 20, 2019), ECF No. 2032 (order granting EPPs’ proposed Plan of Allocation applicable to the Rounds 1 through 4 Settlements); Proposed Further Revised Plan of Allocation and for Authorization to Disseminate Supplemental Notice to the Settlement Classes, Case No. 2:12-cv-00403 (Dec. 10, 2019), ECF No. 301-2 (EPPs’ proposed Plan of Allocation applicable to the Rounds 1 through 4 Settlements).

³ See, e.g., Order Granting EPPs’ Motion for an Order Approving the Proposed Plan of Allocation in Connection with the Round 5 Settlements, Case No. 2:21-cv-04503 (Feb. 6, 2023), ECF No. 16 (order granting EPPs’ proposed Plan of Allocation applicable to the Rounds 5 Settlements); EPPs’ Motion for an Order Approving the Proposed Plan of Allocation in Connection with the Round 5 Settlements, Case No. 2:21-cv-04503 (Nov. 18, 2022), ECF No. 10 (EPPs’ proposed Plan of Allocation

3. The net settlement funds from the Rounds 1 through 5 Settlements consist of the settlement funds, plus interest earned thereon, less Court-approved attorneys' fees, litigation costs, settlement administration expenses, and class representative service awards ("Net Settlement Funds").⁴

4. The Court hereby authorizes the Settlement Administrator to distribute \$100 minimum payments to Authorized Claimants from the Net Settlement Funds from the Rounds 1 through 5 Settlements pursuant to the previously approved Round 4 Plan of Allocation and Round 5 Plan of Allocation. The persons and entities qualifying as Authorized Claimants are described in the Declaration of Peter Sperry, Senior Project Manager for the Settlement Claims Administrator, Epiq Class Action and Claims Solutions, Inc. in support of the

applicable to the Round 5 Settlements).

⁴ See, e.g., Order Granting in Part End-Payor Plaintiffs' Motion for An Award of Attorneys' Fees, Reimbursement of Expenses, and Establish of a Fund for Future Litigation Expenses at 2, Case No. 2:13-cv-00703 (June 20, 2016), ECF No. 103 ("Initial Round 1 Fee Order"); Supplemental Order Granting End-Payor Plaintiffs' Additional Attorneys' Fees at 2, Case No. 2:13-cv-00703, (Dec. 5, 2016) ECF No. 545 ("Supplemental Round 1 Fee Order"); Order Regarding End-Payor Plaintiffs' Motion for An Award of Attorneys' Fees and Reimbursement of Litigation Expenses ¶ 19, Case No. 2:12-cv-00103, (July 10, 2017), ECF No. 578 ("Round 2 Fee Order"); Order Regarding End-Payor Plaintiffs' Motion for An Award of Attorneys' Fees and Reimbursement of Litigation Expenses ¶¶ 11, 17, Case No. 2:12-cv-00103 (Nov. 7, 2018), ECF No. 626 ("Round 3 Fee Order"); Order Regarding End-Payor Plaintiffs' Motion for An Award of Attorneys' Fees and Payment of Incentive Awards to Class Representatives in Connection with the Round 4 Settlements ¶¶ 10, 16, Case No. 2:12-cv-00403 (Sept. 23, 2020), ECF No. 320 ("Round 4 Fee Order").

Motion.

5. The Court directs the Settlement Claims Administrator to pool funds from the Net Settlement Funds and establish a \$100 minimum payment fund with each of the Net Settlement Funds contributing its *pro rata* share to the \$100 minimum payment fund. The *pro rata* shares shall be based on each Net Settlement Fund's percentage of the total of all Net Settlement Funds.⁵ The *pro rata* share shall be deducted from each Net Settlement Fund to establish the \$100 minimum payment fund and transferred by the Escrow Agent to the Settlement Administrator, via wire for distribution to Authorized Claimants. The remaining funds in the Net Settlement Funds from the Rounds 1 through 5 Settlements shall remain invested consistent with the existing Escrow and Settlement Agreements.

6. No claims submitted after June 18, 2020 in connection with the Rounds 1-4 Settlements or January 7, 2023 in connection with the Round 5 Settlements shall be accepted.

7. The Court finds that the administration of the Rounds 1 through 5 Settlements to date and proposed distribution of the \$100 minimum payments from the Net Settlement Funds fully complies with the terms of the Round 4 Plan

⁵ If the minimum payments in connection with the Round 5 Settlements exceed the Round 5 Net Settlement Funds, an amount shall be reserved from the Rounds 1 through 4 Settlement Funds to permit \$100 minimum payments to all Authorized Claimants.

of Allocation and Round 5 Plan of Allocation. By this Order, all Settlement Class Members and all other persons and entities who have submitted claims to participate in any of the settlements hereby release and forever discharge all persons involved in the review, verification, calculation, tabulation, or any other aspect of the processing of the claims submitted herein, or otherwise involved in the administration or payment of taxes or other expenses from the Rounds 1 through 5 Settlement Funds, including, but not limited to, Settlement Class Counsel and the Settlement Administrator, from any and all claims arising out of such involvement, and all Settlement Class Members and all such claimants are barred from making any further claims against the Rounds 1 through 5 Net Settlement Funds or the released parties. Nothing herein shall limit or otherwise prevent Settlement Class Counsel from taking action against any person or entity for the benefit of the Settlement Classes.

8. The checks for distribution to Authorized Claimants shall bear the notation “DEPOSIT PROMPTLY, VOID AND SUBJECT TO RE-DISTRIBUTION IF NOT NEGOTIATED WITHIN 180 DAYS OF DISTRIBUTION.” Settlement Class Counsel and the Settlement Claims Administrator are authorized to locate and/or contact any Authorized Claimant who has not cashed his, her, or its check in their discretion.

9. This Court retains continuing jurisdiction over any further application or matters which may arise in connection with these actions.

IT IS SO ORDERED.

Dated: October 21, 2024

s/Sean F. Cox _____

Sean F. Cox
United States District Judge

I hereby certify that a copy of the foregoing document was served upon counsel and/or the parties of record on October 21, 2024, by electronic and/or ordinary mail.

s/J. McCoy _____

J. McCoy
Case Manager