

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

IN RE AUTOMOTIVE PARTS
ANTITRUST LITIGATION

Master File No. 2:12-md-02311
Honorable Sean F. Cox

IN RE EXHAUST SYSTEMS
IN RE ELECTRONIC BREAKING
SYSTEMS
IN RE HYDRAULIC BRAKING
SYSTEMS

Case No. 2:16-cv-03703
Case No. 2:21-cv-04403
Case No. 2:21-cv-04503

THIS DOCUMENT RELATES TO:
End-Payor Actions

**END-PAYOR PLAINTIFFS' NOTICE OF MODIFICATION TO NOTICE
PROGRAM IN CONNECTION WITH THE BOSAL, BOSCH, AND TRW
SETTLEMENTS**

On August 8, 2022, End-Payor Plaintiffs (“EPPs”) moved the Court for an order (1) approving the proposed notice program and notice forms (together, “Final Notice”) in connection with the Bosal,¹ Bosch,² and TRW³ settlements⁴ (together, “Round 5 Settlements”); (2) approving the continued use of the claim form (“Claim Form”), which the Court previously approved in connection with the prior rounds of settlements; (3) approving the proposed schedule for Final Notice and final approval of the Round 5 Settlements; and (4) authorizing the dissemination of the Final Notice and Claim Form to potential members of the Settlement Classes in connection with the Round 5 Settlements (“Mot.”) (*see, e.g.* Case No. 2:16-cv-03703, ECF No. 202).⁵ The Court granted EPPs’ unopposed Motion (ECF No. 203).

As part of the Final Notice, the Motion contemplated that Epiq, the Court-appointed Settlement Claims Administrator, would “send an email or mailed postcard to reasonably identifiable potential Round 5 Settlement Class Members that

¹ “Bosal” collective refers to Defendants Bosal Industries Georgia, Inc. and Bosal USA, Inc.

² “Bosch” collectively refers to Defendants Robert Bosch GmbH and Robert Bosch LLC.

³ “TRW” collectively refers to Defendants ZF TRW Automotive Holdings Corp, ZF Friedrichshafen AG (the successor in interest into which TRW KFZ Ausrüstung GmbH merged), and Lucas Automotive GmbH (now known as ZF Active Safety GmbH).

⁴ Unless otherwise set forth herein, all capitalized terms shall have the same meaning as set forth in the applicable settlement agreements.

⁵ All ECF references set forth herein are to the *Exhaust Systems (EPP Actions)*, Case No. 2:16-cv-03703.

purchase or lease large fleets of vehicles for fleet management companies and automobile dealers about the Round 5 Settlements and direct them to visit the Settlement Website for updated information” (“Fleet Direct Notice”). Mot. at 18. This Fleet Direct Notice would have supplemented the email notice or, alternatively, postcard notice that Epiq planned on sending to potential Round 5 Settlement Class Members, including fleets, that previously registered on the Settlement Website or filed a claim. *Id.* at 17.

In preparation for disseminating Final Notice to the Settlement Classes in connection with the Round 5 Settlements, Epiq informed EPPs that Fleet Direct Notice would consist of mailing 222,060 postcards to companies with fleets of 10 or more vehicles because Epiq only has their mailing addresses—not their email addresses. Declaration of Elizabeth T. Castillo ¶ 4. The Fleet Direct Notice would cost approximately \$85,000, most of which is attributable to the cost of postage. *Id.* Epiq also informed EPPs that only 48 of the same 222,060 companies to which Epiq previously mailed postcards in January 2020 in connection with the Round 4 Settlements registered on the Settlement Website or filed a claim. *Id.* ¶ 5. This represents a response rate of one-fifth of one percent. *Id.*

Given the modest amount of the Round 5 Settlements compared to the prior four rounds of settlements (\$3,152,000 versus over \$1.2 billion), the cost of Fleet Direct Notice (\$85,000), the expected response rate (0.02 percent), and the fact

that Epiq will provide email or postcard notice to potential Settlement Class Members that previously registered on the Settlement Website or filed a claim, EPPs will instruct Epiq not to proceed with Fleet Direct Notice. All other aspects of the Notice Program, which the Court approved, remains unchanged. Mot. at 17-19. EPPs provide notice to the Court of this modification to the Final Notice approved by the Court.

Dated: October 12, 2022

Respectfully submitted,

/s/ Elizabeth T. Castillo

Adam J. Zapala

Elizabeth T. Castillo

**COTCHETT, PITRE & McCARTHY,
LLP**

840 Malcolm Road

Burlingame, CA 94010

Telephone: (650) 697-6000

Facsimile: (650) 697-0577

azapala@cpmlegal.com

ecastillo@cpmlegal.com

/s/ William V. Reiss

William V. Reiss

ROBINS KAPLAN LLP

1325 Avenue of the Americas, Suite 2601

New York, NY 10019

Telephone: (212) 980-7400

Facsimile: (212) 980-7499

WReiss@RobinsKaplan.com

/s/ Marc M. Seltzer

Marc M. Seltzer

Steven G. Sklaver

SUSMAN GODFREY L.L.P.
1900 Avenue of the Stars, Suite 1400
Los Angeles, CA 90067-6029
Telephone: (310) 789-3100
Facsimile: (310) 789-3150
mseltzer@susmangodfrey.com
ssklaver@susmangodfrey.com

Terrell W. Oxford
Chanler Langham
SUSMAN GODFREY L.L.P.
1000 Louisiana Street, Suite 5100
Houston, TX 77002
Telephone: (713) 651-9366
Facsimile: (713) 654-6666
toxford@susmangodfrey.com
clangham@susmangodfrey.com

*Settlement Class Counsel for the Proposed
End-Payor Plaintiff Settlement Classes*

E. Powell Miller
Devon P. Allard
THE MILLER LAW FIRM, P.C.
The Miller Law Firm, P.C.
950 W. University Dr., Ste. 300
Rochester, Michigan 48307
epm@millerlawpc.com
dpa@millerlawpc.com

Liaison Counsel for the Settlement Classes

CERTIFICATE OF SERVICE

I hereby certify that on October 12, 2022 I caused the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Elizabeth T. Castillo
Elizabeth T. Castillo

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End-Payor Actions

**DECLARATION OF ELIZABETH T. CASTILLO IN SUPPORT OF
END-PAYOR PLAINTIFFS' NOTICE OF MODIFICATION TO NOTICE
PROGRAM IN CONNECTION WITH THE BOSAL, BOSCH, AND TRW
SETTLEMENTS**

I, Elizabeth T. Castillo, declare and state as follows:

1. I am an attorney duly licensed to practice law in the state of California.

I am a Partner at the law firm of Cotchett, Pitre & McCarthy, LLP, and my firm is one of the Interim Co-Lead Counsel for EPPs in the above-entitled litigation.

2. I declare that I have personal knowledge of the matters set forth herein, and if called upon to testify thereto, could do so competently. I make this Declaration pursuant to 28 U.S.C. § 1746.

3. I submit this Declaration in support EPPs' Notice of Modification to Notice Program in Connection with the Bosal, Bosch, and TRW Settlements concurrently filed herewith.

4. In preparation for disseminating Final Notice to the Settlement Classes in connection with the Round 5 Settlements, Epiq informed EPPs that Fleet Direct Notice would consist of mailing 222,060 postcards to companies with fleets of 10 or more vehicles because Epiq only has their mailing addresses—not their email addresses. The Fleet Direct Notice would cost approximately \$85,000, most of which is attributable to the cost of postage.

5. Epiq also informed EPPs that only 48 of the same 222,060 companies to which Epiq previously mailed postcards in January 2020 in connection with the Round 4 Settlements registered on the Settlement Website or filed a claim. This represents a response rate of one-fifth of one percent.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 12th day of October, 2022, at Burlingame, California.

/s/ Elizabeth T. Castillo
Elizabeth T. Castillo

Cotchett, Pitre & McCarthy, LLP