

**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

**ORDER GRANTING END-PAYOR PLAINTIFFS' UNOPPOSED MOTION
FOR AUTHORIZATION TO DISSEMINATE NOTICE TO THE
SETTLEMENT CLASSES IN CONNECTION WITH THE BOSAL, BOSCH,
AND TRW SETTLEMENTS**

In the prior four rounds of settlements, End-Payor Plaintiffs (“EPPs”) settled with 73 groups of defendants and their affiliates.¹ The Court entered orders finally approving the first round of settlements on August 9, 2016² (*see, e.g.*, Amended Opinion and Order Granting Final Approval, *Wire Harness Systems*, Case No. 2:12-cv-00103, ECF No. 512); the second round of settlements on July 10, 2017³ (*see, e.g.*, Order Granting Final Approval to the Round 2 Settlements,

¹ EPPs also have a \$53,200,000 authorized claim against the Reorganized TK Holdings Trust in bankruptcy proceeding, but they can expect to receive only a small fraction of this amount for distribution to the class. The EPP class representatives have also reached a settlement with Takata Corp. in Japanese insolvency proceedings. The settlement provides for a payment of 25,000,000 Japanese Yen (equivalent to approximately \$220,000). This settlement as a formal matter is with the class representatives only, but the proceeds of the settlement will be paid to the same group of purchasers included in the Settlement Class agreed to pursuant to the settlement agreement with Takata Corp.’s U.S. subsidiary, Reorganized TK Holdings Trust.

² The Round 1 Settling Defendants are: (1) Autoliv, Inc., Autoliv ASP, Inc., Autoliv B.V. & Co. KG, Autoliv Safety Technology, Inc., and Autoliv Japan Ltd.; (2) Fujikura, Ltd. and Fujikura Automotive America LLC; (3) Hitachi Automotive Systems, Ltd.; (4) Kyungshin-Lear Sales and Engineering, LLC; (5) Lear Corporation; (6) Nippon Seiki Co., Ltd., N.S. International, Ltd., and New Sabina Industries, Inc.; (7) Panasonic Corporation and Panasonic Corporation of North America; (8) T.RAD Co., Ltd. and T.RAD North America, Inc.; (9) TRW Deutschland Holding GmbH and ZF TRW Automotive Holdings Corp. (formerly known as TRW Automotive Holdings Corp.); (10) Sumitomo Electric Industries, Ltd., Sumitomo Wiring Systems, Ltd., Sumitomo Electric Wiring Systems, Inc. (incorporating K&S Wiring Systems, Inc.), Sumitomo Wiring Systems (U.S.A.) Inc.; and (11) Yazaki Corporation and Yazaki North America, Incorporated.

³ The Round 2 Settling Defendants are: (1) Aisin Seiki Co., Ltd. and Aisin Automotive Casting, LLC; (2) DENSO Corporation, DENSO International

Wire Harness Systems, No. 2:12-cv-00103, ECF No. 576); the third round of settlements on November 8, 2018⁴ (*see, e.g.*, Order Granting Final Approval to the

America, Inc., DENSO International Korea Corporation, DENSO Korea Automotive Corporation, DENSO Automotive Deutschland GmbH, ASMO Co., Ltd., ASMO North America, LLC, ASMO Greenville of North Carolina, Inc., and ASMO Manufacturing, Inc.; (3) Furukawa Electric Co., Ltd. and American Furukawa, Inc.; (4) G.S. Electech, Inc., G.S. Wiring Systems Inc., and G.S.W. Manufacturing, Inc.; (5) Leoni Wiring Systems, Inc. and Leonische Holding Inc.; (6) Mitsubishi Electric Corporation, Mitsubishi Electric US Holdings, Inc., and Mitsubishi Electric Automotive America, Inc.; (7) NSK Ltd., NSK Americas, Inc., NSK Steering Systems Co., Ltd., and NSK Steering Systems America, Inc.; (8) Omron Automotive Electronics Co. Ltd.; (9) Schaeffler Group USA Inc.; (10) Sumitomo Riko Co.Ltd. and DTR Industries, Inc.; (11) Tokai Rika Co., Ltd. and TRAM, Inc. d/b/a Tokai Rika U.S.A.Inc. (settlement in *Wire Harness* only); and (12) Valeo Japan Co., Ltd., on behalf of itself and Valeo Inc., Valeo Electrical Systems, Inc., and Valeo Climate Control Corp.

⁴ The Round 3 Settling Defendants are: (1) Aisan Industry Co., Ltd.; Franklin Precision Industry, Inc.; Aisan Corporation of America; and Hyundam Industrial Co., Ltd.; (2) ALPHA Corporation and Alpha Technology Corporation; (3) Alps Electric Co., Ltd.; Alps Electric (North America), Inc.; and Alps Automotive Inc.; (4) Robert Bosch GmbH and Robert Bosch LLC; (5) Bridgestone Corporation and Bridgestone APM Company; (6) Calsonic Kansei Corporation and Calsonic Kansei North America, Inc.; (7) Chiyoda Manufacturing Corporation and Chiyoda USA Corporation; (8) Continental Automotive Electronics LLC, Continental Automotive Korea Ltd., and Continental Automotive Systems, Inc.; (9) Diamond Electric Mfg. Co., Ltd. and Diamond Electric Mfg. Corporation; (10) Eberspächer Exhaust Technology GmbH & Co. KG and Eberspächer North America Inc.; (11) Faurecia Abgastechnik GmbH; Faurecia Systèmes d'Échappement; Faurecia Emissions Control Technologies, USA, LLC; and Faurecia Emissions Control Systems, N.A. LLC f/k/a Faurecia Exhaust Systems, Inc.; (12) Hitachi Automotive Systems, Ltd.; (13) Hitachi Metals, Ltd.; Hitachi Cable America Inc.; and Hitachi Metals America, Ltd.; (14) INOAC Corporation; INOAC Group North America, LLC; and INOAC USA Inc.; (15) JTEKT Corporation; JTEKT Automotive North America, Inc.; and JTEKT North America

Round 3 Settlements (*see, e.g., Wire Harness Systems*, No. 2:12-cv-00103, ECF No. 628); and the fourth round of settlements on September 23, 2020⁵ (*see, e.g.,*

Corp.(formerly d/b/a Koyo Corporation of U.S.A.); (16) Kiekert AG and Kiekert U.S.A., Inc.; (17) Koito Manufacturing Co., Ltd. and North American Lighting, Inc.; (18) MAHLE Behr GmbH & Co. KG and MAHLE Behr USA Inc.; (19) MITSUBA Corporation and American Mitsuba Corporation; (20) Nachi-Fujikoshi Corp. and Nachi America Inc.; (21) NGK Insulators, Ltd. And NGK Automotive Ceramics USA, Inc.; (22) NGK Spark Plug Co., Ltd. and NGK Spark Plugs (U.S.A.), Inc.; (23) Nishikawa Rubber Company, Ltd.; (24) NTN Corporation and NTN USA Corporation; (25) Sanden Automotive Components Corporation, Sanden Automotive Climate Systems Corporation, and Sanden International (U.S.A.) Inc.; (26) SKF USA Inc.; (27) Stanley Electric Co., Ltd., Stanley Electric U.S. Co., Inc., and II Stanley Co., Inc.; (28) Tenneco Inc., Tenneco GmbH and Tenneco Automotive Operating Co., Inc.; (29) Toyo Tire & Rubber Co. Ltd.; Toyo Tire North America OE Sales LLC; and Toyo Automotive Parts (USA), Inc.; (30) Usui Kokusai Sangyo Kaisha, Ltd and Usui International Corporation; (31) Valeo S.A.; (32) Yamada Manufacturing Co. Ltd. and Yamada North America, Inc.; and (33) Yamashita Rubber Co., Ltd. and YUSA Corporation.

⁵ The Round 4 Settling Defendants are: (1) Brose SchlieBsysteme GmbH & Co. Kommanditgesellschaft and Brose North America (collectively, “Brose”), (2) Corning International Kabushiki Kaisha and Corning Incorporated (collectively, “Corning”), (3) Delphi Technologies PLC, and Delphi Powertrain Systems, LLC (together, “Delphi”), (4) Green Tokai Co., Ltd. (“Green Tokai”), (5) Keihin Corporation and Keihin North America, Inc. (collectively, “Keihin”), (6) KYB Corporation (f/k/a Kayaba Industry Co., Ltd.) and KYB Americas Corporation (collectively, “KYB”), (7) Maruyasu Industries, Co., Ltd. and Curtis-Maruyasu America, Inc. (collectively, “Maruyasu”),(8) Meritor, Inc. f/k/a ArvinMeritor, Inc. (“Meritor”), (9) Mikuni Corporation (“Mikuni”), (10) Mitsubishi Heavy Industries, Ltd. and Mitsubishi Heavy Industries Climate Control, Inc. (collectively, “Mitsubishi Heavy”), (11) Panasonic Corporation and Panasonic Corporation of North America (together, “Panasonic”), (12) Sanoh Industrial Co., Ltd. and Sanoh America, Inc. (collectively, “Sanoh”), (13) Showa Corporation and American Showa, Inc. (collectively, “Showa”), (14) Reorganized TK Holdings Trust (“TKH”), (15) Tokai Rika, Co. Ltd. and TRAM, Inc. d/b/a Tokai Rika

Order Granting Final Approval of the Round 4 Settlements, *Occupant Safety Systems*, No. 2:12-cv-00603, ECF No. 230).

EPPs have now settled with the last three Defendants named in this massive multidistrict litigation for a total of \$3,152,000 and seek to provide notice of these settlements (“Round 5 Settlements”).⁶

EPPs now seek (1) approval of the proposed notice program (“Notice Program”) and notice forms (“Notice Forms”) (together, “Final Notice”) in connection with the Round 5 Settlements; (2) approval of the continued use of the claim form (“Claim Form”), which the Court previously approved in connection with the prior rounds of settlements; (3) approval of proposed schedule for Final Notice and final approval of the Round 5 Settlements; and (4) authorization to disseminate the Final Notice and Claim Form to potential members of the Settlement Classes in connection with the Round 5 Settlements (“Round 5 Settlement Classes”).

U.S.A. Inc. (collectively, “Tokai Rika”), (16) Toyo Denso Co., Ltd. and Weastec, Inc. (collectively, “Toyo Denso”), and (17) Toyoda Gosei Co., Ltd., Toyoda Gosei North America Corp., TG Missouri Corp., TG Kentucky, LLC, TG Missouri Corp., and TG Fluid Systems USA Corp. (collectively, “Toyoda Gosei”).

⁶ The Round 5 Settling Defendants are: (1) Bosal Industries Georgia, Inc. and Bosal USA, Inc. (collectively, “Bosal”), (2) Robert Bosch GmbH and Robert Bosch LLC (collectively, “Bosch”), and (3) 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) (collectively, “TRW”).

Upon consideration of EPPs' Motion for Authorization to Disseminate Notice to the Settlement Classes in Connection with the Bosal, Bosch, and TRW Settlements, it is hereby ORDERED as follows:

1. The Motion is hereby GRANTED.
2. Unless otherwise set forth herein, all defined terms shall have the same meaning ascribed to them in the applicable settlement agreements.

Notice Program to Potential Class Members

3. The Court approves the form and content of the: (a) Long-Form Notice; (b) Short-Form Notice. The Court also approves the Claim Form, which the Court previously approved in connection with the prior rounds of settlements.

4. The Court finds that the posting and publication of the Long-Form and Short-Form Notices in the manner set forth herein constitutes the best notice practicable under the circumstances and is valid, due, and sufficient notice to all persons entitled thereto and complies fully with the requirements of Federal Rule of Civil Procedure 23 and the due process requirements of the Constitution of the United States.

5. On or before **October 18, 2022**, Epiq, as the successor to Garden City Group, LLC, the Court-appointed Settlement Administrator, shall begin issuing email or postcard notice to potential members of the Round 5 Settlement Classes who previously filed claims or who previously registered to receive settlement

updates, directing them to visit the Settlement Website (autopartsclass.com) to read updated information about the settlements. Furthermore, Epiq will begin publishing relevant documents on the Settlement Website, including: (1) the complaints applicable to the Round 5 Settlements; (2) the settlement agreements with the Round 5 Settling Defendants; (3) the Orders preliminarily approving the Round 5 Settlements; (4) EPPs' Motion for Authorization to Disseminate Notice to the Settlement Classes in Connection with the Bosal, Bosch, and TRW Settlements; (5) this Order; (6) the Short-Form Notice; (7) the Long-Form Notice;⁷ and (8) the Claim Form.

6. On or before **October 18, 2022**, Kinsella Media, LLC ("Kinsella"), the Court-appointed Notice Administrator, shall begin media notice, including paid media and the national press release in the manner set forth in the Notice Program described in the Declaration of Cristen Stephansky filed as Exhibit 1 to Motion for Authorization to Disseminate Notice to the Settlement Classes in Connection with the Bosal, Bosch, and TRW Settlements.

7. On or before **November 18, 2022**, Cotchett, Pitre & McCarthy, LLP; Robins Kaplan LLP; and Susman Godfrey L.L.P. ("Settlement Class Counsel") shall file with the Court their motion for final approval of the Round 5 Settlements

⁷ EPPs are authorized to make minor adjustments to the Short-Form and Long-Form Notices.

and for approval of the proposed plan of allocation in connection with the Round 5 Settlements.

8. On or before **November 28, 2022**, EPPs shall file with the Court affidavits or declarations of Kinsella and Epiq reflecting that they implemented their respective portions of the Notice Program.

9. All requests for exclusion from the Round 5 Settlement Classes must: be in writing; be mailed; be received by Epiq no later than **December 20, 2022**, and otherwise comply with the requirements set forth in the Long-Form Notice.

10. Any member of the Round 5 Settlement Classes who objects to any of the Round 5 Settlements must object in writing. All objections must: specifically reference to which of the settlements the Class Member objects; be mailed; be received by Epiq and the Court Clerk no later than **December 20, 2022**; and otherwise comply with the requirements set forth in the Long-Form Notice.

11. Finally, all members of the Round 5 Settlement Classes who have not previously filed claims and wish to submit claims to receive settlement funds from the Rounds 5 Settlements must file a claim in accordance with the Claim Form no later than **January 7, 2023**.

12. The Court will hold a virtual Fairness Hearing on **January 12, 2023, at 2:00 p.m.** to determine the fairness, reasonableness, and adequacy of the proposed settlements with the Round 5 Settling Defendants. Any Settlement Class

member who follows the procedure set forth in the Long-Form notice may appear and request to be heard at this hearing. The Fairness Hearing may be rescheduled, adjourned, or continued without further notice to the Round 5 Settlement Classes.

Dated: August 10, 2022

s/Sean F. Cox

Sean F. Cox

U. S. District Judge