

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT MICHIGAN  
SOUTHERN DIVISION

IN RE: AUTOMOTIVE PARTS ANTITRUST LITIGATION	:	No. 12-md-02311
	:	Hon. Marianne O. Battani
In Re: Heater Control Panels	:	Case No. 2:12-cv-00403
In Re: Occupant Safety Systems	:	Case No. 2:12-cv-00603
In Re: Switches	:	Case No. 2:13-cv-01303
In Re: Ignition Coils	:	Case No. 2:13-cv-01403
In Re: Steering Angle Sensors	:	Case No. 2:13-cv-01603
In Re: Electric Powered Steering Assemblies	:	Case No. 2:13-cv-01903
In Re: Fuel Injection Systems	:	Case No. 2:13-cv-02203
In Re: Valve Timing Control Devices	:	Case No. 2:13-cv-02503
In Re: Air Conditioning Systems	:	Case No. 2:13-cv-02703
In Re: Automotive Constant Velocity Joint Boot Products	:	Case No. 2:14-cv-02903
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: Side-Door Latches	:	Case No. 2:17-cv-04303
THIS DOCUMENT RELATES TO:	:	
End-Payor Actions	:	

**SUPPLEMENTAL DECLARATION OF ADAM J. ZAPALA REGARDING  
LITIGATION FUND IN SUPPORT OF END-PAYOR PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES AND PAYMENT OF INCENTIVE AWARDS TO  
CLASS REPRESENTATIVES IN CONNECTION WITH THE ROUND FOUR  
SETTLEMENTS**

I, Adam J. Zapala, declare as follows:

1. I am an attorney duly licensed to practice in the State of California and I am admitted to this Court. I am a Partner with the law firm of Cotchett, Pitre & McCarthy, LLP (“CPM”) and, along with Robins Kaplan LLP and Susman Godfrey L.L.P, am Interim Co-Lead Counsel (“Class Counsel”) of record for the End-Payor Plaintiffs (“EPPs”) in *In re Automotive Parts Antitrust Litigation* (“Auto Parts”). I have personal knowledge of the facts set forth in this declaration and, if called upon, I could and would competently testify thereto. I make this Declaration pursuant to 28 U.S.C. § 1746.

2. I make this Declaration in support of EPPs’ Motion for an Award of Attorneys’ Fees and Payment of Incentive Awards to Class Representatives in Connection with the Round Four Settlements with the following Defendant Groups in the following Actions:

- a. Brose SchlieBsysteme GmbH & Co. Kommanditgesellschaft and Brose North America in *Side-Door Latches*;
- b. Corning International Kabushiki Kaisha and Corning Incorporated in *Ceramic Substrates*;
- c. Delphi Technologies PLC, and Delphi Powertrain Systems, LLC in *Ignition Coils*;
- d. Green Tokai Co., Ltd. In *Body Sealing Products*;
- e. Keihin Corporation and Keihin North America, Inc. in *Fuel Injection Systems*;
- f. KYB Corporation (f/k/a Kayaba Industry Co., Ltd.) and KYB Americas Corporation in *Shock Absorbers*;
- g. Maruyasu Industries, Co., Ltd. and Curtis-Maruyasu America, Inc. in *Fuel Injection Systems* and *Automotive Steel Tubes*;
- h. Meritor, Inc. f/k/a ArvinMeritor, Inc. in *Exhaust Systems*;
- i. Mikuni Corporation in *Fuel Ejection Systems* and *Valve Timing Control Devices*;

- j. Mitsubishi Heavy Industries, Ltd. and Mitsubishi Heavy Industries Climate Control, Inc. in *Air Conditioning Systems*;
- k. Panasonic Corporation and Panasonic Corporation of North America in *Air Conditioning Systems*;
- l. Sanoh Industrial Co., Ltd. and Sanoh America, Inc. in *Automotive Steel Tubes*;
- m. Showa Corporation and American Showa, Inc. in *Electric Powered Steering Assemblies and Shock Absorbers*;
- n. Reorganized TK Holdings Trust in *Occupant Safety Systems*;
- o. Tokai Rika, Co. Ltd. and TRAM, Inc. d/b/a Tokai Rika U.S.A. Inc. in *Heater Control Panels, Switches, Steering Angle Sensors, and Occupant Safety Systems*;
- p. Toyo Denso Co., Ltd. and Weastec, Inc. in *Ignition Coils and Power Window Switches*; and
- q. Toyoda Gosei Co., Ltd., Toyoda Gosei North America Corp., TG Missouri Corp., TG Kentucky, LLC, TG Missouri Corp., and TG Fluid Systems USA Corp. in *Occupant Safety Systems, Automotive Constant Velocity Joint Boot Products, Automotive Hoses, Body Sealing Products, Interior Trim Products, and Automotive Brake Hoses*.

3. Class Counsel have paid many of the expenses in *Auto Parts* from a litigation fund (“Litigation Fund”) that they established for the purpose of paying expenses incurred during this litigation. Class Counsel and the law firms working at their direction, contributed to the Litigation Fund. The Court also awarded EPPs a fund for the payment of future litigation expenses in the amount of \$11,250,000 on June 20, 2016. CPM is responsible for maintaining and administering the Litigation Fund in connection with the prosecution of *Auto Parts*.

4. Attached hereto as Exhibit A is a report summarizing the Litigation Fund expenses incurred and paid from May 1, 2018 through October 15, 2019.<sup>1</sup> As summarized in Exhibit A, the

---

<sup>1</sup> Co-Lead Counsel’s last accounting of the Litigation Fund to the Court detailed expenses incurred and paid from the Litigation Fund through April 30, 2018. *See e.g.*, Supplemental Declaration of

total amount of expenses paid by the Litigation Fund during this period is **\$1,116,351.67**. Exhibit A sets forth the categories of expenses that comprise this amount.

5. No reimbursement is sought for expenses paid or incurred by the Litigation Fund from May 1, 2018 through October 15, 2019 as EPPs have or will pay these expenses from the future litigation expenses fund referenced above.

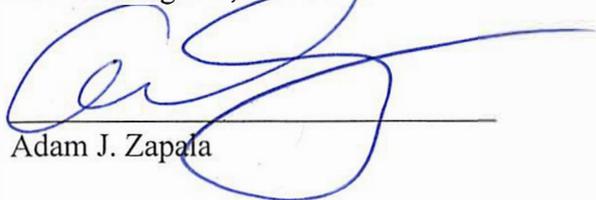
6. These common litigation expenses were reasonably and necessarily incurred in connection with the prosecution of EPPs' claims in *Auto Parts*.

7. The common litigation expenses incurred are reflected in CPM's books and records. These books and records are prepared from checks, expense vouchers, and other source materials which are regularly kept and maintained by CPM and accurately reflect the expenses incurred and the expenses paid.

8. The balance of the Litigation Fund is \$7,575,712.44 as of October 15, 2019.

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

Executed this 31st day of October 2019 in Burlingame, California.



Adam J. Zapala

---

Adam J. Zapala Regarding End-Payor Plaintiffs' Litigation Fund in Support of End-Payor Plaintiffs' Motion for an Award of Attorneys' Fees and Reimbursement of Certain Expenses in Connection with the Round 3 Settlements at ¶ 4, *Spark Plugs*, No. 2:12-cv-00103 (June 14, 2018), ECF No. 91-3.

# EXHIBIT A

**AUTO PARTS GENERAL LITIGATION FUND**

5/1/2018 through 10/15/2019

<b><u>DESCRIPTION</u></b>		<b><u>AMOUNT</u></b>
Deposition	\$	8,012.31
Document Depository (E-Discovery)	\$	96,308.37
Expert	\$	652,822.78
Hearing Transcript	\$	1,163.40
Japanese Counsel	\$	148,186.79
Non-Party Discovery	\$	2,827.50
Research	\$	56,550.00
Sp Master	\$	12,000.00
Mediation	\$	68,272.71
Translations / Interpreters	\$	69,805.97
Misc - Bank Fees, Wires, Supplies	\$	401.84
<b>TOTAL LITIGATION COSTS</b>	<b>\$</b>	<b><u><u>1,116,351.67</u></u></b>