

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

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| IN RE AUTOMOTIVE PARTS<br>ANTITRUST LITIGATION            | : | Master File No. 12-md-02311<br>Honorable Sean F. Cox                    |
| IN RE: AUTOMOTIVE HOSES CASES                             | : |   |
| THIS DOCUMENT RELATES TO:<br>ALL DIRECT PURCHASER ACTIONS | : | 2:15-cv-03201-SFC-RSW<br>2:16-cv-10001-SFC-RSW<br>2:18-cv-12711-SFC-RSW |

**SETTLEMENT CLASS COUNSEL’S REPORT ON DISSEMINATION  
OF NOTICE OF PROPOSED SETTLEMENTS WITH THE TOYODA GOSEI  
AND SUMITOMO RIKO DEFENDANTS AND CLASS MEMBERS’ RESPONSE**

Settlement Class Counsel submit the following report concerning the dissemination of notice pursuant to this Court’s Order dated October 15, 2020 (2:15-cv-003201, ECF No. 4) (the “Notice Order”), and Settlement Class members’ response to the notice program. As described more fully below, notice was mailed to 91 potential Settlement Class members and published in accordance with the Notice Order. No objections were filed to either of the proposed settlements, to the proposed plan for distribution of settlement funds, or to Settlement Class Counsel’s requests for an award of attorneys’ fees and reimbursement of litigation costs and expenses, and a service award to the Class Representative. One request for exclusion from the Toyoda Gosei Settlement Class was timely submitted; there were no requests for exclusion from the Sumitomo Riko Settlement Class. As a result of the request for exclusion from the Toyoda Gosei Settlement Class, the Toyoda Gosei Settlement Amount has been reduced to \$3,167,000.

Settlement Class Counsel respectfully submit that the complete absence of objections and the fact that there was only one opt-out request militate strongly in favor of approval of the proposed settlements, the proposed plan for distribution of settlement funds, and the requests for attorneys’ fees and litigation costs and expenses and a service award.

**I. DISSEMINATION OF NOTICE TO THE CLASSES**

Pursuant to the Court’s Notice Order, on November 6, 2020, Epiq Class Action & Claims Solutions, Inc. (“Epiq”), the Notice and Claims Administrator retained by Direct Purchaser Plaintiff, mailed 91 copies of the Notice of Proposed Settlements of Direct Purchaser Class Action with the Sumitomo Riko and Toyoda Gosei Defendants and Hearing on Final Settlement Approval and Related Matters, and Claim Form (the “Notice”) to potential Settlement Class members by first class mail, postage prepaid. Declaration of Tiffany Shroyer, Project Manager for Epiq. Exhibit 1 at ¶ 6. Epiq also re-mailed returned notices for which updated addresses were obtained. *Id.* at ¶ 7. In addition, a copy of the Notice was (and remains) posted online at [www.AutoPartsAntitrustLitigation.com/AutomotiveHoses](http://www.AutoPartsAntitrustLitigation.com/AutomotiveHoses), a website dedicated to this litigation. *Id.* at ¶ 9.

Also, in accordance with the Notice Order, the Summary Notice of Proposed Settlements of Direct Purchaser Class Action with the Sumitomo Riko and Toyoda Gosei Defendants and Hearing on Settlement Approval and Related Matters (“Summary Notice”) was published in *Automotive News* on November 16, 2020. *Id.* at ¶ 8. Additionally, an Informational Press Release was issued nationwide on November 16, 2020 via PR Newswire’s “Auto Wire,” which targets auto industry trade publications. *Id.*

Notice to the Sumitomo Riko and Toyoda Gosei Settlement Classes under Fed. R. Civ. P. 23 has, therefore, been provided as ordered by the Court.

**II. ABSENCE OF OBJECTIONS TO THE PROPOSED SETTLEMENTS, THE PROPOSED DISTRIBUTION PLAN, AND REQUESTS FOR AN AWARD OF ATTORNEYS’ FEES AND EXPENSES AND A SERVICE AWARD**

The Notice advised that any objection to the proposed settlements, the proposed plan for distribution of settlement funds, or Settlement Class Counsel’s requests for an award of attorneys’ fees and litigation costs and expenses and a service award to the Class Representative had to be filed with the Clerk

by January 6, 2021, with copies mailed to Settlement Class Counsel and to counsel for the Settling Defendants.

As of the date of the filing of this Report, no objection to either of the proposed settlements, the distribution plan, the fee and expense request or the service award request has been filed with the Court or received by Settlement Class Counsel.

### **III. REQUESTS FOR EXCLUSION**

The Notice further advised that requests for exclusion from the Sumitomo Riko and Toyoda Gosei Settlement Classes had to be mailed to Settlement Class Counsel and to counsel for the Settling Defendants, postmarked no later than January 6, 2021. As of this date, Settlement Class Counsel have received only one request for exclusion from the Toyoda Gosei Settlement Class.<sup>1</sup> As set forth in the Memorandum in Support of Direct Purchaser Plaintiff's Motion for Final Approval of Proposed Settlements with the Sumitomo Riko and Toyoda Gosei Defendants and Proposed Plan for Distribution of Settlement Funds (the "Final Approval Brief") (2:15-cv-03201, ECF No. 6), and the Notice, the \$7,555,555 Toyoda Gosei settlement was subject to reduction due to requests for exclusion. As a result of the request for exclusion, the Toyoda Gosei Settlement Amount has been reduced to \$3,167,000.

Settlement Class Counsel respectfully submit that, for the reasons set forth in the Final Approval Brief, each of the proposed settlements is fair, reasonable, and adequate under the relevant criteria, and warrants final approval.

### **IV. THE REACTION OF MEMBERS OF THE SETTLEMENT CLASSES SUPPORTS APPROVAL OF THE SETTLEMENTS, THE PROPOSED PLAN FOR DISTRIBUTION, AND THE REQUESTS FOR AN AWARD OF FEES AND EXPENSES AND A SERVICE AWARD**

The reaction of the class has been recognized repeatedly by courts within this Circuit and elsewhere as a factor in evaluating the fairness, reasonableness, and adequacy of a proposed settlement. *See, e.g.,*

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<sup>1</sup> Settlement Class Counsel received one request for exclusion from the Toyoda Gosei Settlement Class and no requests for exclusion from the Sumitomo Riko Settlement Class. Exhibit 1 at ¶ 11. The entities that requested exclusion are set forth in Exhibit 2.

*Sheick v. Auto. Component Carrier LLC*, No. 2:09-cv-14429, 2010 WL 4136958, at \*22 (E.D. Mich. Oct. 18, 2010) (“scarcity of objections – relative to the number of class members overall – indicates broad support for the settlement among Class Members.”); *In re Cardizem CD Antitrust Litig.*, 218 F.R.D. 508, 527 (E.D. Mich. 2003) (“That the overwhelming majority of class members have elected to remain in the Settlement Class, without objection, constitutes the ‘reaction of the class,’ as a whole, and demonstrates that the Settlement is ‘fair, reasonable, and adequate.’”); *In re Delphi Corp. Sec., Deriv. & “ERISA” Litig.*, 248 F.R.D. 483, 499 (E.D. Mich. 2008) (small number of opt-outs or objections is indicative of the adequacy of the settlement).

Individual notice of the proposed settlements was mailed to 91 potential Settlement Class members identified by Defendants, and a copy of the Notice was (and remains) posted on-line at [www.AutoPartsAntitrustLitigation.com/AutomotiveHoses](http://www.AutoPartsAntitrustLitigation.com/AutomotiveHoses). The Summary Notice was published in *Automotive News* on November 16, 2020, and on that same day an Informational Press Release was issued nationwide via PR Newswire’s “Auto Wire.” The low number of opt-outs and total absence of objections militates strongly in favor of approval of the proposed settlements, the proposed plan for distribution of settlement funds, and the requests for attorneys’ fees and reimbursement of litigation costs and expenses and a service award.

**V. REQUEST FOR AN AWARD OF ATTORNEYS’ FEES**

As of November 14, 2020, Settlement Class Counsel’s total lodestar, based upon historical rates, was \$1,154,706.25. Direct Purchaser Plaintiff’s Motion for an Award of Attorney’s Fees, Litigation Costs and Expenses, and a Service Award to the Class Representative, at 9 (the “Fee Brief”) (2:15-cv-3201, ECF No. 7). Since that date, Plaintiff’s Counsel have continued their efforts on behalf of the Settlement Classes by, among other things, drafting the final settlement approval submissions and overseeing the dissemination of notice to members of the Settlement Classes in accordance with the Notice Order. As a result of this continued effort, as of December 31, 2020, Plaintiff’s Counsel’s combined lodestar was \$1,211,122.50. Were the Court to award a fee of 30% of the combined Sumitomo Riko and Toyoda Gosei settlement proceeds of \$4,067,000, the multiplier on Settlement Class Counsel’s total lodestar would be approximately

1.0. This, of course, does not factor in the future time Settlement Class Counsel will be required to put into the administration of the settlement.

**VI. CONCLUSION**

Based upon the foregoing, and for the reasons set forth in Direct Purchaser Plaintiff's Final Approval Brief and Fee Brief, Direct Purchaser Plaintiff respectfully requests that the Court grant final approval of the proposed Sumitomo Riko and Toyoda Gosei settlements, the proposed plan for distribution of settlement funds, and the requests for attorneys' fees and litigation costs and expenses, and a service award to the Class Representative.

DATED: January 29, 2021

Respectfully submitted,

/s/David H. Fink

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*Interim Co-Lead Class Counsel and Settlement Class Co-Lead Counsel*

**CERTIFICATE OF SERVICE**

I hereby certify that on January 29, 2021, I electronically filed the foregoing paper with the Clerk of the court using the ECF system which will send notification of such filing to all counsel of record registered for electronic filing.

By: /s/Nathan J. Fink \_\_\_\_\_  
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# **EXHIBIT 1**

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

|  |   |   |
|--|---|---|
| In Re: AUTOMOTIVE PARTS<br>ANTITRUST LITIGATION  | : | 2:12-md-02311<br>HONORABLE SEAN F. COX                                  |
| In Re: AUTOMOTIVE HOSES CASES                    | : | 2:15-cv-03201-SFC-RSW<br>2:16-cv-10001-SFC-RSW<br>2:18-cv-12711-SFC-RSW |
| THIS RELATES TO:<br>ALL DIRECT PURCHASER ACTIONS | : |   |

**DECLARATION OF TIFFANY SHROYER RE DISSEMINATION OF NOTICE TO THE  
DIRECT PURCHASER BOSCH CLASS**

I, Tiffany Shroyer, hereby declare as follows:

1. I am a Project Manager for Epiq Class Action & Claims Solutions, Inc. ("Epiq"), the Settlement Administrator in the above-captioned case. I am familiar with the actions taken by Epiq with respect to the proposed settlements reached in this case between the Direct Purchaser Plaintiff and the Sumitomo Riko and Toyoda Gosei Defendants, as well as the corresponding Class Notice program. This declaration is based upon my personal knowledge and information provided by Defendants' counsel, Plaintiff's counsel, and employees and staff under my supervision and is accurate and truthful to the best of my knowledge.

2. Epiq was established in 1968 as a client services and data processing company. Epiq has been administering bankruptcies since 1985 and settlements since 1993, including settlements of class actions, mass tort litigations, Securities and Exchange Commission enforcement actions, Federal Trade Commission disgorgement actions, insurance disputes, bankruptcies, and other major litigation.



3. Epiq has administered more than 1,000 settlements, including some of the largest and most complex cases ever settled. Epiq's class action case administration services include: coordination of all notice requirements; design of direct-mail notices; establishment and implementation of notice fulfillment services; coordination with the United States Postal Service ("USPS"); notice website development and maintenance; dedicated telephone lines with recorded information and/or telephone agents; receipt and processing of opt-outs; claims database management; claim adjudication; funds management; and award calculations and distribution services. Epiq works with the settling parties, the Court, and the Class Members in a neutral facilitation role to implement settlement administration services based on the negotiated terms of a settlement.

#### **OVERVIEW OF EPIQ'S RESPONSIBILITIES AS THE SETTLEMENT ADMINISTRATOR**

4. Epiq's responsibilities included the following:
  - a. Printing the Court-approved Direct Purchaser Class Notice and Claim Form ("Claim Package") to be sent to putative Class Members;
  - b. Searching the National Change of Address ("NCOA") database for updated addresses, if any, for putative Class Members;
  - c. Mailing the Claim Package by USPS First-class mail to putative Class Members;
  - d. Causing the Summary Publication Notice to be placed in one edition of *Automotive News*, accompanied by an online banner ad that ran for 21 days on [www.AutoNews.com](http://www.AutoNews.com);
  - e. Issuing an informational press release via *PR Newswire*;
  - f. Maintaining a toll-free telephone number with customer service telephone agents and an option to request a call back if reached during non-business hours;
  - g. Maintaining an informational website that provides the public access to pertinent documents and settlement information.

### **CLASS NOTICE**

5. In preparation for mailing the Claim Package, Epiq received lists of potential Settlement Class members from Settlement Class Counsel. Epiq then submitted the names and addresses of those potential Class Members to cross-reference with the NCOA database for updated address information. By eliminating duplicate records and invalid mailing addresses, Epiq refined the database to include 91 names and addresses of potential Class Members.

6. On November 6, 2020, Epiq mailed the Claim Packages by first class mail, postage prepaid, to the 91 potential Class Members. A copy of the Claim Package is attached hereto as Exhibit A.

7. As of January 21, 2021, Epiq has received a total of 15 Claim Packages returned by the U.S. Postal Service as undeliverable and has re-mailed 10 Claim Packages to potential Class Members. As of January 21, 2021, there are 5 Claim Packages that remain undeliverable.

### **PUBLICATION NOTICE**

8. Epiq caused the publication of the Summary Publication Notice in one edition of *Automotive News* on November 16, 2020. Additionally, an Informational Press Release was issued via PR Newswire's "Auto Wire" on November 16, 2020. Confirmation of the publication and copies of the Summary Publication Notice as it appeared in *Automotive News*, and the Informational Notice are attached hereto as Exhibit B.

### **SETTLEMENT WEBSITE**

9. On November 6, 2020, Epiq updated portions of the public settlement website to provide Direct Purchase Class Members with information related to the proposed settlements. The domain name for the website is [www.AutoPartsAntitrustLitigation.com/AutomotiveHoses](http://www.AutoPartsAntitrustLitigation.com/AutomotiveHoses). The website provides general case information and links to important documents, including the Settlement Agreements, the Notice and Claim Form, and other documents related to the settlements.

10. As of January 21, 2021, there have been 435 views and 127 unique visitors to the settlement website.

**REQUESTS FOR EXCLUSION**

11. Class Members could request exclusion from the Settlement Classes, so long as they did so by submitting a request in writing that was postmarked by January 6, 2021. As of January 21, 2021, Epiq has received 1 request for exclusion from the Toyoda Gosei Settlement Class.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on this 21st day of January, 2021 in McMinnville, Oregon.

*Tiffany Shroyer*

\_\_\_\_\_  
Tiffany Shroyer

Project Manager, Client Services | Epiq

# EXHIBIT A

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

IN RE AUTOMOTIVE PARTS  
ANTITRUST LITIGATION

IN RE: AUTOMOTIVE HOSES CASES

THIS DOCUMENT RELATES TO:  
ALL DIRECT PURCHASER CASES

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

2:15-cv-03201-SFC-RSW  
2:16-cv-10001-SFC-RSW  
2:18-cv-12711-SFC-RSW

**NOTICE**

**NOTICE OF PROPOSED SETTLEMENTS OF DIRECT PURCHASER CLASS ACTION WITH SUMITOMO RIKO AND TOYODA GOSEI DEFENDANTS, AND HEARING ON:**

- (1) APPROVAL OF PROPOSED SETTLEMENTS;**
- (2) PLAN OF DISTRIBUTION OF THE SETTLEMENT FUND; AND**
- (3) MOTION OF SETTLEMENT CLASS COUNSEL FOR AWARD OF ATTORNEYS' FEES AND REIMBURSEMENT OF LITIGATION COSTS AND EXPENSES, AND SERVICE AWARD TO THE CLASS REPRESENTATIVE**

TO: ALL INDIVIDUALS AND ENTITIES THAT PURCHASED AUTOMOTIVE HOSES IN THE UNITED STATES DIRECTLY FROM DEFENDANTS (OR THEIR SUBSIDIARIES OR AFFILIATES) FROM FEBRUARY 1, 2004 THROUGH NOVEMBER 1, 2018.

PLEASE READ THIS NOTICE CAREFULLY. YOUR LEGAL RIGHTS MAY BE AFFECTED BY LITIGATION NOW PENDING IN THIS COURT.

**WHAT IS THE PURPOSE OF THIS NOTICE AND WHY WAS IT SENT TO ME?**

This Notice is given pursuant to Rule 23 of the Federal Rules of Civil Procedure and an Order of the United States District Court for the Eastern District of Michigan, Southern Division (the "Court"). The purpose of this Notice is to inform you of a hearing before the Court to consider:

- (1) Proposed settlements with Defendants: Sumitomo Riko Company Limited, Sumitomo Riko America, Inc.; and SumiRiko Tennessee, Inc. (collectively, the "Sumitomo Riko Defendants"); and Toyoda Gosei Co., Ltd.; Toyoda Gosei North America Corp.; and TG Missouri Corp. (collectively, the "Toyoda Gosei Defendants") (all Defendants referenced in this paragraph are collectively referred to as the "Settling Defendants");
- (2) A proposed plan of distribution of the Sumitomo Riko and Toyoda Gosei settlement proceeds to Settlement Class members and a proposed Claim Form that you may submit to share in the settlement proceeds; and
- (3) Settlement Class Counsel's motion for an award of attorneys' fees and reimbursement of litigation costs and expenses, and a service award to the Class Representative.

This Notice provides information concerning the proposed settlements, the proposed plan of distribution, and the motion for attorneys' fees and reimbursement of litigation costs and expenses, and a service award. The Notice also advises you of your rights to: participate in the settlement claims process; exclude yourself from either or both of the Settlement Classes; and object to the terms of the proposed settlements, the plan of distribution, and the requests for fees, costs and expenses, and service award to the Class Representative in connection with the Court hearing on these matters.

## **BACKGROUND**

Plaintiffs have reached settlements with the Sumitomo Riko Defendants and the Toyoda Gosei Defendants totaling \$8,455,555. Under the terms of the proposed settlements, Sumitomo Riko will pay \$900,000 (the “Sumitomo Riko Settlement Fund”) and Toyoda Gosei will pay \$7,555,555 (the “Toyoda Gosei Settlement Fund”) (the two settlement funds are collectively referred to as the “Automotive Hoses Settlement Fund”). The Court has preliminarily approved each of these settlements. As discussed below, the Toyoda Gosei Settlement Agreement is subject to reduction based upon valid requests for exclusion by members of the Toyoda Gosei Settlement Class.

This litigation, and the proposed settlements, are part of coordinated legal proceedings involving numerous parts used in motor vehicles. This litigation and the proposed settlements relate solely to Automotive Hoses purchased in the United States **directly** from a Defendant, or its subsidiaries or affiliates. The term “Automotive Hoses” refers to “low-pressure rubber hoses used in automobile engine compartments and plastic and resin tubes used in automobile engine compartments and fuel tank modules.”

These proposed settlements do not relate to, and have no effect upon, cases involving any product other than Automotive Hoses.

If you are a member of the Sumitomo Riko and Toyoda Gosei Settlement Classes (defined below), you have the rights and options summarized here:

- You may remain in either or both of the Sumitomo Riko or Toyoda Gosei Settlement Classes and be eligible to share in the proceeds of, and be bound by the terms of, those settlements in which you elect to remain;
- You may exclude yourself from either or both of the Sumitomo Riko or Toyoda Gosei Settlement Classes, in which case you will **not** be bound by any settlement from which you exclude yourself and will **not** be eligible to share in the proceeds of that settlement;<sup>1</sup>
- If you remain in either or both of the Sumitomo Riko or Toyoda Gosei Settlement Classes, you may object to that proposed settlement, to the proposed plan of distribution of the Automotive Hoses Settlement Fund, or to Settlement Class Counsel’s requests for an award of attorneys’ fees and reimbursement of litigation costs and expenses, and a service award to the Class Representative. You may also appear at the hearing where the Court will consider these matters;
- You may enter an appearance in the litigation through your own counsel at your own expense; and
- Any Settlement Class member who wishes to participate in the distribution of the Sumitomo Riko or Toyoda Gosei Settlement Funds must complete and submit a copy of the Claim Form on or before February 26, 2021.

## **WHO IS IN THE SETTLEMENT CLASSES?**

The Court has provisionally certified a Direct Purchaser Sumitomo Riko Settlement Class (the “Sumitomo Riko Settlement Class”) and a Direct Purchaser Toyoda Gosei Settlement Class (the “Toyoda Gosei Settlement Class”) for the purpose of disseminating notice of the proposed Sumitomo Riko and Toyoda Gosei settlements.

The Sumitomo Riko and Toyoda Gosei Settlement Classes are defined as follows:

All individuals and entities who purchased Automotive Hoses in the United States directly from Defendants (or their subsidiaries or affiliates) from February 1, 2004 through November 1, 2018. Excluded from the Settlement Classes are Defendants, their present and former parent companies, subsidiaries, and affiliates, federal governmental entities and instrumentalities of the federal government, and states and their subdivisions, agencies and instrumentalities.

For purposes of the Sumitomo Riko Settlement Class, the following entities are Defendants: Sumitomo Riko Company Limited; Sumitomo Riko America, Inc.; SumiRiko Tennessee, Inc.; Toyoda Gosei Co., Ltd.; Toyoda Gosei North America Corp.; and TG Missouri Corp.

<sup>1</sup> Any potential Settlement Class Member who requests exclusion from the Sumitomo Riko or Toyoda Gosei Settlement Class shall not be precluded, restricted, barred, or limited in any way from participating in any future settlements relating to other Defendants in the Action.

For purposes of the Toyoda Gosei Settlement Class, the following entities are Defendants: Toyoda Gosei Co., Ltd.; Toyoda Gosei North America Corp.; and TG Missouri Corp.

Plaintiff VITEC L.L.C. has been appointed by the Court to serve as “Class Representative” for the Sumitomo Riko and Toyoda Gosei Settlement Classes.

The Court has appointed the law firms of Freed Kanner London & Millen LLC, Kohn, Swift & Graf, P.C., Preti, Flaherty, Beliveau & Pachios LLP, and Spector Roseman & Kodroff, P.C. to serve as “Settlement Class Counsel” for the Settlement Classes.

### **WHAT IS THIS LITIGATION ABOUT?**

In January 2016 and August 2018, Plaintiff filed class action complaints against Defendants on behalf of direct purchasers of “Automotive Hoses.” Plaintiff alleges that Defendants conspired to raise, fix, maintain, and stabilize prices, rig bids, and allocate markets and customers for Automotive Hoses sold in the United States in violation of federal antitrust laws. Plaintiff further alleges that because of the conspiracy, it and other direct purchasers of Automotive Hoses were injured by paying more for those products than they would have paid in the absence of the alleged illegal conduct.

Defendants deny Plaintiff’s allegations and liability and have asserted defenses to Plaintiff’s claims. Defendants have agreed to settle this matter to avoid the expense and burden of further litigation. The Court has not issued any findings or rulings with respect to the merits of Plaintiff’s claims or Defendants’ defenses. These settlements, if approved by the Court, will fully resolve the claims asserted in this litigation.

### **WHAT RELIEF DO THE PROPOSED SETTLEMENTS PROVIDE?**

Plaintiff, on behalf of the Sumitomo Riko Settlement Class, entered into a settlement agreement with Sumitomo Riko on August 5, 2020 (the “Sumitomo Riko Settlement Agreement”), under which the Sumitomo Riko Defendants agreed to pay \$900,000.

Plaintiff, on behalf of the Toyoda Gosei Settlement Class, entered into a settlement agreement with the Toyoda Gosei Defendants on November 1, 2018 (the “Toyoda Gosei Settlement Agreement”), under which the Toyoda Gosei Defendants agreed to pay \$7,555,555. The Toyoda Gosei Settlement Agreement gives Toyoda Gosei the right to reduce the amount of the settlement to no less than \$3,167,000, based upon valid requests for exclusion by members of the Toyoda Gosei Settlement Class.

As part of their respective settlements, the Sumitomo Riko and Toyoda Gosei Defendants have each agreed to provide specified cooperation with Settlement Class Counsel in the prosecution of claims against any remaining Defendant, should the need for such cooperation arise.

This Notice is only a summary of the terms of the proposed settlements. The Sumitomo Riko and Toyoda Gosei Settlement Agreements contain other important provisions, including the release of certain claims against the Settling Defendants (and companies and people affiliated with them). For the complete terms of the settlements, you are referred to the settlement agreements, which are on file with the Clerk of Court and are available on-line at [www.AutoPartsAntitrustLitigation.com/AutomotiveHoses](http://www.AutoPartsAntitrustLitigation.com/AutomotiveHoses). The proposed settlements must receive final approval by the Court to become effective.

If you wish to object to the approval of either or both of the proposed Sumitomo Riko or Toyoda Gosei settlements, you may do so, but only in accordance with the procedures set forth below. If you do not object to either settlement, you do not need to take any action at this time to indicate your support for, or lack of objection to, that settlement.

### **HOW DO I REMAIN IN THE SETTLEMENT CLASSES AND WHAT HAPPENS IF I DO?**

If you are a member of either or both of the Sumitomo Riko or Toyoda Gosei Settlement Classes as defined above, you will automatically remain in that Settlement Class unless you elect to be excluded. If you wish to remain in a Settlement Class, you do not need to take any action at this time with respect to that Settlement Class and your interests will be represented by the Class Representative and by Settlement Class Counsel. If you remain in either or both of the Sumitomo Riko or Toyoda Gosei Settlement Classes and the proposed settlement with that Defendant is approved and becomes effective, you will be bound by its terms, including the release provisions, whether or not you receive a share of the settlement proceeds attributable to that settlement.

You will have no responsibility to individually pay attorneys' fees or expenses. Any such fees and expenses will be paid solely from amounts obtained from the Defendants, whether by settlement or judgment, and must be approved by the Court after notice to you and a hearing. If you choose, you may also have your own attorney enter an appearance on your behalf and at your expense.

**HOW WILL THE SETTLEMENT FUNDS BE DISTRIBUTED?**

The Automotive Hoses Settlement Fund, with accrued interest, less any amounts approved by the Court for payment of attorneys' fees, litigation and settlement administration costs and expenses, and a service award to the Class Representative (the "Net Automotive Hoses Settlement Fund"), will be distributed among the members of the Settlement Classes who complete and timely submit a copy of the Claim Form that is included with this Notice, **postmarked on or before February 26, 2021.**

The Net Automotive Hoses Settlement Fund will be distributed *pro rata* to all Claimants based upon their **direct** purchases in the United States from Defendants during the applicable Class Period. The distribution will take place as soon as practicable after review, determination, and audit of the Claim Forms by the Settlement Administrator and approval by the Court of the Settlement Administrator's recommendations as to the amounts to be paid to the Claimants.

**Do not dispose of any document that reflects your purchases of Automotive Hoses in the United States directly from any Defendant (or its subsidiaries or affiliates) during the period from February 1, 2004 through November 1, 2018. You may need those documents to complete and substantiate your Claim Form, which will be subject to inquiry and verification.**

**WHAT IF I DO NOT WANT TO REMAIN IN ONE OR MORE OF THE SETTLEMENT CLASSES?**

You may exclude yourself from either or both of the Sumitomo Riko or Toyota Gosei Settlement Classes. If you wish to exclude yourself from either or both of the Settlement Classes, you must send a request for exclusion, in writing, by certified mail, return receipt requested, **postmarked no later than January 6, 2021**, to Settlement Class Counsel, and to counsel for the Settling Defendants, at the addresses set forth below, and to the following address:

Automotive Hoses Direct Purchaser Antitrust Litigation  
P.O. Box 6659  
Portland, OR 97228-6659

Your request for exclusion must identify the Settlement Class or Classes from which you are seeking exclusion and must include the full name and address of the purchaser (including any predecessor or successor entities and any trade names). You are also requested to identify the Defendant(s) (or subsidiary or affiliate) from which you purchased Automotive Hoses during the Class Period for the Settlement Class from which you seek exclusion, the Automotive Hoses purchased during the Class Period, and the dollar amount of your purchases. If you validly exclude yourself from either or both of the Settlement Classes, you will not be bound by any decision concerning the Settlement Class or Classes from which you exclude yourself, and you may pursue individually any claims you may have against that Defendant (at your own expense), but you will not be eligible to share in the settlement proceeds attributable to that Defendant.

**REQUEST FOR ATTORNEYS' FEES AND EXPENSES, AND SERVICE AWARD**

Settlement Class Counsel, together with other law firms that have worked on this litigation, will file a petition for an award of attorneys' fees and reimbursement of their costs and expenses in prosecuting the case. The request of Settlement Class Counsel for attorneys' fees will not exceed 30 percent (30%) of the Automotive Hoses Settlement Fund.

Settlement Class Counsel will also request a service award to Plaintiff VITEC L.L.C., which was appointed by the Court to serve as Class Representative for the Settlement Classes, in the amount of \$25,000.

The application for attorneys' fees and litigation costs and expenses and a service award will be filed on or before December 7, 2020. After that date, the petition for attorneys' fees will be available for your review on the settlement website at [www.AutoPartsAntitrustLitigation.com/AutomotiveHoses](http://www.AutoPartsAntitrustLitigation.com/AutomotiveHoses). If you remain a member of either of the Settlement Classes and you wish to object to the requests for fees and expenses or the service award, you must do so in writing in accordance with the procedures for objections set forth below. If you do not oppose any of these requests, you do not need to take any action in that regard.



**WHEN WILL THE COURT CONSIDER THESE MATTERS AND HOW CAN I TELL THE COURT WHAT I THINK ABOUT THE SETTLEMENTS?**

The Court will hold a hearing on February 11, 2021, at 2:00 p.m., at the Theodore Levin United States Courthouse, 231 West Lafayette Boulevard, Detroit, MI 48226, Courtroom 817 (or such other courtroom as may be assigned for the hearing), to determine whether to approve: the proposed Sumitomo Riko and Toyoda Gosei settlements; the proposed plan of distribution of the Automotive Hoses Settlement Fund; and Settlement Class Counsel's requests for an award of attorneys' fees and reimbursement of litigation costs and expenses, and a service award to the Class Representative. If the Court believes that it is appropriate, the hearing may be conducted remotely by telephone or other electronic means. If the Court determines to hold the hearing remotely, Settlement Class Counsel shall post that information on the website devoted to the direct purchaser litigation ([www.AutoPartsAntitrustLitigation.com/AutomotiveHoses](http://www.AutoPartsAntitrustLitigation.com/AutomotiveHoses)) and provide any Settlement Class member that has informed the Court that it intends to participate at the hearing the information required to do so remotely. The Fairness Hearing may be rescheduled, continued or adjourned, and the courtroom assigned for the hearing may be changed, without further notice to you.

If you remain a member of either or both of the Sumitomo Riko or Toyoda Gosei Settlement Classes and you wish to object to either proposed settlement, or to the proposed plan of distribution of the Automotive Hoses Settlement Fund, or to Settlement Class Counsel's requests for an award of attorneys' fees and reimbursement of litigation costs and expenses, and a service award to the Class Representative, you must do so in writing and at your own expense. Any such objection must include the caption of this litigation, specify which settlement(s) are being objected to, must be signed, and must be **filed no later than January 6, 2021**, with the Clerk of Court, United States District Court for the Eastern District of Michigan, Southern Division, Theodore Levin United States Courthouse, 231 West Lafayette Boulevard, Detroit, MI 48226, and mailed to the following counsel, **postmarked no later than January 6, 2021**:

Steven A. Kanner  
FREED KANNER LONDON  
& MILLEN LLC  
2201 Waukegan Road, Suite 130  
Bannockburn, IL 60015  
Telephone: (224) 632-4500

Joseph C. Kohn  
KOHN, SWIFT & GRAF, P.C.  
1600 Market Street, Suite 2500  
Philadelphia, PA 19103  
Telephone: (215) 238-1700

Gregory P. Hansel  
PRETI, FLAHERTY, BELIVEAU  
& PACHIOS LLP  
One City Center, P.O. Box 9546  
Portland, ME 04112-9546  
Telephone: (207) 791-3000

Eugene A. Spector  
SPECTOR ROSEMAN & KODROFF, P.C.  
Two Commerce Square  
2001 Market Street, Suite 3420  
Philadelphia, PA 19103  
Telephone: (215) 496-0300

*Counsel for the Direct Purchaser Settlement Classes*

J. Clayton Everett, Jr.  
MORGAN, LEWIS & BOCKIUS LLP  
1111 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004-2541  
Telephone: (202) 739-3000

*Counsel for the Sumitomo Riko Defendants*

John Taladay  
BAKER BOTTS L.L.P.  
700 K Street, N.W.  
Washington, D.C. 20001  
Telephone: (202) 639-7700

*Counsel for the Toyoda Gosei Defendants*

If you do not object to either of the proposed settlements, or to the related matters set forth above, you do not need to appear at the hearing or take any other action at this time. **You must, however, complete and timely submit a Claim Form if you wish to share in the distribution of the Automotive Hoses Settlement Fund.**

**WHAT SHOULD I DO IF I WANT ADDITIONAL INFORMATION OR IF MY ADDRESS CHANGES?**

If this Notice reached you at an address other than the one on the mailing label, or if your address changes, please send your correct address to: Automotive Hoses Direct Purchaser Antitrust Litigation, P.O. Box 6659 Portland, OR 97228-6659.

The Settlement Agreements, Complaints, and other public documents filed in this litigation are available for review during normal business hours at the offices of the Clerk of Court, United States District Court for the Eastern District of Michigan, Southern Division, Theodore Levin United States Courthouse, 231 West Lafayette Boulevard, Detroit, MI 48226, and through the Court's Public Access to Court Electronic Records (PACER) system after registration and payment of a modest fee. Copies of the Settlement Agreements and certain other documents relevant to this litigation are available at [www.AutoPartsAntitrustLitigation.com/AutomotiveHoses](http://www.AutoPartsAntitrustLitigation.com/AutomotiveHoses). Questions concerning the proposed Sumitomo Riko and Toyoda Gosei settlements, this Notice, or the litigation may be directed to any of the Settlement Class Counsel identified above.

**Please do not contact the Clerk of the Court or the Judge.**

Dated: November 6, 2020

BY ORDER OF:

The United States District Court for the Eastern District  
of Michigan, Southern Division

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

IN RE AUTOMOTIVE PARTS  
ANTITRUST LITIGATION

IN RE: AUTOMOTIVE HOSES CASES

THIS DOCUMENT RELATES TO:  
ALL DIRECT PURCHASER CASES

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

2:15-cv-03201-SFC-RSW  
2:16-cv-10001-SFC-RSW  
2:18-cv-12711-SFC-RSW

**IMPORTANT NOTICE TO PURCHASERS OF AUTOMOTIVE HOSES  
PLEASE READ THIS ENTIRE DOCUMENT CAREFULLY**

**YOU MUST COMPLETE AND SUBMIT A CLAIM FORM, POSTMARKED ON  
OR BEFORE FEBRUARY 26, 2021, TO BE ELIGIBLE TO SHARE IN THE DISTRIBUTION  
OF THE PROCEEDS OF SETTLEMENTS WITH THE SUMITOMO RIKO  
AND TOYODA GOSEI DEFENDANTS**

**INSTRUCTIONS FOR COMPLETING A CLAIM FORM**

If you are a **direct** purchaser of Automotive Hoses (and you have remained in either or both of the Sumitomo Riko or Toyoda Gosei Settlement Classes), you may be entitled to share in the distribution of the proceeds of settlements with those Defendants (the "Settlement Fund"). To receive your share of the Settlement Fund, you or a person you have authorized to act on your behalf must submit a timely and valid Claim Form in accordance with the instructions set forth herein.

Please note that if you have chosen to be excluded from either or both of the Sumitomo Riko or Toyoda Gosei Settlement Classes you may not participate in the distribution of the settlement funds attributable to the Settlement Class from which you have been excluded.

Any potential Settlement Class Member who requests exclusion from the Sumitomo Riko or Toyoda Gosei Settlement Class shall not be precluded, restricted, barred or limited in any way from participating in any future settlements relating to other Defendants in the Action.

**Eligibility:** You are eligible to submit a claim seeking to share in the distribution of the Settlement Fund if, during the period from February 1, 2004 through November 1, 2018 (the "Class Period"), you purchased Automotive Hoses in the United States **directly** from one or more of the following companies (or their subsidiaries or affiliates): (1) Sumitomo Riko Company Limited; (2) Sumitomo Riko America, Inc.; (3) SumiRiko Tennessee, Inc.; (4) Toyoda Gosei Co., Ltd.; (5) Toyoda Gosei North America Corp.; and (6) TG Missouri Corp.

The term "Automotive Hoses" refers to "low-pressure rubber hoses used in automobile engine compartments and plastic and resin tubes used in automobile engine compartments and fuel tank modules."

**Submission of Claim:** Each Claim Form must be signed and verified by the claimant or a person authorized to act on behalf of the claimant, and must be **postmarked no later than February 26, 2021**. Claim Forms should be addressed to:

Settlement Administrator  
Automotive Hoses Direct Purchaser Antitrust Litigation  
PO Box 6659  
Portland, OR 97228-6659

Do **not** send your Claim Form to the Court or to any of the parties or their counsel. If you receive multiple copies of the Claim Form, complete only one Claim Form covering all of your qualifying purchases. Do not submit more than one claim, and do not submit duplicate claims.

Please note that it will take a significant amount of time to process accurately all of the Claim Forms and to administer the Settlement Fund. This work will be completed as promptly as time permits, given the need to review each Claim Form. Thank you for your patience.

**Photocopies of Form:** A claim may be submitted using a photocopy of the Claim Form. Other forms, or altered versions of the Claim Form, will not be accepted. Additional copies of the Claim Form may be requested from the Settlement Administrator or obtained at the settlement website [www.AutoPartsAntitrustLitigation.com/AutomotiveHoses](http://www.AutoPartsAntitrustLitigation.com/AutomotiveHoses).

**Completion and Support of Claim:** Please type or neatly print all requested information. Failure to complete all parts of the Claim Form may result in denial of the claim, delay its processing, or otherwise adversely affect the claim. All information submitted in a Claim Form is subject to further inquiry and verification. The Settlement Administrator may ask you to provide supporting information. Failure to provide requested information also might delay, adversely affect, or result in denial of the claim.

The Claim Form asks for certain information relating to your purchases of Automotive Hoses, a description of available documentation that supports your claimed purchases, and summary totals of your purchases from each Defendant and for each year during the class period.

**ONLY INCLUDE IN YOUR CLAIM FORM PURCHASES OF AUTOMOTIVE HOSES  
IN THE UNITED STATES *DIRECTLY* FROM ONE OR MORE OF THE COMPANIES  
LISTED ABOVE UNDER THE “ELIGIBILITY” HEADING DURING THE PERIOD  
FROM FEBRUARY 1, 2004 THROUGH NOVEMBER 1, 2018.**

**INDIRECT PURCHASES ARE NOT ELIGIBLE.**

**Schedule of Purchases: General Worksheet:** Please fill out the Schedule of Purchases: General Worksheet with the company names, the quantity of products purchased, and purchase totals for each year of the Class Period (February 1, 2004 through November 1, 2018) in which you directly purchased Automotive Hoses in the United States from any of Defendants, which are specifically identified in the “Eligibility” portion of this form, above. If you have questions regarding the completion of the Schedule of Purchases, please contact the Settlement Administrator via email at [info@AutoPartsAntitrustLitigation-Hoses.com](mailto:info@AutoPartsAntitrustLitigation-Hoses.com), or by calling 1-877-432-3814.

**Claims of Separate Entities:** Each corporation, trust, or other business entity making a claim must submit its claim on a separate Claim Form.

**Taxpayer Identification Number:** A Claim Form is not complete without the federal taxpayer identification number of the claimant.

**Keep a copy:** You should keep a copy of your completed Claim Form for your records. You should also retain all of your documents and records relating to **direct** purchases of Automotive Hoses in the United States from any of the listed companies during the period from February 1, 2004 through November 1, 2018. As part of the claims administration process, you may be required to verify certain information about your Automotive Hoses purchases such as the quantity of product(s) purchased, the type of products purchased, the dollar amount(s), the date(s) of the purchases, and the company(ies) from which you **directly** purchased the Automotive Hoses. You may be asked to submit purchase records to verify your claim.

**Confirmation of Receipt of Claim:** The receipt of Claim Forms will **not** be confirmed or acknowledged automatically by the Settlement Administrator. If you wish to have confirmation that your Claim Form has been received, send it by certified mail, return receipt requested.

**Assistance:** If you have any questions concerning this Claim Form or need additional copies, contact the Settlement Administrator at: Automotive Hoses Direct Purchaser Antitrust Litigation, PO Box 6659, Portland, OR 97228-6659, via email at [info@AutoPartsAntitrustLitigation-Hoses.com](mailto:info@AutoPartsAntitrustLitigation-Hoses.com), or by calling 1-877-432-3814. You may also contact your own attorney or other person to assist you, at your own expense.

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**NOTICE REGARDING SOLICITATIONS FROM CLAIMS ASSISTANCE COMPANIES: THERE ARE COMPANIES THAT CONTACT CLASS MEMBERS TO OFFER ASSISTANCE IN FILING A CLAIM IN EXCHANGE FOR A PORTION OF ANY SETTLEMENT FUNDS THE CLASS MEMBER MAY RECOVER. THESE COMPANIES ARE NOT AFFILIATED WITH PLAINTIFF OR DEFENDANTS OR THEIR COUNSEL, AND YOU DO NOT NEED TO USE THEM TO FILE A CLAIM.**





When records are not available, you may submit purchase information based on estimates. Estimates can be based on extrapolation from similar circumstances in analogous contexts in the same year (for which you have documentation); or extrapolation from the same or nearly the same circumstances, but in other years (for which you have documentation); or from reports of actual or estimated vehicle production and your records or estimates of the value of Automotive Hoses content per vehicle. For example, if you have no records allowing you to calculate your purchases in 2004, you may calculate those purchases by using available records dated as close to that year as possible (e.g., 2003 or 2005), adjusting for appropriate volume differences and any inflationary unit costs.

**Please note that your claim is subject to audit by the Settlement Administrator and you may, at a later time, be required to provide copies of some or all of the underlying documentation supporting your claim. If you submit your purchase information based on estimates, or sales data and trends, you may be required to explain how you calculated the estimated purchases, and you may be required to provide the documents you used as a basis for your estimates. Accordingly, you should retain your documentation until this litigation has been concluded and the claims review process has been completed.**

Here, provide a brief description of the documents (e.g., invoices, purchase journals, accounts payable journals, etc.) or estimation methods used to calculate your claimed purchases:

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**FAILURE TO COMPLY WITH THE ABOVE INSTRUCTIONS REGARDING PURCHASES MAY RESULT IN A DELAY IN PROCESSING YOUR CLAIM.**

**V. EXCLUSION FROM SETTLEMENT CLASS**

Identify the Settlement Class(es), if any, **from which you excluded yourself**. If you have not excluded yourself from any of the Settlement Classes, mark "None" and proceed to Section VI:

Sumitomo Riko     Toyoda Gosei     None

**Please note, this does not constitute a formal request for exclusion. In order to formally request exclusion, if you have not already done so, please refer to the instructions provided in the Notice of Proposed Settlements with the Sumitomo Riko and Toyoda Gosei Defendants.**



**VI. SUBSTITUTE FORM W-9 AND CERTIFICATION**

Each claimant must provide the following tax information, required by the IRS. If the correct information is not provided, a portion of any payment that the claimant may be entitled to receive from the Settlement Fund may be withheld for tax purposes.

Claimant’s federal taxpayer identification number is:

|   |    |   |   |   |  |  |  |  |  |  |  |   |  |  |   |  |   |  |  |  |  |
|---|----|---|---|---|--|--|--|--|--|--|--|---|--|--|---|--|---|--|--|--|--|
| Employer Identification Number<br>(for corporations, trusts, etc.)  | OR | Social Security Number<br>(for individuals) |   |   |  |  |  |  |  |  |  |   |  |  |   |  |   |  |  |  |  |
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Business Name **OR** Name of taxpayer whose identification number is written above:

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I certify that the above federal taxpayer identification number is correct, that the taxpayer is **NOT** subject to backup withholding under the provisions of Section 3406(a)(1)(C) of the Internal Revenue Code, that the taxpayer is a U.S. person or entity, and that the taxpayer is exempt from FATCA reporting.

NOTE: If you have been notified by the I.R.S. that you are subject to backup withholding, please strike out the word “**NOT**” in the previous sentence. Instructions regarding IRS Form W-9 are available at the Internal Revenue Service website at <http://www.irs.gov>.

**THE INTERNAL REVENUE SERVICE DOES NOT REQUIRE YOUR CONSENT TO ANY PROVISION OF THIS DOCUMENT OTHER THAN THE CERTIFICATIONS REQUIRED TO AVOID BACKUP WITHHOLDING.**

I, \_\_\_\_\_, declare under penalty of perjury that the information contained in this Claim Form is true and correct to the best of my knowledge and belief, that I am authorized to sign and submit this claim on behalf of the claimant, that the specific purchases of Automotive Hoses listed were made by the claimant **directly** from the companies listed, that the claimant is a member of either or both of the Sumitomo Riko and Toyoda Gosei Classes and has not requested exclusion from all of those Settlement Classes, that this claim is the only claim being submitted by the claimant, that the claimant does not know of any other claim being submitted for the same purchases, that the claimant has not transferred or assigned its claims, and that I have read the accompanying Instructions and the Notice of Proposed Settlements with the Sumitomo Riko and Toyoda Gosei Defendants. Claimant submits to the exclusive jurisdiction of the United States District Court for the Eastern District of Michigan for the purpose of investigation or discovery (if necessary) with respect to this claim and any proceeding or dispute arising out of or relating to this claim. The filing of a false claim is a violation of the criminal laws of the United States and may subject the violator to criminal penalties.

Date: 

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| MM |  |   | DD |  |   | YYYY |  |  |  |

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Signature

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Printed Name

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Title of position (If claimant is not an individual)

**SCHEDULE OF PURCHASES: GENERAL WORKSHEET**

Please fill out the charts on both sides (front and back) of the Schedule of Purchases: General Worksheet, listing the quantity of products purchased and purchase totals for each Defendant (including their subsidiaries or affiliates) and year of the Class Period (February 1, 2004 through November 1, 2018) in which you directly purchased Automotive Hoses in the United States. If you have questions regarding the completion of the Schedule of Purchases, please contact the Settlement Administrator via email at [info@AutoPartsAntitrustLitigation-Hoses.com](mailto:info@AutoPartsAntitrustLitigation-Hoses.com), or by calling 1-877-432-3814.

| Year Purchased  | Sumitomo Riko Defendants <sup>1</sup> |                  | Toyoda Gosei Defendants <sup>2</sup> |                  |
|-----------------|---------------------------------------|------------------|--------------------------------------|------------------|
|                 | Est. Quantity of Products Purchased   | Amount Purchased | Est. Quantity of Products Purchased  | Amount Purchased |
| 2/1/04-12/31/04 |                                       | (\$)             |                                      | (\$)             |
| 2005            |                                       | (\$)             |                                      | (\$)             |
| 2006            |                                       | (\$)             |                                      | (\$)             |
| 2007            |                                       | (\$)             |                                      | (\$)             |
| 2008            |                                       | (\$)             |                                      | (\$)             |
| 2009            |                                       | (\$)             |                                      | (\$)             |

List the quantity of products purchased and dollar amount of **direct purchases** of Automotive Hoses from each of the Defendants for each year during the Class Period. The purchase amounts must be the net amounts paid after deducting any discounts, rebates, taxes, delivery and freight charges. **INDIRECT PURCHASES ARE NOT ELIGIBLE.**

<sup>1</sup> Sumitomo Riko Company Limited, Sumitomo Riko America, Inc., and SumiRiko Tennessee, Inc.

<sup>2</sup> Toyoda Gosei Co., Ltd., Toyoda Gosei North America Corp., and TG Missouri Corp.

| Year Purchased (cont.)                   | Sumitomo Riko Defendants            |                  | Toyoda Gosei Defendants             |                  |
|--|-------------------------------------|------------------|-------------------------------------|------------------|
|  | Est. Quantity of Products Purchased | Amount Purchased | Est. Quantity of Products Purchased | Amount Purchased |
| 2010                                     |                                     | (\$)             |                                     | (\$)             |
| 2011                                     |                                     | (\$)             |                                     | (\$)             |
| 2012                                     |                                     | (\$)             |                                     | (\$)             |
| 2013                                     |                                     | (\$)             |                                     | (\$)             |
| 2014                                     |                                     | (\$)             |                                     | (\$)             |
| 2015                                     |                                     | (\$)             |                                     | (\$)             |
| 2016                                     |                                     | (\$)             |                                     | (\$)             |
| 2017                                     |                                     | (\$)             |                                     | (\$)             |
| 1/1/18-11/1/18                           |                                     | (\$)             |                                     | (\$)             |
| <b>TOTAL AMOUNT PURCHASED (Required)</b> |                                     | (\$)             |                                     | (\$)             |

# EXHIBIT B

## CONFIRMATION OF PUBLICATION

IN THE MATTER OF: *Auto Parts – Hoses*

I, Kathleen Komraus, hereby certify that

- (a) I am the Media & Design Manager at Epiq Class Action & Claims Solutions, a noticing administrator, and;
- (b) The Notice of which the annexed is a copy was published in the following publications on the following date:

*11.16.2020 – Automotive News*

*11.16.2020 – PR Newswire's Auto Wire*

X *Kathleen Komraus*  
\_\_\_\_\_

(Signature)

Media & Design Manager  
\_\_\_\_\_

(Title)

# Automotive News

NOVEMBER 16, 2020

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\$169/YEAR; \$6/COPY



Unifor President Jerry Dias, center, rallied the government of Prime Minister Justin Trudeau, right, to jump-start electric vehicle assembly in the country. Jim Farley got involved even before he was named Ford's CEO.

AUTOMOTIVE NEWS ILLUSTRATION

## MAKING THE CALL

Oakville's path from possible closure to first EV plant in Canada

**John Irwin**  
jirwin@crain.com

Shortly before contract talks were to begin with Ford Motor Co. this year, Unifor President Jerry Dias got some disturbing news: The automaker's last Canadian assembly plant reportedly would not build a third generation of the Edge crossover and could close by 2023.

Dias made a flurry of phone calls to Ford executives in Canada and the U.S.

**"This is exactly the kind of investment we've been looking for for years."**

Vic Fedeli, Ontario's minister of economic development, job creation and trade

who did not deny the reports in *Automotive News* and other outlets. He then called Canada's economic development minister, Navdeep Bains.

"Get on the phone and call all three of

the Detroit 3 and say that you've got the money to invest" in new product, Dias told Bains.

It was a critical moment in a series of unlikely events spanning months of pandemic-fueled turmoil for the auto

see **CANADA**, Page 24

**Bains: "When it comes to green ... we're ready."**



Slaven: Dealers know best how to use funds

## Mercedes to put more ad dollars in dealer hands

Tier 2 marketing program coming to end in January

**Urvaksh Karkaria**  
ukarkaria@crain.com

Mercedes-Benz is giving its U.S. retailers greater control over how they manage regional marketing funds and how they execute their digital sales efforts.

The luxury automaker will jettison its Tier 2 marketing program next year, unwinding established industry advertising practices to instead let dealers spend as they see fit.

The move marks a bold step by Mercedes-Benz USA's marketing chief, Drew Slaven, who is filling in as the automaker's interim CEO until the end of the year. The plan also signals that the U.S. industry's long-standing practices on second-tier marketing funds are facing some disruption.

Tier 2 marketing refers to regional dealer association programs that straddle the line between factory-funded national advertising and dealer-funded local advertising. Its purpose is to generate greater brand consideration among regional customers and drive foot traffic to area dealerships.

Mercedes is now breaking with tradition. Starting in January, Mercedes will pass along about half of its designated Tier 2 funding to dealers to invest individually in ways they feel best benefit their dealerships. The rest will be

**Daily Drive:** Drew Slaven and dealer Jeff Swickard discuss Mercedes' new approach to advertising at [autonews.com/slavenpodcast](http://autonews.com/slavenpodcast)

see **MERCEDES**, Page 25



Barra: "A real opportunity to improve"

## Thinner lots amid crises a plus for GM, dealers

'Turn it, sell it' approach boosts margins, profit

**Hannah Lutz**  
hlutz@crain.com

DETROIT — General Motors has spent the past year playing catch-up on production, hamstrung by the 40-day UAW strike last fall and the industry's two-month coronavirus shutdown in the spring. But

tight inventories have come with silver linings: high dealer margins as customers pay closer to sticker price, reduced carrying costs and a record profit in North America for GM last quarter.

It still has more ground to make up, but long term, GM doesn't plan to replenish

supplies to the level that dealers had long been accustomed to having on their lots.

"This has really taught us how we can — if we have the right products — turn it, sell it and actually be profitable selling new vehicles again," said Charlie Gilchrist, president of Gilchrist Automotive in Texas. "It's almost a blessing in disguise for us."

Dealers don't miss the days of vehicles

sitting on their lots for months, though they still are desperate for more pickups, SUVs and other highly profitable, fast-turning vehicles.

GM doesn't anticipate returning to its pre-pandemic inventory of around 800,000 vehicles. Even the scenario it laid out in late

see **GM**, Page 25



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Online Training  
Live Webinars  
Video Recording & Review

# GM hiring 3,000 to speed EV development

Hannah Lutz  
hlutz@crain.com

DETROIT — General Motors plans to add 3,000 jobs to accelerate electric vehicle production and enhance vehicle software.

The new employees, expected to be hired by the first quarter of next year, will help GM stick to the standard set by the GMC Hummer electric pickup, which was developed in 18 months.

"We really want to advance the entire EV portfolio, and that's where we need the extra

horsepower of having 3,000 additional software engineers," Ken Morris, vice president of autonomous and EV programs, told reporters. "We've figured out how to do this very quickly, and that's just going to help us move faster."

The roles will be in engineering, design and information technology, and many of the positions can be remote.

"As we evolve and grow our software expertise and services, it's important that we continue to recruit and add diverse talent," GM President Mark Reuss said in a statement.

"This will clearly show that we're committed to further developing the software we need to lead in EVs, enhance the customer experience and become a software expertise-driven work force."

New software jobs will help advance GM's vehicle intelligence platform, which supports active safety, infotainment, connectivity, over-the-air updates and the Super Cruise driver-assist system. GM also will invest in OnStar Guardian, which allows OnStar members to access safety services from their phones.

Since March, the automaker has pulled ahead two major EV programs "because we are doing things virtually more effectively than we ever have," Morris said.

GM is more confident in workers' ability to make progress remotely after many employees have worked off-site throughout the coronavirus pandemic. Location won't be a deterrent for the new hires.

"We can get the absolute best people, and if they want to live where they currently live, they can do that," Morris said. **AN**

## LEGAL NOTICE

### IF YOU PURCHASED AUTOMOTIVE HOSES IN THE UNITED STATES DIRECTLY FROM ANY OF THE ENTITIES IDENTIFIED BELOW FROM FEBRUARY 1, 2004 THROUGH NOVEMBER 1, 2018, YOUR LEGAL RIGHTS MAY BE AFFECTED BY PROPOSED SETTLEMENTS WITH THE SUMITOMO RIKO AND TOYODA GOSEI DEFENDANTS

Proposed settlements totaling approximately \$8.45 million have been reached in *In re Automotive Parts Antitrust Litigation*, Master File No.12-md-02311, 2:15-cv-03201 (E.D. Mich.), 2:16-cv-10001 (E.D. Mich.), and 2:18-cv-12711 (E.D. Mich.), with the Sumitomo Riko and Toyoda Gosei Defendants (collectively, the "Settling Defendants").

**What is the lawsuit about?** This class action is part of coordinated legal proceedings involving Automotive Hoses purchased in the United States directly from a Defendant (as defined below). These proceedings do not relate to, and have no effect upon, cases involving any other product.

The term "Automotive Hoses" refers to "low-pressure rubber hoses used in automobile engine compartments and plastic and resin tubes used in automobile engine compartments and fuel tank modules."

Direct Purchaser Plaintiff alleges that Defendants conspired to raise, fix, maintain, and stabilize prices, rig bids, and allocate markets and customers for Automotive Hoses sold in the United States in violation of federal antitrust laws. Plaintiff further claims that because of the alleged conspiracy, it and other direct purchasers of Automotive Hoses were injured by paying more for those products than they would have paid in the absence of the alleged illegal conduct.

Plaintiff has reached settlements with the Sumitomo Riko and Toyoda Gosei Defendants totaling \$8,455,555. Under the terms of the proposed settlements, Sumitomo Riko will pay \$900,000, and Toyoda Gosei will pay \$7,555,555 (the two settlement funds are collectively referred to as the "Automotive Hoses Settlement Fund").

**Who is included?** The Court has preliminarily approved the proposed settlements and has provisionally certified the Sumitomo Riko and Toyoda Gosei Settlement Classes. You are a member of either or both of these Settlement Classes if you purchased Automotive Hoses in the United States directly from any of the following entities (or their subsidiaries or affiliates) during the period from February 1, 2004 through November 1, 2018: Sumitomo Riko Company Limited; Sumitomo Riko America, Inc.; SumiRiko Tennessee, Inc.; Toyoda Gosei Co., Ltd.; Toyoda Gosei North America Corp.; and TG Missouri Corp.

Plaintiff VITEC L.L.C. has been appointed by the Court to serve as "Class Representative" for the Sumitomo Riko and Toyoda Gosei Settlement Classes. The Court has appointed the law firms of Freed Kanner London & Millen LLC, Kohn, Swift & Graf, P.C., Preti, Flaherty, Beliveau & Pachios LLP, and Spector Roseman & Kodroff, P.C. to serve as "Co-Lead Settlement Class Counsel" for the Settlement Classes.

A Notice of Proposed Settlements and Claim Form (the "Notice") was mailed to potential Sumitomo Riko and Toyoda Gosei Settlement Class members on or about November 6, 2020. The Notice describes the litigation and options available to Settlement Class members with respect to the Sumitomo Riko and Toyoda Gosei settlements in more detail. If you did not receive the Notice, you may obtain a copy on the internet at [www.AutoPartsAntitrustLitigation.com/AutomotiveHoses](http://www.AutoPartsAntitrustLitigation.com/AutomotiveHoses), or by calling or writing to any of the following Co-Lead Settlement Class Counsel:

Gregory P. Hansel  
PRETI, FLAHERTY, BELIVEAU & PACHIOS LLP  
One City Center, P.O. Box 9546  
Portland, ME 04112-9546  
Telephone: (207) 791-3000

Joseph C. Kohn  
KOHNS, SWIFT & GRAF, P.C.  
1600 Market Street, Suite 2500  
Philadelphia, PA 19103  
Telephone: (215) 238-1700

Steven A. Kanner  
FREED KANNER LONDON & MILLEN LLC  
2201 Waukegan Road, Suite 130  
Bannockburn, IL 60015  
Telephone: (224) 632-4500

Eugene A. Spector  
SPECTOR ROSEMAN & KODROFF, P.C.

Two Commerce Square  
2001 Market Street, Suite 3420  
Philadelphia, PA 19103  
Telephone: (215) 496-0300

**What do the settlements provide?** The Sumitomo Riko and Toyoda Gosei Defendants have agreed to pay a total of \$8,455,555 to settle the Class Members' claims against them. As described in more detail in the Notice, the Toyoda Gosei Settlement Agreement is subject to reduction based upon requests for exclusion by members of the Toyoda Gosei Settlement Class. As part of their respective settlements, the Sumitomo Riko and Toyoda Gosei Defendants have each agreed to provide specified cooperation with Settlement Class Counsel in the prosecution of claims against any remaining Defendant, should the need for such cooperation arise.

**Your rights may be affected.** If you are a member of the Sumitomo Riko or Toyoda Gosei Settlement Class (or both of them) you will automatically remain a member of that Settlement Class unless you elect to be excluded. If you wish to remain in a Settlement Class, you do not need to take any action at this time, and your interests will be represented by the Class Representative and by Settlement Class Counsel. **To share in the proceeds of either or both of the Sumitomo Riko or Toyoda Gosei settlements, however, you must complete and timely submit a copy of the Claim Form that was mailed to potential Settlement Class members along with the Notice, postmarked on or before February 26, 2021.**

If you wish to exclude yourself from either the Sumitomo Riko or Toyoda Gosei Settlement Class (or both of them), you must send a request for exclusion, in writing, by certified mail, return receipt requested, **postmarked no later than January 6, 2021**, in accordance with the procedures set forth in the Notice. If you validly exclude yourself from the Sumitomo Riko or Toyoda Gosei Settlement Class (or both of them), you will not be bound by any decision concerning that settlement class and you can pursue individually any claims you may have against that Defendant (at your own expense), but you will not be eligible to share in the settlement proceeds attributable to that Defendant.<sup>1</sup>

If you remain a member of either or both of the Sumitomo Riko or Toyoda Gosei Settlement Classes, you have the right to object to that proposed settlement, or to the proposed plan of distribution of the Automotive Hoses Settlement Fund, or to Settlement Class Counsel's requests for an award of attorneys' fees and litigation costs and expenses, and a service award to the Class Representative, by following the procedures set forth in the Notice. **Your objection must be filed no later than January 6, 2021.**

The Court has scheduled a hearing on February 11, 2021, to consider whether to approve: the proposed settlements; the proposed plan of distribution of settlement funds; and Settlement Class Counsel's requests for an award of attorneys' fees and litigation costs and expenses, and a service award to the Class Representative. If the Court believes that it is appropriate, the hearing may be conducted remotely by telephone or other electronic means. If the Court determines to hold the hearing remotely, Settlement Class Counsel will post that information on the website devoted to the direct purchaser litigation ([www.AutoPartsAntitrustLitigation.com/AutomotiveHoses](http://www.AutoPartsAntitrustLitigation.com/AutomotiveHoses)) and provide it to any Settlement Class member that has informed the Court that it intends to participate at the hearing, along with the information required to do so remotely. The hearing may be continued without further notice to you.

If you believe you are a member of either or both of the Sumitomo Riko or Toyoda Gosei Settlement Classes, you are urged to obtain a copy of the Notice, which explains your rights regarding the settlements and related matters.

If you have questions concerning this litigation, you may contact any of the Settlement Class Counsel identified above. **Do not contact the Clerk of the Court or the Judge.**

Dated: November 16, 2020

BY ORDER OF:  
The United States District Court for the Eastern  
District of Michigan, Southern Division



The eSprinter delivery van has been on sale in Europe for about six months.

## Why eSprinter hasn't come to the U.S. market

Cost among reasons for adaptation delay

Michael Gerster  
[mgerster@craincom.de](mailto:mgerster@craincom.de)

The Mercedes-Benz eSprinter has attracted the interest of commerce giants in Europe such as Amazon. But the electric delivery van will not be available in the U.S., for now — putting the company behind rivals such as upstart Rivian and Ford's planned Transit EV.

Mercedes has decided not to offer the eSprinter in the U.S. because safety specifications and other performance requirements cannot be sufficiently met.

"The components for the electric drive system do not meet Daimler's internal standards for crash tests that go beyond legal requirements," a source told Germany's *Automobilwoche*, a sibling publication of *Automotive News*.

The cost of adapting the van for America would be so expensive that Daimler is initially foregoing it.

Mercedes has been selling the all-electric eSprinter delivery van for about six months in Europe.

Interest from logistics providers is strong. At the end of August, Mercedes booked a major order from Amazon for some 1,800 electric vans.

The U.S. has different requirements for a large electric van, notably range and battery size.

Even with a bigger battery, the eSprinter only has a range of 170 kilometers — or 106 miles — often

sufficient for a day trip in a European city.

However, driving distances in some U.S. urban areas are much longer.

"As communicated in the context of the market launch of the eSprinter 2019, we have initially focused on the European region when developing the vehicle.

"Accordingly, the performance requirements of the vehicle are tailored to the needs of customers in Europe," a Mercedes spokesperson said.

Daimler also emphasized that "differing safety requirements were not decisive for the strategy of initially focusing on Europe."

In the long run, however, Mercedes cannot ignore the U.S.

"We are constantly observing market developments and are in close contact with our customers in order to

adapt our product portfolio to the needs of other markets," the spokesperson added.

Daimler is working to further develop the eSprinter so it can be assembled and sold in the U.S. Daimler opened a plant to build the Sprinter in Charleston, S.C., two years ago.

Amazon has ordered 100,000 electric vans from Rivian, which are to be delivered by 2030. Rivian set up a production facility in Normal, Ill., supported by funds from Amazon. **AN**

<sup>1</sup> Any potential Settlement Class Member who requests exclusion from the Sumitomo Riko or Toyoda Gosei Settlement Class shall not be precluded, restricted, barred or limited in any way from participating in any future settlements relating to other Defendants in the Action.

# Settlements Reached with Automotive Hoses Manufacturers in Price Fixing Class Action Lawsuit

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NEWS PROVIDED BY

**United States District Court for the Eastern District of Michigan Southern Division →**

Nov 16, 2020, 08:00 ET

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DETROIT, Nov. 16, 2020 /PRNewswire/ -- Freed Kanner London & Millen LLC; Kohn, Swift & Graf, P.C.; Spector Roseman & Kodroff, P.C.; and Preti, Flaherty, Beliveau & Pachios, LLP ("Co-Lead Settlement Class Counsel") announce that the United States District Court for the Eastern District of Michigan, Southern Division ("Court") has approved the following announcement of proposed class action settlements with the Sumitomo Riko and Toyoda Gosei Defendants totaling approximately \$8.45 million, and the proposed distribution of the proceeds of those settlements.

The lawsuit claims that Defendants conspired to suppress and eliminate competition for Automotive Hoses by agreeing to raise, fix, maintain, and stabilize prices, rig bids, and allocate markets and customers for Automotive Hoses sold in the United States, in violation of federal antitrust laws.

The settlements affect those who purchased Automotive Hoses in the United States from February 1, 2004 through November 1, 2018 directly from any of the following entities (or their subsidiaries or affiliates): Sumitomo Riko Company Limited; Sumitomo Riko America, Inc.; SumiRiko Tennessee, Inc.; Toyoda Gosei Co., Ltd.; Toyoda Gosei North America Corp.; and TG Missouri Corp.

A hearing will be held on February 11, 2021, at 2:00 p.m., before the Honorable Sean F. Cox, United States District Judge, at the Theodore Levin United States Courthouse, 231 West Lafayette Boulevard, Detroit, MI 48226, Courtroom 817 (or such other courtroom as may be assigned for the hearing, or if the Court believes that it is appropriate, remotely by telephone or other electronic means), for the purpose of determining whether to approve: (1) the proposed settlements with the Sumitomo Riko and Toyoda Gosei Defendants; (2) the proposed plan of distribution of the settlement funds to members of the settlement classes; and (3) Settlement Class Counsel's requests for an award of attorneys' fees, reimbursement of litigation costs and expenses, and a service award to the Class Representative.

A Notice of Proposed Settlements (the "Notice") was mailed to potential Settlement Class members on or about November 6, 2020. The Notice describes in more detail the litigation and options available to Sumitomo Riko and Toyoda Gosei Settlement Class members with respect to the Sumitomo Riko and Toyoda Gosei settlements. The Notice and other important documents related to the settlements can be accessed at [www.AutoPartsAntitrustLitigation.com/AutomotiveHoses](http://www.AutoPartsAntitrustLitigation.com/AutomotiveHoses), or by calling 1-877-432-3814 or writing to Automotive Hoses Direct Purchaser Antitrust Litigation, P.O. Box 6659, Portland, OR 97228-6659. Those who believe they may be a member of either or both of the Sumitomo Riko or Toyoda Gosei Settlement Classes, are urged to obtain a copy of the Notice.

SOURCE: United States District Court for the Eastern District of Michigan Southern Division



SOURCE United States District Court for the Eastern District of Michigan Southern Division

Related Links

<http://www.AutoPartsAntitrustLitigation.com>

# **EXHIBIT 2**

**EXHIBIT 2**

AUTOMOTIVE PARTS ANTITRUST LITIGATION, CASE NO. 12-MD-02311,  
AUTOMOTIVE HOSES, 2:15-cv-03201-SFC-RSW 2:16-cv-10001-SFC-RSW 2:18-cv-12711-  
SFC-RSW

**REQUESTS FOR EXCLUSION FROM THE DIRECT  
PURCHASER TOYODA GOSEI SETTLEMENT CLASS**

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| <p><b>TOYOTA ENTITIES</b><br/> Toyota Motor Corporation<br/> Toyota Motor Engineering &amp; Manufacturing<br/> North America, Inc. (“TEMA”) and all of its wholly owned divisions, subsidiaries, and affiliates, including but not limited to Toyota Motor Manufacturing, Kentucky, Inc., Toyota Motor Manufacturing, Indiana, Inc., Toyota Motor Manufacturing, West Virginia, Inc., Toyota Motor Manufacturing, Alabama, Inc., Toyota Motor Manufacturing, Mississippi, Inc., Toyota Motor Manufacturing, Texas, Inc., TABC, Inc., Toyota Motor Manufacturing, Northern Kentucky, Inc., Toyota Motor Manufacturing California, Inc., Toyota Motor Manufacturing Canada, Inc., Toyota Motor Manufacturing de Baja California, S. de R.L. de C.V., Bodine Aluminum, Inc., Canadian Autoparts Toyota Inc., Toyota Canada, Inc., Toyota Motor Sales U.S.A., Inc., New United Motor Manufacturing, Inc., and any other TEMA entities that were sent notice</p> |  |
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