

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

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<b>IN RE: AUTOMOTIVE PARTS ANTITRUST</b>	:	<b>CASE NO. 12-MD-02311</b>
<b>LITIGATION</b>	:	<b>HON. MARIANNE O BATTANI</b>
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<b>In Re: STARTERS</b>	:	<b>Case No. 2:13-cv-01101-MOB-MKM</b>
	:	
	:	<b>Case No. 2:14-cv-10674-MOB-MKM</b>
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<b>THIS RELATES TO:</b>	:	
	:	
<b>ALL DIRECT PURCHASER ACTIONS</b>	:	
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**SETTLEMENT CLASS COUNSEL’S REPORT ON DISSEMINATION OF NOTICE OF PROPOSED SETTLEMENTS WITH THE MITSUBISHI ELECTRIC, HIAMS, MITSUBA, AND DENSO DEFENDANTS AND CLASS MEMBERS’ RESPONSE**

Settlement Class Counsel submit the following report concerning the dissemination of notice pursuant to this Court's Order dated June 6, 2019 (2:13-cv-01101, ECF No. 116) (the “Notice Order”), and Settlement Class members’ response to the notice program. As described more fully below, notice was mailed to 4,665 potential Settlement Class members and published in accordance with the Notice Order. No objections were filed to any of the proposed settlements, or to Settlement Class Counsel’s request for an award of attorneys’ fees and reimbursement of litigation costs and expenses. 14 requests for exclusion from one or more of the settlements were submitted. None of the proposed settlements are subject to rescission as a result of the requests for exclusion.

Settlement Class Counsel respectfully submit that the complete absence of objections and the small number of opt-outs militates strongly in favor of approval of the proposed settlements, and the requests for attorneys’ fees and litigation costs and expenses.

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

Pursuant to the Court’s Notice Order, on June 27, 2019 Epiq Class Action & Claims Solutions, Inc. (“Epiq”), the Notice and Claims Administrator retained by Direct Purchaser Plaintiff, mailed 4,665 copies of the Notice of Proposed Settlements of Direct Purchaser Class Action with the MITSUBISHI ELECTRIC, HIAMS, MITSUBA, and DENSO Defendants and Hearing on Settlement Approval and Related Matters (the “Notice”), to potential Settlement Class members by first class mail, postage prepaid. Declaration of Angie Birdsell, Project Manager for Epiq. Exhibit 1 at ¶ 6. Epiq also re-mailed returned notices for which updated addresses were obtained. *Id.* at ¶ 7.<sup>1</sup> In addition, a copy of the Notice was (and remains) posted online at [www.AutoPartsAntitrustLitigation.com/Starters](http://www.AutoPartsAntitrustLitigation.com/Starters), 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 MITSUBISHI ELECTRIC, HIAMS, MITSUBA, and DENSO Defendants and Hearing on Settlement Approval and Related Matters (the “Summary Notice”) was published in *Automotive News* on July 1, 2019. *Id.* at ¶ 8. Additionally, an online banner notice appeared for a 21 day period on [www.AutoNews.com](http://www.AutoNews.com), the digital version of *Automotive News*, and

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<sup>1</sup>There was an error with respect to the initial processing of potential class member addresses provided by MITSUBISHI ELECTRIC that resulted in some notices being sent to the wrong addresses. The error was identified and resolved promptly, and on July 18, 2019, Epiq re-mailed all notices that were potentially impacted. Notably, not a single recipient of the re-mailed notices has asserted any objection to the timing of the re-mailed notice (or to any other aspect of the proposed settlements), nor has any recipient of the re-mailed notices requested an extension to the opt-out/objection deadline. Furthermore, Settlement Class Counsel have not received any opt-out requests or objections postmarked after the deadline.

an Informational Press Release was issued nationwide on July 1, 2019 via PR Newswire's "Auto Wire," which targets auto industry trade publications. *Id.*

Notice to the MITSUBISHI ELECTRIC, HIAMS, MITSUBA, and DENSO 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 AND REQUEST FOR AN AWARD OF ATTORNEYS' FEES AND EXPENSES**

The Notice advised that any objection to the proposed settlements or to Settlement Class Counsel's requests for an award of attorneys' fees and reimbursement of litigation costs and expenses had to be filed with the Clerk by August 16, 2019, 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 any of the proposed settlements or to the request for an award of attorneys' fees and costs and expenses 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 any of the MITSUBISHI ELECTRIC, HIAMS, MITSUBA, and DENSO Settlement Classes had to be mailed to Settlement Class Counsel and to counsel for the Settling Defendants, postmarked no later than August 16, 2019. As of this date, Settlement Class Counsel have received 14 requests for exclusion from one or more of the proposed settlements.<sup>2</sup> None of the proposed settlements are subject to rescission as a result of the requests for exclusion.

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<sup>2</sup> Settlement Class Counsel received 14 requests for exclusion from the DENSO Settlement Class, 5 requests for exclusion from the HIAMS Settlement Class, 11 requests for exclusion from the

Settlement Class Counsel respectfully submit that, for the reasons set forth in the Memorandum in Support of Direct Purchaser Plaintiff’s Motion for Final Approval of Proposed Settlements with the MITSUBISHI ELECTRIC, HIAMS, MITSUBA, and DENSO Defendants (the “Final Approval Brief”) (2:13-cv-01101, ECF No. 119), 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 PROPOSED SETTLEMENTS AND THE REQUEST FOR AN AWARD OF FEES AND EXPENSES**

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, and related matters. *See, e.g., 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 was mailed to 4,665 potential Settlement Class members identified by

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MITSUBISHI ELECTRIC Settlement Class, and 8 requests for exclusion from the MITSUBA Settlement Class. The entities that requested exclusion are identified in Exhibit 2 and the Settlement Classes from which they opted out are set forth in Exhibit 3.

Defendants, and a copy of the Notice was (and remains) posted on-line at [www.autopartsantitrustlitigation.com/starters](http://www.autopartsantitrustlitigation.com/starters). The Summary Notice was published in *Automotive News* on July 1, 2019, and on that same day an Informational Press Release was issued nationwide via PR Newswire's "Auto Wire." Additionally, an online banner notice appeared over a 21-day period on [www.AutoNews.com](http://www.AutoNews.com), the digital version of *Automotive News*. The low number of opt-outs and total absence of objections militates strongly in favor of approval of the proposed settlements and the request for attorneys' fees and reimbursement of litigation costs and expenses.

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

As of June 30, 2019, Plaintiff's Counsel's lodestar, based upon historical rates, was \$1,914,525. Direct Purchaser Plaintiff's Memorandum in Support of its Motion for an Award of Attorney's Fees and Litigation Costs and Expenses, at 8 (the "Fee Brief") (2:13-cv-01101, ECF No. 120). 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 August 31, 2019, Plaintiff's Counsel's combined lodestar was \$2,017,310. Were the Court to award a fee of 30% of the combined MITSUBISHI ELECTRIC, HIAMS, MITSUBA, and DENSO settlement proceeds of \$10,865,004, less litigation costs and expenses in the amount of \$53,468.25, the multiplier on the more current lodestar would be approximately 1.60.

**VI. CONCLUSION**

Based upon the foregoing, and for the reasons set forth in the Final Approval Brief and the Fee Brief, it is respectfully requested that the Court grant final approval of the proposed settlements funds, and the request for attorneys' fees and reimbursement of litigation costs and expenses.

DATED: September 20, 2019

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 September 20, 2019, 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	:	12-MD-02311
ANTITRUST LITIGATION	:	Honorable Marianne O. Battani
_____	:	
IN RE: STARTERS	:	
_____	:	
THIS RELATES TO:	:	2:13-CV-01101-MOB-MKM
ALL DIRECT PURCHASER CASES	:	2:14-CV-10674-MOB-MKM
_____	:	

**DECLARATION OF ANGIE BIRDELL RE DISSEMINATION OF NOTICE TO THE  
DIRECT PURCHASER MITSUBISHI ELECTRIC, HIAMS, DENSO, AND MITSUBA  
SETTLEMENT CLASSES**

I, Angie Birdsell, 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 Plaintiffs and the MITSUBISHI ELECTRIC, Hitachi Automotive Systems (HIAMS), DENSO, and MITSUBA Defendants, as well as the corresponding Class Notice program. This declaration is based upon my personal knowledge and information provided by Defendants' counsel, Plaintiffs' 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 ("Notice") 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 Notice 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 Notice, 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 4,665 names and addresses of potential Class Members.

6. On June 27, 2019, Epiq mailed the Notice by first class mail, postage prepaid, to the 4,665 potential Class Members. A copy of the Notice is attached hereto as Exhibit A.

7. As of September 13, 2019, Epiq has received a total of 2132 Notices returned by the U.S. Postal Service as undeliverable. As of that date, it has remailed 3,317 Notices to potential Class Members. As of September 13, 2019, there are 698 records that remain undeliverable.

#### **PUBLICATION NOTICE**

8. Epiq caused the publication of the Summary Publication Notice in one edition of *Automotive News* on July 1, 2019, which was accompanied by an online banner ad that ran for a 21-day period on *www.AutoNews.com*, the digital version of *Automotive News*. An Informational Press Release was issued via *PR Newswire*'s "Auto Wire" on July 1, 2019. Confirmation of the publication and copies of the Summary Publication Notice as it appeared in *Automotive News*, the

banner ad from *www.AutoNews.com*, and the Informational Notice are attached hereto as Exhibit B.

**SETTLEMENT WEBSITE**

9. On June 27, 2019, 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/Starters*. The website provides general case information and links to important documents, including the Settlement Agreements, the Notice, and other documents related to the settlements.

10. As of September 13, 2019, there have been 502 page views and 158 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 August 16, 2019. As of September 13, 2019, Epiq has received 11 requests for exclusion from the MITSUBISHI ELECTRIC Settlement Class, 5 requests for exclusion from the HIAMS Settlement Class, 14 requests for exclusion from the DENSO Settlement Class, and 8 requests for exclusion from the MITSUBA 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 16th day of September, 2019 in Beaverton, Oregon.



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Angie Birdsell  
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

CASE NO. 12-MD-02311

HON. MARIANNE O. BATTANI

In Re: STARTERS

THIS RELATES TO:

2:13-cv-01101-MOB-MKM

ALL DIRECT PURCHASER ACTIONS

2:14-cv-10674-MOB-MKM

NOTICE

**NOTICE OF PROPOSED SETTLEMENTS OF DIRECT PURCHASER CLASS ACTION WITH MITSUBISHI ELECTRIC, HIAMS, DENSO AND MITSUBA DEFENDANTS, AND HEARING ON:**

- (1) APPROVAL OF PROPOSED SETTLEMENTS; AND
- (2) MOTION OF SETTLEMENT CLASS COUNSEL FOR AWARD OF ATTORNEYS' FEES AND REIMBURSEMENT OF LITIGATION COSTS AND EXPENSES.

TO: ALL INDIVIDUALS AND ENTITIES THAT PURCHASED STARTERS IN THE UNITED STATES DIRECTLY FROM DEFENDANTS (OR THEIR SUBSIDIARIES, AFFILIATES OR JOINT VENTURES) FROM JANUARY 1, 2000 THROUGH MARCH 12, 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 (a) Defendants Mitsubishi Electric Corporation, Mitsubishi Electric US Holdings, Inc., and Mitsubishi Electric Automotive America, Inc. (collectively, the "MITSUBISHI ELECTRIC Defendants"); (b) Defendant Hitachi Automotive Systems, Ltd. ("HIAMS") for HIAMS, Hitachi, Ltd., and Hitachi Automotive Systems Americas, Inc. (collectively "HIAMS Defendants"); (c) Defendants DENSO Corporation, DENSO International America, Inc., DENSO Korea Corporation (f/k/a separately as DENSO International Korea Corporation and DENSO Korea Automotive Corporation), DENSO Automotive Deutschland GmbH, DENSO Products & Services Americas, Inc. (f/k/a DENSO Sales California, Inc.), ASMO Co., Ltd., ASMO North America, LLC, ASMO Greenville of North Carolina, Inc., and ASMO Manufacturing, Inc. (together, the "DENSO Defendants"); and (d) Defendants MITSUBA Corporation and American Mitsuba Corporation (together, the "MITSUBA Defendants") (all Defendants referenced in this paragraph are collectively referred to as the "Settling Defendants"); and
- (2) Settlement Class Counsel's motion for an award of attorneys' fees and reimbursement of litigation costs and expenses.

This Notice provides information concerning the proposed settlements and the motion for attorneys' fees and reimbursement of litigation costs and expenses. The Notice also advises you of your rights to exclude yourself from any or all of the Settlement Classes and to object to the terms of the proposed settlements and the request for fees, costs and expenses in connection with the Court hearing on these matters.

## BACKGROUND

Plaintiff has reached settlements with the MITSUBISHI ELECTRIC Defendants, the HIAMS Defendants, the DENSO Defendants, and the MITSUBA Defendants totaling \$10,865,004. Under the terms of the proposed settlements, MITSUBISHI ELECTRIC will pay a total of \$6,754,285 (the “MITSUBISHI ELECTRIC Settlement Fund”), HIAMS will pay a total of \$1,368,462 (the “HIAMS Settlement Fund”), DENSO will pay a total of \$100,000 (the “DENSO Settlement Fund”), and MITSUBA will pay a total of \$2,642,257 (the “MITSUBA Settlement Fund”) (the four settlement funds are collectively referred to as the “Starters Settlement Fund”). As discussed below, the MITSUBA and MITSUBISHI ELECTRIC settlements are subject to rescission based upon valid and timely requests for exclusion by members of the MITSUBA and MITSUBISHI ELECTRIC Settlement Classes.

This litigation, and the proposed settlements, are part of coordinated legal proceedings involving a number of parts used in motor vehicles. This litigation and the proposed settlements relate solely to Starters purchased in the United States **directly** from a Defendant, or depending on the specific settlement agreements, its parents, subsidiaries, affiliates or joint ventures. The meaning of the term “Starters” is defined in each settlement agreement, but generally includes electric motors that are used to start internal combustion engines. These proposed settlements do not relate to, and have no effect upon, cases involving any product other than Starters.

If you are a member of the MITSUBISHI ELECTRIC, HIAMS, DENSO or MITSUBA Settlement Classes (defined below), you have the rights and options summarized here:

- You may remain in any or all of the MITSUBISHI ELECTRIC, HIAMS, DENSO or MITSUBA Settlement Classes and be eligible to share in the MITSUBISHI ELECTRIC, HIAMS, DENSO and/or MITSUBA Settlement Funds under a claims procedure that will be instituted in the future;
- You may exclude yourself from the any or all of the MITSUBISHI ELECTRIC, HIAMS, DENSO or MITSUBA 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;
- If you remain in any of the MITSUBISHI ELECTRIC, HIAMS, DENSO or MITSUBA Settlement Classes, you may object to that proposed settlement and to Settlement Class Counsel’s request for an award of attorneys’ fees and reimbursement of litigation costs and expenses. You may also appear at the hearing where the Court will consider these matters; and
- You may enter an appearance in the litigation through your own counsel at your own expense.

## WHO IS IN THE SETTLEMENT CLASSES?

The Court has provisionally certified a Direct Purchaser MITSUBISHI ELECTRIC Settlement Class (“MITSUBISHI ELECTRIC Settlement Class”), Direct Purchaser HIAMS Settlement Class (the “HIAMS Settlement Class”), Direct Purchaser DENSO Settlement Class (the “DENSO Settlement Class”), and Direct Purchaser MITSUBA Settlement Class (the “MITSUBA Settlement Class”) for the purpose of disseminating notice of the proposed MITSUBISHI ELECTRIC, HIAMS, DENSO and MITSUBA settlements.

The MITSUBISHI ELECTRIC Settlement Class is defined as follows:

All individuals and entities who purchased Starters in the United States directly from one or more Defendants (or their subsidiaries, affiliates, or joint ventures) from January 1, 2000 through March 12, 2018. Excluded from the Settlement Class 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 MITSUBISHI ELECTRIC Settlement Class definition set forth above, the Defendants are: DENSO Corporation; DENSO International America, Inc.; Mitsubishi Electric Corporation; Mitsubishi Electric US Holdings, Inc.; Mitsubishi Electric Automotive America, Inc.; Hitachi Ltd.; Hitachi Automotive Systems, Ltd.; Hitachi Automotive Systems Americas, Inc.; MITSUBA Corporation; American Mitsuba Corporation; and Robert Bosch GmbH.



The HIAMS Settlement Class is defined as follows:

All individuals and entities who purchased Starters in the United States directly from Defendants (or their subsidiaries or affiliates) from January 1, 2000 through March 12, 2018. Excluded from the Settlement Class 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 HIAMS Settlement Class definition set forth above, the Defendants include the following entities: Hitachi Automotive Systems, Ltd.; Hitachi Automotive Systems Americas, Inc.; Hitachi, Ltd.; DENSO Corporation; DENSO International America, Inc.; MITSUBA Corporation; American Mitsuba Corporation; Mitsubishi Electric Corporation; Mitsubishi Electric Automotive America, Inc.; and Robert Bosch GmbH.

The DENSO Settlement Class is defined as follows:

All individuals and entities who purchased Starters in the United States directly from one or more Defendant(s) (or their subsidiaries, affiliates, or joint ventures) from January 1, 2000 through March 12, 2018. Excluded from the Settlement Class 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 DENSO Settlement Class definitions set forth above, the Defendants are: DENSO Corporation; DENSO International America, Inc.; Hitachi Automotive Systems, Ltd.; Hitachi, Ltd.; Hitachi Automotive Systems America, Inc.; American Mitsuba Corp.; MITSUBA Corp.; Mitsubishi Electric Corp.; Mitsubishi Electric Automotive America, Inc.; Robert Bosch GmbH; Nikko Electric Indus., and any of their parents, subsidiaries, and affiliates.

The MITSUBA Settlement Class is defined as follows:

All individuals and entities who purchased Starters in the United States directly from one or more Defendants (or their subsidiaries, affiliates, or joint-ventures) from January 1, 2000 through March 12, 2018. Excluded from the Settlement Class 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 MITSUBA Settlement Class definition set forth above, the Defendants are: DENSO Corporation; DENSO International America, Inc.; Hitachi, Ltd.; Hitachi Automotive Systems, Ltd.; Hitachi Automotive Systems Americas, Inc.; MITSUBA Corporation, American MITSUBA Corporation; Mitsubishi Electric Corp.; Mitsubishi Electric Automotive America, Inc.; and Robert Bosch GmbH.

Plaintiff Tiffin Motor Homes, Inc., has been appointed by the Court to serve as “Class Representative” for the MITSUBISHI ELECTRIC, HIAMS, DENSO and MITSUBA 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 February 2014, Plaintiff filed a class action lawsuit against Defendants on behalf of a class of direct purchasers of Starters, alleging that they conspired to raise, fix, maintain, and stabilize prices, rig bids, and allocate the supply of Starters sold in the United States, in violation of federal antitrust laws. Plaintiff further alleged that as a result of the conspiracy, it and other direct purchasers of Starters were injured by paying more than they would have paid in the absence of the alleged illegal conduct.

The Settling Defendants all deny Plaintiff’s allegations and liability and have asserted defenses to Plaintiff’s claims. The Settling 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 the Settling Defendants’ defenses. These settlements are with the MITSUBISHI ELECTRIC Defendants, HIAMS Defendants, DENSO Defendants, and MITSUBA Defendants only. Plaintiff is continuing to prosecute the case against the remaining non-settling Defendants.



## WHAT RELIEF DO THE PROPOSED SETTLEMENTS PROVIDE?

Plaintiff, on behalf of the MITSUBISHI ELECTRIC Settlement Class, entered into a settlement agreement with the MITSUBISHI ELECTRIC Defendants on March 12, 2018 (the “MITSUBISHI ELECTRIC Settlement Agreement”), under which the MITSUBISHI ELECTRIC Defendants have agreed to pay \$6,754,285. The MITSUBISHI ELECTRIC Settlement Agreement gives MITSUBISHI ELECTRIC and Plaintiff the right to withdraw from the settlement based upon valid and timely requests for exclusion by MITSUBISHI ELECTRIC Settlement Class members.

Plaintiff, on behalf of the HIAMS Settlement Class, entered into a settlement with the HIAMS Defendants on May 14, 2018 (the “HIAMS Settlement Agreement”), under which the HIAMS Defendants agreed to pay \$1,368,462.

Plaintiff, on behalf of the DENSO Settlement Class, entered into a settlement agreement with the DENSO Defendants on February 4, 2019 (the “DENSO Settlement Agreement”), under which the DENSO Defendants have agreed to pay \$100,000.

Plaintiff, on behalf of the MITSUBA Settlement Class, entered into a settlement agreement with the MITSUBA Defendants on August 14, 2018 (the “MITSUBA Settlement Agreement”), under which the MITSUBA Defendants have agreed to pay \$2,642,257. The MITSUBA Settlement Agreement gives MITSUBA and Plaintiff the right to withdraw from the settlement based upon valid and timely requests for exclusion by MITSUBA Settlement Class members.

As part of the settlement agreements described above, the MITSUBISHI ELECTRIC, HIAMS, DENSO AND MITSUBA Defendants have each agreed to cooperate with Settlement Class Counsel in the prosecution of claims against any other Defendant, should the need for such cooperation arise.

This Notice is only a summary of the terms of the proposed settlements. The MITSUBISHI ELECTRIC, HIAMS, DENSO and MITSUBA Settlement Agreements contain other important provisions, including the release of certain claims against the MITSUBISHI ELECTRIC, HIAMS, DENSO and MITSUBA 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/Starters](http://www.AutoPartsAntitrustLitigation.com/Starters). The proposed settlements must receive final approval by the Court to become effective.

If you wish to object to the approval of any of the settlements, you may do so, but only in accordance with the procedures set forth below. If you do not object to a 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 any of the MITSUBISHI ELECTRIC, HIAMS, DENSO or MITSUBA 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 any of the MITSUBISHI ELECTRIC, HIAMS, DENSO or MITSUBA 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.

As a member of the MITSUBISHI ELECTRIC, HIAMS, DENSO or MITSUBA Settlement Classes, you will be eligible to share in the MITSUBISHI ELECTRIC, HIAMS, DENSO or MITSUBA Settlement Funds pursuant to a claims procedure that will begin at a later date. Settlement Class Counsel are not presently asking the Court to distribute any proceeds from the MITSUBISHI ELECTRIC, HIAMS, DENSO or MITSUBA Settlement Funds. If you remain a member of the MITSUBISHI ELECTRIC, HIAMS, DENSO and/or MITSUBA Settlement Classes, you will receive additional notice at a later date and you will have an opportunity to object and be heard in connection with the proposed plan of distribution at that time.

**Do not dispose of any document that reflects your purchases of Starters in the United States directly from any Defendant (or its parents, affiliates, subsidiaries or joint ventures) during the period from January 1, 2000 through March 12, 2018. You may need those documents to complete and substantiate a claim form in the future, which would 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 any or all of the four Settlement Classes. If you wish to exclude yourself from any or all of the Settlement Classes, you must send a request for exclusion, in writing, by certified mail, return receipt requested, **postmarked no later than August 16, 2019**, to Settlement Class Counsel, and to counsel for Settling Defendants, at the addresses set forth below, and to the following address:

Settlement Administrator  
Starters Direct Purchaser Antitrust Litigation  
P.O. Box 3076  
Portland, OR 97208-3076

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 parent, affiliate, subsidiary or joint venture) from which you purchased Starters during the Class Period for the Settlement Class from which you seek exclusion, the Starters purchased during the Class Period, and the dollar amount of your purchases. If you validly exclude yourself from any or all of the four 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

The Court has appointed the law firms identified above as Settlement Class Counsel. These law firms, together with other 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 Starters Settlement Fund.

The application for attorneys' fees and litigation costs and expenses will be filed on or before July 26, 2019. After that date, the petition for attorneys' fees will be available for your review on the settlement website at [www.AutoPartsAntitrustLitigation.com/Starters](http://www.AutoPartsAntitrustLitigation.com/Starters). If you remain a member of any of the four Settlement Classes and you wish to object to the request for fees and expenses you must do so in writing in accordance with the procedures for objections set forth below. If you do not oppose this request, 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 October 3, 2019, at 11:00 a.m., at the Theodore Levin United States Courthouse, 231 West Lafayette Boulevard, Detroit, MI 48226, Courtroom 252 (or such other courtroom as may be assigned for the hearing), to determine whether to approve the proposed MITSUBISHI ELECTRIC, HIAMS, DENSO and MITSUBA settlements and Settlement Class Counsel's request for an award of attorneys' fees and reimbursement of litigation costs and expenses. The 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 any of the MITSUBISHI ELECTRIC, HIAMS, DENSO or MITSUBA Settlement Classes and you wish to object to that proposed settlement or to Settlement Class Counsel's requests for an award of attorneys' fees and reimbursement of litigation costs and expenses, you must do so in writing and at your own expense. Any such objection must include the caption of this litigation, must be signed, and must be **filed no later than August 16, 2019**, 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 August 16, 2019**:

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

Joseph C. Kohn  
KOHNSWIFT & 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

*Co-Lead Counsel for the Direct Purchaser Settlement Classes*

Michael T. Brody  
JENNER & BLOCK LLP  
353 N. Clark Street  
Chicago, IL 60654  
Telephone: (312) 222-9350

*Counsel for the Mitsubishi Electric Defendants*

Craig P. Seebald  
VINSON & ELKINS LLP  
2200 Pennsylvania Ave NW  
Suite 500-W  
Washington, DC 20037  
Telephone: (202) 639-6500

*Counsel for the HIAMS Defendants*

Steven F. Cherry  
WILMER CUTLER PICKERING  
HALE AND DORR LLP  
1875 Pennsylvania Avenue, NW  
Washington, DC 20006  
Telephone: (202) 663-6000

*Counsel for the DENSO Defendants*

Rachel S. Brass  
GIBSON, DUNN & CRUTCHER LLP  
555 Mission Street, Suite 3000  
San Francisco, CA 94105-0921  
Telephone: (415) 393-8293

*Counsel for the MITSUBA Defendants*

If you do not object to any 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.

**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: Starters Direct Purchaser Antitrust Litigation, P.O. Box 3076, Portland, OR 97208-3076.

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/Starters](http://www.AutoPartsAntitrustLitigation.com/Starters). Questions concerning the proposed MITSUBISHI ELECTRIC and/or HIAMS and/or DENSO and/or MITSUBA 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: June 27, 2019

BY ORDER OF:

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

# EXHIBIT B

## CONFIRMATION OF PUBLICATION

IN THE MATTER OF: *Auto Parts – Starters*

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:

*7.1.19 – Automotive News*  
*7.1.19 – PR Newswire's Auto Wire*

- (c) Banner advertisements are appearing on the following digital properties on the following dates:

*7.1.19 – 7.21.19 – Automotive News (AutoNews.com)*

x Kathleen Komraus  
(Signature)

Media + Design Manager  
(Title)



## EUROPE

### VW: Dealers will retain a key role

continued from previous page but having it will be to the dealers' advantage, the automaker believes.

"The dealers realize the future of customer connection is within our system, not within each dealer. They can't create a journey for a customer on their own," Stackmann said.

But dealers will remain a key element. The move to embrace online sales is not the same as moving to direct sales, automakers here point out.

"They are the face of the brand to the customer," Stackmann said of retailers. "They help when things go wrong. We can't pretend everything we do is perfect."

The online sales model that automakers are largely adopting calls for Internet orders to be fulfilled by the dealer that the customer chooses, which is most likely the nearest store.

But it is about more than picking up a vehicle, said Matt Harrison, head of sales and marketing for Toyota Motor Europe.

"The purchase is just the first part of the journey," he said. "It's important we look after them through the ownership of what are increasingly high-tech cars. Our retail partners are central to that relationship."

Toyota has a pilot online sales program in the U.K. and Norway as part of a plan to open online sales "across a number of markets" within the next few years. But first, the company is gathering information.

"We have learned it's not as straightforward as putting a payment form on your website," Harrison said.

In Norway, Toyota's online operation has focused on the Aygo mini-car, and has generated some interesting findings. The first was that Toyota gained a lot of conquest sales from other brands through the sales process. Second, Toyota learned that offering lease finance was the key to success.

In Norway, leasing has gained popularity alongside EV sales growth, perhaps in response to nervousness about the residual values of battery-powered vehicles.

"It's possible there is some shift away from ownership because of that," Harrison said. The younger age of EV demographics also may have been an influence.

Volvo launched its online sales platform in the U.K. in April, describing Volvo Online as more comprehensive than similar services in the U.K. run by Peugeot, Hyundai, BMW and Mitsubishi. Volvo's online features include the ability to have a vehicle valued before trade-in, three types of finance and an online credit verification process concluded with an e-signature.

Volvo Online requires buyers to pick a dealer and then accept that retailer's offer on finance packages. Buyers can see how add-on options or engine upgrades change their monthly payment.

Volvo said the system doesn't just embrace dealers, it benefits them.

John O'Hanlon, CEO of Waylands Automotive, which runs a small network of Volvo dealerships in the U.K., agreed. "We don't care where that lead comes from," he said. "If you had asked me how I felt about a

manufacturer setting up an online channel 12 to 24 months ago, I would have been more concerned."

#### Not a global search

But Volvo warned customers that its online sales site doesn't necessarily show the least expensive vehicle available, partly because customers can't search Volvo's entire dealer network at once.

"If you want a brand experience involving bricks and mortar that our dealers have invested in, this is the way to do it," said Volvo's former U.K. managing director, Jon Wakefield, who is now head of Volvo in Sweden. "Not everyone wants to take the cheapest in the market."

Volvo's goal is to offer a "premium" method of buying cars online, he said.

Other independent search sites — referred to as aggregators — operate in a similar way to websites advertising discount air travel by collating the best car deals. The vehicle is still delivered to a customer by a franchised dealer, but U.K. sites such as carwow are the closest thing to a disrupter in new-vehicle sales.

But aggregators run counter to the ethos of a premium manufacturer such as Volvo, Waylands' O'Hanlon said. "Discount culture drives any value from the proposition, and that's where we should slow down the process and actually sell you the benefits of the car you have searched for," he said.

The suspicion that the price being offered isn't the best in the market is preventing online sales from becoming popular, believes Steve Young, managing director of ICDP, an analyst firm specializing in auto dealerships.

"Our consumer research shows that very few new-car buyers are interested in completing the entire sales process online, although most want to do

some part of the process online," he said. "They recognize that there is a deal to be done when buying a car, and no automaker has yet introduced a site that allows deals to be done."

ICDP research suggests that pilot programs around Europe are generating no more than a few hundred online sales each annually. Ford, too, has experienced a slow uptake from its U.K. pilot.

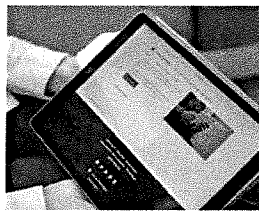
"It taught us that you get a lot of traffic — but in the end the majority prefer to go to the dealer," Ford's de Waard said.

#### Selling mobility, not cars

The push to make online sales work could come from automakers' need to persuade their customers to join a digital ecosystem that offers more opportunities to sell products and services, much in the same way retailers such as Amazon or Apple do.

Tesla operates this way, and its direct-to-buyer sales model already requires customers to buy online, even when the actual transaction takes place in one of its factory-owned stores. Tesla went a step further this year by announcing that it would wind down its network of physical stores and move all of its sales online. It later backed away from that statement and said it will keep half its stores.

Next year Lynk & CO will launch in Europe with an online sales model



Volvo launched its U.K. digital sales platform, called Volvo Online, in April.

that relies on just a handful of retailers. "There's a mismatch between today's consumer behavior and what the car industry is doing," said its CEO, Alain Visser.

Lynk & CO wants to follow the subscription model piloted by other manufacturers, including Volvo, that boils everything down to a single

monthly payment. "We will be like Spotify or Netflix. We are selling mobility rather than cars," Visser said.

#### Shrinking service work

Buyers only need to commit for a month at a time and can make their car available to be shared by others via an app. Users will be prepared to pay for the flexibility, the company believes. "We never said we would be cheap, but we will be superrelevant," Visser said.

Whether or not customers embrace online sales, it's clear the manufacturer-dealer relationship needs to change with the advent of EVs, which threaten dealerships' service department revenue stream because the vehicles require less maintenance. Service operations generated 33 percent of the gross profit for Pendragon, one of the

U.K.'s retail giants, last year, despite bringing in just 7.3 percent of revenue. New-vehicle sales generated the least profit, ranking third after used sales.

To address the potential loss in profits, VW's new dealer agreement includes a revenue-sharing arrangement with the dealer when a customer goes online to choose, for example, software upgrades for the vehicle, whether the dealer had influence over that decision or not.

There is clearly disruption ahead, but in the European experiments, customers would still rather buy a vehicle through the automaker-dealer network than turning to online marketplaces such as Amazon, according to consumer surveys by ICDP.

Said ICDP's Young: "Traditional franchised channels are the most preferred." ■

#### LEGAL NOTICE

### IF YOU PURCHASED STARTERS IN THE UNITED STATES DIRECTLY FROM ANY OF THE ENTITIES IDENTIFIED BELOW FROM JANUARY 1, 2000 THROUGH MARCH 12, 2018, YOUR LEGAL RIGHTS MAY BE AFFECTED BY PROPOSED SETTLEMENTS WITH THE MITSUBISHI ELECTRIC, HIAMS, DENSO, AND MITSUBA DEFENDANTS

Proposed settlements totaling \$10,865,004 have been reached in *In re Automotive Parts Antitrust Litigation*, Master File No. 12-md-02311, 2:13-cv-01101, 2:14-cv-10674 (E.D. Mich.), with the MITSUBISHI ELECTRIC, HIAMS, DENSO, and MITSUBA Defendants (collectively, the "Settling Defendants").

**What is the lawsuit about?** This class action is part of coordinated legal proceedings involving Starters 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 "Starters" is defined in each of the settlement agreements, but generally refers to electric motors that are used to start internal combustion engines.

Direct Purchaser Plaintiff alleges that Defendants conspired to raise, fix, maintain, and stabilize prices, rig bids, and allocate the supply of Starters sold in the United States, in violation of federal antitrust laws. Plaintiff further alleges that as a result of the conspiracy, it and other direct purchasers of Starters were injured by paying more than they would have paid in the absence of the alleged illegal conduct.

Plaintiff has reached settlements with the MITSUBISHI ELECTRIC Defendants, the HIAMS Defendants, the DENSO Defendants, and the MITSUBA Defendants totaling \$10,865,004. Under the terms of the proposed settlements, MITSUBISHI ELECTRIC will pay a total of \$6,754,285, HIAMS will pay a total of \$1,368,462, DENSO will pay a total of \$100,000, and MITSUBA will pay a total of \$2,642,257 (the four settlement funds are collectively referred to as the "Starters Settlement Fund"), and each of the Settling Defendants will provide cooperation to assist Plaintiff in the prosecution of the claims against any remaining, non-settling Defendants.

**Who is included?** The Court has preliminarily approved, and has provisionally certified the MITSUBISHI ELECTRIC, HIAMS, DENSO, and MITSUBA Settlement Classes. You are a member of one or more of these Settlement Classes if you purchased Starters in the United States directly from any of the following entities (or depending on the specific settlement agreements, their parents, subsidiaries, affiliates or joint ventures, each a "Defendant") during the period from January 1, 2000 through March 12, 2018: Mitsubishi Electric Corporation; Mitsubishi Electric US Holdings, Inc.; Mitsubishi Electric Automotive America, Inc.; Hitachi Automotive Systems, Ltd.; Hitachi, Ltd.; Hitachi Automotive Systems Americas, Inc.; DENSO Corporation; DENSO International America, Inc.; MITSUBA Corporation; American Mitsuba Corporation; Nikko Electric Indus.; and Robert Bosch GmbH.

A Notice of Proposed Settlements (the "Notice") was mailed to potential MITSUBISHI ELECTRIC, HIAMS, DENSO, and MITSUBA Settlement Class members on or about June 27, 2019. The Notice describes the litigation and options available to Settlement Class members with respect to the MITSUBISHI ELECTRIC, HIAMS, DENSO, and MITSUBA settlements in more detail. If you did not receive the Notice you may obtain a copy on the internet at [www.AutoPartsAntitrustLitigation.com/Starters](http://www.AutoPartsAntitrustLitigation.com/Starters), or by calling or writing to any of the following 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  
KOHN, 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?** MITSUBISHI ELECTRIC, HIAMS, DENSO, and MITSUBA have agreed to pay a total of \$10,865,004 to settle the Class Members' claims against them. In exchange for these payments, members of the Classes who do not request to be excluded will release their claims against the Settling Defendants as set forth in the Settlement Agreements. The settlement proceeds will be distributed to the Settlement Classes pursuant to a claims procedure that will begin at a later date. The MITSUBISHI ELECTRIC Settlement is subject to rescission based upon valid and timely requests for exclusion by members of the MITSUBISHI ELECTRIC Settlement Class. As part of the settlements all of the Settling Defendants have agreed to provide cooperation in the prosecution of claims against any remaining Defendants.

**Your rights may be affected.** If you are a member of any or all of the MITSUBISHI ELECTRIC, HIAMS, DENSO, or MITSUBA Settlement Classes, you will automatically remain a member of those Settlement Classes 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. In order to share in the proceeds of any of the MITSUBISHI ELECTRIC, HIAMS, DENSO, or MITSUBA settlements, however, you must complete and timely submit a copy of a claim form that will be sent to potential Settlement Class members at a later date.

If you wish to exclude yourself from any or all of the MITSUBISHI ELECTRIC, HIAMS, DENSO, or MITSUBA Settlement Classes, you must send a request for exclusion, in writing, by certified mail, return receipt requested, postmarked no later than August 16, 2019, in accordance with the procedures set forth in the Notice. If you validly exclude yourself from any or all of the MITSUBISHI ELECTRIC, HIAMS, DENSO, or MITSUBA Settlement Classes, 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.

If you remain a member of the MITSUBISHI ELECTRIC, HIAMS, DENSO, and/or MITSUBA Settlement Classes, you have the right to object to that proposed settlement or to Settlement Class Counsel's request for an award of attorneys' fees and litigation costs and expenses by following the procedures set forth in the Notice. Your objection must be filed no later than August 16, 2019.

The Court has scheduled a hearing on October 3, 2019, to consider whether to approve the proposed settlements and Settlement Class Counsel's request for an award of attorneys' fees and litigation costs and expenses. The hearing may be continued without further notice to you.

If you believe you are a member of any of the MITSUBISHI ELECTRIC, HIAMS, DENSO, or MITSUBA 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: July 1, 2019

BY ORDER OF:

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

# \$10,865,004 in Direct Purchaser Settlements Reached with Starters Manufacturers in Price Fixing Class Action Lawsuit

NEWS PROVIDED BY

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

Jul 01, 2019, 08:00 ET

DETROIT, July 1, 2019 /PRNewswire/ -- Freed Kanner London & Millen LLC; Kohn, Swift & Graf, P.C.; Preti, Flaherty, Beliveau & Pachios, LLP; and Spector Roseman & Kodroff, P.C. ("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 Mitsubishi Electric Defendants, Hitachi Automotive Systems, Ltd. ("HIAMS") Defendants, DENSO Defendants, and MITSUBA Defendants (collectively, the "Settling Defendants"). The settlements resolve allegations against the Settling Defendants that they conspired to raise, fix, maintain, and stabilize prices, rig bids, and allocate the supply of starters sold in the United States, in violation of federal antitrust laws.

The settlements affect those who purchased starters in the United States between January 1, 2000 and March 12, 2018 directly from any one of the following entities (or depending on the specific settlement agreements, their parents, subsidiaries, affiliates or joint ventures): Mitsubishi Electric Corporation; Mitsubishi Electric US Holdings, Inc.; Mitsubishi Electric Automotive America, Inc.; Hitachi Automotive Systems, Ltd.; Hitachi, Ltd.; Hitachi Automotive Systems Americas, Inc.; DENSO Corporation; DENSO International America, Inc.; MITSUBA Corporation; American Mitsuba Corporation; Nikko Electric Indus.; and Robert Bosch GmbH.

A hearing will be held on October 3, 2019, at 11:00 a.m., before the Honorable Marianne O. Battani, United States District Judge, at the Theodore Levin United States Courthouse, 231 West Lafayette Boulevard, Detroit, MI 48226, Courtroom 252, for the purpose of determining whether the proposed settlements with the Mitsubishi Electric Defendants, HIAMS Defendants, DENSO Defendants, and MITSUBA Defendants totaling \$10,865,004 should be approved by the Court as fair, reasonable and adequate and whether the Court should approve Settlement Class Counsel's request for an award of attorneys' fees and reimbursement of litigation costs and expenses.

A Notice of Proposed Settlements (the "Notice") was mailed to potential Settlement Class members on or about June 27, 2019. The Notice describes the litigation and options available to Settlement Class members with respect to the Mitsubishi Electric, HIAMS, DENSO, and MITSUBA settlements in more detail. The Notice also explains what steps a Settlement Class Members must take to (1) object to any or all of the settlements or (2) request exclusion from one or more of the settlement classes. The Notice and other important documents related to the Settlements can be accessed at [www.AutoPartsAntitrustLitigation.com/Starters](http://www.AutoPartsAntitrustLitigation.com/Starters), or by calling 1-877-670-0867, or writing to Starters Direct Purchaser Antitrust Litigation, P.O. Box 3076, Portland, OR 97208-3076.

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

Related Links

<http://www.AutoPartsAntitrustLitigation.com/Starters>



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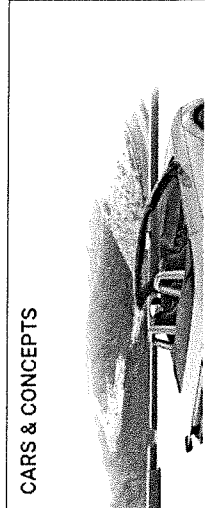
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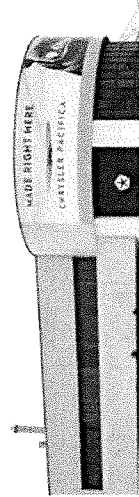
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**\$10,865,004 in Direct Purchaser Settlements Reached with Starter Manufacturers in Price Fixing Class Action Lawsuit**



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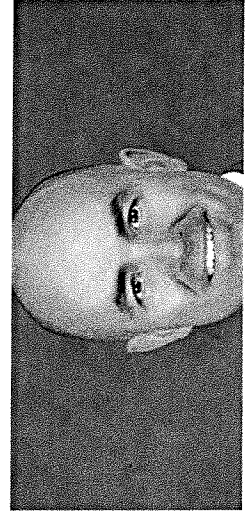
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If the forecasts are right, this will be the second time in three years that the U.S. industry fails to record a single monthly increase from January through June.

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# EXHIBIT 2

**EXHIBIT 2**

AUTOMOTIVE PARTS ANTITRUST LITIGATION, CASE NO. 12-MD-02311,  
STARTERS, 2:13-CV-01101-MOB-MKM, 2:18-CV-11569-MOB-MKM

**REQUESTS FOR EXCLUSION FROM THE DIRECT  
PURCHASER SETTLEMENT CLASSES**

<p><b>DAIMLER TRUCKS NORTH AMERICA LLC</b></p> <p><b>SUZUKI</b>                  Suzuki Motor of America, Inc. and Suzuki Motor Corporation, along with companies in which Suzuki Motor Corporation directly or indirectly owns the majority of voting rights, excluding Maruti Suzuki India Limited</p> <p><b>JERRY GRAHAM, INC., DBA JERRY'S STARTER &amp; ALTERNATOR SERVICE</b></p> <p><b>FORD</b>                  Ford Motor Company and its wholly owned divisions, subsidiaries and affiliates</p> <p><b>BMW</b>                  BMW Manufacturing Co., LLC, along with its parent company (Bayerische Motoren Werke Aktiengesellschaft) and affiliated entities (including BMW of North America, LLC and BMW Consolidation Services Co., LLC)</p> <p><b>HEAVY DUTY AMERICA</b></p> <p><b>SUBARU OF INDIANA AUTOMOTIVE, INC.</b></p> <p><b>NISSAN</b>                  Nissan Motor Co., Ltd. and Nissan North America, Inc., including their subsidiaries and majority-owned affiliates</p>	<p><b>TOYOTA</b>                  Toyota Motor North America, Inc.                  Toyota Motor Engineering &amp; Manufacturing North America, Inc.                  Toyota Motor Sales U.S.A., Inc.                  Toyota Motor Manufacturing, Mississippi, Inc.                  Toyota Motor Manufacturing, Indiana, Inc.                  Toyota Motor Manufacturing, Kentucky, Inc.                  Toyota Motor Manufacturing                  Toyota Motor Corporate Service                  Toyota Motors of America                  Toyota Motor Manufacturing de Baja California, S. de R.L. de C.V.                  Toyota Motor Manufacturing, West Virginia, Inc.                  Toyota Motor Manufacturing, Alabama, Inc.                  Toyota Motor Manufacturing, Texas, Inc.                  Toyota Motor Manufacturing, Canada, Inc.                  Toyota Motor Corporation                  Toyota Motor Engineering                  New United Motor Manufacturing, Inc.                  Bodine Aluminum, Inc.                  TABC, Inc.                  Canadian Autoparts Toyota Inc.                  Toyota Motor Manufacturing de Guanajuato, S.A. de C.V.                  Toyota Motor Manufacturing California, Inc                  Toyota Motor Manufacturing, Northern Kentucky, Inc.</p> <p><b>SUBARU</b>                  Subaru Corporation f/k/a Fuji Heavy Industries Ltd.                  Subaru of America, Inc.</p> <p><b>MITSUBISHI MOTORS NORTH AMERICA, INC.</b></p>
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**FCA**

FCA US LLC and/or its predecessors-in-interest: DaimlerChrysler, Chrysler LLC, and Chrysler Group LLC

**HONDA**

American Honda Motor Co., Inc.  
Honda of America Mfg., Inc.

**GENERAL MOTORS**

General Motors LLC (“GM”),  
General Motors Company, and  
General Motors Holdings LLC, along with all their subsidiaries (in which GM directly or indirectly owns 50% or more of the voting rights) and majority-owned affiliates

# EXHIBIT 3

**AUTOMOTIVE PARTS ANTITRUST LITIGATION, CASE NO. 12-MD-02311**

STARTERS, 2:13-CV-01101-MOB-MKM, 2:18-CV-11569-MOB-MKM

**Requests for Exclusion**

<b>Class Member</b>	<b>DENSO</b>	<b>HIAMS</b>	<b>MITSUBA</b>	<b>MELCO</b>
AMERICAN HONDA MOTOR CO., INC.	X		X	X
BMW MANUFACTURING CO., LLC	X			
DAIMLER TRUCKS NORTH AMERICA LLC	X			
FCA US LLC	X			X
FORD MOTOR COMPANY	X	X	X	X
GENERAL MOTORS LLC	X	X	X	X
HEAVY DUTY AMERICA	X	X	X	X
JERRY'S STARTER & ALTERNATOR SERVICE	X	X	X	X
MITSUBISHI MOTORS NORTH AMERICA, INC.	X			X
NISSAN MOTOR CO., LTD.	X	X	X	X
SUBARU CORPORATION	X		X	X
SUBARU OF INDIANA AUTOMOTIVE, INC.	X			X
SUZUKI MOTOR CORPORATION	X		X	X
TOYOTA MOTOR NORTH AMERICA, INC.	X			

**X = Requested Exclusion from Settlement**