

**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: POWER WINDOW MOTORS**

**THIS RELATES TO:**

**2:13-cv-02301-MOB-MKM**

**ALL DIRECT PURCHASER ACTIONS**

**2:15-cv-11829-MOB-MKM**

**ORDER AUTHORIZING DISSEMINATION OF NOTICE TO THE DIRECT  
PURCHASER MITSUBA AND DENSO SETTLEMENT CLASSES**

Upon consideration of the Direct Purchaser Plaintiff's Motion for an Order Authorizing Dissemination of Notice to the MITSUBA and DENSO Direct Purchaser Settlement Classes (the "Motion"), and supporting memorandum (the "Notice Memorandum"), it is hereby ORDERED as follows:

1. The Motion is hereby **GRANTED**.
2. By Order of this Court dated October 18, 2018 (2:13-cv-01001, Doc. No. 64), the Court preliminarily approved a Settlement Agreement between the Direct Purchaser Plaintiff and Defendants MITSUBA Corporation and American Mitsuba Corporation (collectively, the "Mitsuba Defendants") and certified for purposes of the settlement a Direct Purchaser Mitsuba Settlement Class (the "MITSUBA Settlement Class"). The MITSUBA Settlement Class shall receive notice in accordance with the terms of this Order.
3. By Order of this Court dated April 26, 2019 (2:13-cv-02301, Doc. No. 76), as amended May 23, 2019 (2:13-cv-02301, No. 77), the Court preliminarily approved a Settlement

Agreement between the Direct Purchaser Plaintiff and 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. (collectively, the “DENSO Defendants”) and certified for purposes of the settlement a Direct Purchaser DENSO Settlement Class (the “DENSO Settlement Class”). The DENSO Settlement Class shall receive notice in accordance with the terms of this Order.

4. The Court approves the form and content of (a) the Notice of Proposed Settlements of Direct Purchaser Class Action with the MITSUBA and DENSO Defendants and Hearing on Settlement Approval and Related Matters, and Claim Form (the “Notice”), attached as Exhibit 1 to the Notice Memorandum; (b) the Summary Notice of Proposed Settlements of Direct Purchaser Class Action with MITSUBA and DENSO Defendants and Hearing on Settlement Approval and Related Matters (the “Summary Notice”), attached as Exhibit 2 to the Notice Memorandum; and (c) the Informational Press Release (“Press Release”), attached as Exhibit 3 to the Notice Memorandum.

5. The Court finds that the mailing of the Notice and publication of the Summary Notice and Press Release, in the manner set forth herein constitutes the best notice that is practicable under the circumstances and is valid, due and sufficient notice to all persons entitled thereto and complies fully with the requirements of Federal Rule of Civil Procedure 23 and the due process requirements of the Constitution of the United States.

6. On or before August 8, 2019, the Notice, in substantially the same form as Exhibit 1 to the Notice Memorandum, shall be mailed by first class mail, postage prepaid, to all potential members of the MITSUBA and DENSO Settlement Classes identified by Defendants. The Notice shall also be provided to all persons who request it in response to the Summary Notice or Press Release. In addition, a copy of the Notice shall be posted on the Internet at [www.AutoPartsAntitrustLitigation.com](http://www.AutoPartsAntitrustLitigation.com), the website dedicated to this litigation.

7. On or before August 16, 2019, Settlement Class Counsel shall cause the Summary Notice, in substantially the same form as Exhibit 2 to the Notice Memorandum, to be published in one edition of *Automotive News*. Additionally, an online banner notice will appear over a 21-day period on [www.AutoNews.com](http://www.AutoNews.com), the digital version of *Automotive News*. To supplement the notice program further, the Press Release will be issued nationwide via PR Newswire's "Auto Wire," which targets auto industry trade publications.

8. On or before September 6, 2019, Settlement Class Counsel shall file with the Court their motion or motions for: final approval of the proposed settlements with the Mitsuba and DENSO Defendants; approval of a proposed plan of distribution of the settlement funds; an award of attorneys' fees and expenses; and an incentive payment to the Class Representative.

9. All requests for exclusion from the MITSUBA and/or DENSO Settlement Classes must be in writing, postmarked no later than September 27, 2019, and must otherwise comply with the requirements set forth in the Notice. Requests for exclusion must be sent to Settlement Class Counsel, counsel for Settling Defendants, and to an address specific to the Power Window Motors Direct Purchaser Antitrust Litigation. The address for each recipient is listed in the Notice.

10. Any objection by any member of the MITSUBA or DENSO Settlement Classes to either of those proposed settlements, or to the proposed plan of distribution, the request for attorneys' fees and expenses, or to an incentive payment to the Class Representative, must be in writing, must be filed with the Clerk of Court and postmarked no later than **September 27, 2019**, and must otherwise comply with the instructions set forth in the Notice. Objections must be sent to the Clerk of the Court, Settlement Class Counsel, and counsel for the Settling Defendants. The address for each recipient is listed in the Notice.

11. At least ten (10) days before the date fixed by this Court for the Fairness Hearing, Settlement Class Counsel shall file with the Court affidavits or declarations of the person under whose **general** direction the mailing and posting of the Notice, and publication of the Summary Notice and Press Release, were made, showing that mailing, posting and publication were made in accordance with this Order.

12. The Court will hold a **Fairness Hearing on November 5, 2019, at 2:00 p.m., at the Theodore Levin U.S. Courthouse, 231 West Lafayette Blvd., Detroit, MI, 48226, Courtroom 252** (or such other courtroom as may be assigned for the hearing), to determine whether to approve: (1) the proposed MITSUBA and DENSO settlements; (2) the proposed plan of distribution of the settlement funds; (3) Settlement Class Counsel's request for an award of attorneys' fees and litigation costs and expenses; and (4) the request for an incentive payment to the Class Representative. Any Settlement Class member who follows the procedure set forth in the Notice may appear and be heard at this hearing. The Fairness Hearing may be rescheduled, adjourned or continued, and the courtroom assigned for the hearing may be changed, without further notice to the Settlement Classes.

13. Any Settlement Class member who wishes to participate in the distribution of the MITSUBA or DENSO settlement funds must submit a Claim Form in accordance with the instructions therein. Any Claim Form submitted electronically must be submitted on or before November 19, 2019. Any Claim Form submitted via mail must be postmarked on or before November 19, 2019.

**IT IS SO ORDERED.**

Date: July 19, 2019

s/Marianne O. Battani  
MARIANNE O. BATTANI  
United States District Judge