

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

IN RE AUTOMOTIVE PARTS ANTITRUST LITIGATION	:	Master File No. 12-md-02311 Honorable Sean F. Cox
IN RE: SWITCHES CASES	:	
THIS DOCUMENT RELATES TO: ALL DIRECT PURCHASER CASES	:	2:13-cv-01301-SFC-RSW 2:17-cv-12338-SFC-RSW

**ORDER AUTHORIZING DISSEMINATION  
OF NOTICE TO THE DIRECT PURCHASER NIDEC  
MOBILITY CORPORATION SETTLEMENT CLASS**

Upon consideration of the Direct Purchaser Plaintiff’s Motion for an Order Authorizing Dissemination of Notice to the Nidec Mobility Corporation (formerly known as Omron Automotive Electronics Co., Ltd.) (herein referred to as “NMOJ”) (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 September 2, 2020 (2:13-cv-01310, Doc. No. 3), the Court preliminarily approved a Settlement Agreement between the Direct Purchaser Plaintiff and Defendant NMOJ and certified for purposes of the settlement a Direct Purchaser NMOJ Settlement Class (the “NMOJ Settlement Class”). The NMOJ Settlement Class shall receive notice in accordance with the terms of this Order.
3. The Court approves the form and content of (a) the Notice of Proposed Settlement of Direct Purchaser Class Action with Defendant NMOJ 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 Settlement of Direct Purchaser Class Action with Defendant

NMOJ 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.

4. 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.

5. On or before **March 4, 2021**, 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 NMOJ Settlement Class identified by Defendant NMOJ. 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.

6. On or before **March 15, 2021**, 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*. To supplement the notice program further, the Press Release, in substantially the same form as Exhibit 3 to the Notice Memorandum, shall be issued nationwide via PR Newswire’s “Auto Wire,” which targets auto industry trade publications.

7. On or before April 9, 2021, Settlement Class Counsel shall file with the Court their motion or motions for: final approval of the proposed settlement with Defendant NMOJ; approval of a proposed plan of distribution of the settlement fund; an award of attorneys’ fees and expenses; and a service award to the Class Representative.

8. All requests for exclusion from the NMOJ Settlement Class must be in writing, postmarked no later than **April 28, 2021**, and must otherwise comply with the requirements set forth in the Notice. Requests for exclusion must be sent to Settlement Class Counsel, counsel for NMOJ, and to an address specific to the Switches Direct Purchaser Antitrust Litigation. The address for each recipient is listed in the Notice.

9. Any objection by any member of the NMOJ Settlement Class to the proposed settlement, or to the proposed plan of distribution, the request for attorneys' fees and expenses, or to a service award to the Class Representative, must be in writing, must be filed with the Clerk of Court and postmarked no later than **April 28, 2021**, and must otherwise comply with the instructions set forth in the Notice.

10. 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.

11. The Court will hold a Fairness Hearing on **June 10, 2021, at 10:30 a.m.**, at the Theodore Levin U.S. Courthouse, 231 West Lafayette Blvd., Detroit, MI, 48226, **Courtroom 817** (or such other courtroom as may be assigned for the hearing), to determine whether to approve: (1) the proposed NMOJ settlement; (2) the proposed plan of distribution of the settlement fund; (3) Settlement Class Counsel's request for an award of attorneys' fees and litigation costs and expenses; and (4) the request for a service award 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. 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, Co-Lead Settlement Class Counsel shall post that information on the website devoted to the direct purchaser litigation and provide any Settlement Class member that has informed the Court that it intends to participate the information required to remotely participate. 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 Class.

12. Any Settlement Class member who wishes to participate in the distribution of the NMOJ Settlement Fund must submit a Claim Form in accordance with the instructions therein, postmarked on or before **June 21, 2021**.

**IT IS SO ORDERED.**

Dated: February 17, 2021

s/Sean F. Cox  
Sean F. Cox  
U. S. District Judge