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

IN RE AUTOMOTIVE PARTS ANTITRUST LITIGATION
IN RE: SPARK PLUGS
THIS RELATES TO: ALL DIRECT PURCHASER ACTIONS

Case No. 12-MD-02311 Honorable Sean F. Cox

2:15-cv-03001-SFC-RSW 2:15-cv-11774-SFC-RSW

# IMPORTANT NOTICE TO PURCHASERS OF SPARK PLUGS PLEASE READ THIS ENTIRE DOCUMENT CAREFULLY

YOU MUST COMPLETE AND SUBMIT A CLAIM FORM, POSTMARKED ON OR BEFORE SEPTEMBER 30, 2022, TO BE ELIGIBLE TO SHARE IN THE DISTRIBUTION OF THE PROCEEDS OF SETTLEMENTS WITH THE DENSO AND NGK DEFENDANTS

### **INSTRUCTIONS FOR COMPLETING A CLAIM FORM**

If you are a **direct** purchaser of Spark Plugs (and you have remained in either or both of the DENSO and NGK Settlement Classes), you may be entitled to share in the distribution of the proceeds of settlements with the DENSO and NGK Defendants (the "Settlement Funds"). To receive your share of the Settlement Funds, 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 the DENSO or NGK Settlement Classes, you may not participate in the distribution of the settlement funds attributable to the settlement with that Defendant.

Eligibility: You are eligible to submit a claim seeking to share in the distribution of the DENSO or NGK Settlement Fund if, during the period from January 1, 2000 through February 4, 2019 (the "Class Period"), you purchased Spark Plugs in the United States directly from one or more of the following companies, their parents (for the DENSO Settlement Class), subsidiaries (for the DENSO Settlement Class), controlled subsidiaries (for the NGK Settlement Class), affiliates (for each Settlement Class), or joint ventures (for each Settlement Class): (1) DENSO Corporation; (2) DENSO International America, Inc.; (3) DENSO Products & Services Americas, Inc.; (4) NGK Spark Plug Co., Ltd.; (5) NGK Spark Plugs (U.S.A.) Holding, Inc.; (6) NGK Spark Plugs (U.S.A.), Inc.; (7) NTK Technologies, Inc.; (8) Robert Bosch GmbH; or (9) Robert Bosch LLC.

The meaning of the term "Spark Plugs" is defined in each settlement agreement, but generally means engine components for delivering high electric voltage from the ignition system to the combustion chamber of an internal combustion engine. They ignite the compressed fuel/air mixture with an electric spark while containing combustion pressure within the engine. Spark Plugs have a basic manufacturing design composed primarily of a shell, an insulator, a center electrode and an external (ground) electrode.

<u>Submission of Claim</u>: If you are submitting a Claim Form, the 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 September 30, 2022,** and addressed to:

Settlement Administrator Spark Plugs Direct Purchaser Antitrust Litigation PO Box 4655 Portland, OR 97208-4655

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.

A Claim Form received by the Settlement Administrator shall be deemed to have been submitted when it is posted, if it is addressed in accordance with the above instructions and mailed by **September 30, 2022**, and a postmark is indicated on the envelope. In all other cases, the Claim Form shall be deemed to have been submitted when it is actually received by the Settlement Administrator.

Please note that it will take a significant amount of time to process 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. Accurate claims processing takes a significant amount of time. Thank you for your patience.

<u>Photocopies of Form</u>: A claim may be submitted on 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/SparkPlugs.

<u>Completion and Support of Claim</u>: 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 Spark Plugs, 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 SPARK PLUGS IN THE UNITED STATES *DIRECTLY* FROM ONE OR MORE OF THE COMPANIES LISTED ABOVE UNDER THE "ELIGIBILITY" HEADING DURING THE PERIOD FROM JANUARY 1, 2000 TO FEBRUARY 4, 2019.

#### INDIRECT PURCHASES ARE NOT ELIGIBLE.

<u>Schedule of Purchases: General Worksheet</u>: 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 (January 1, 2000 through February 4, 2019) in which you directly purchased Spark Plugs 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-SP.com, or by calling 1-877-890-8078.

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

<u>Taxpayer Identification Number</u>: 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 Spark Plugs in the United States from any of the listed companies during the period from January 1, 2000 through February 4, 2019. As part of the claims administration process, you may be required to verify certain information about your Spark Plugs purchases such as the quantity of product(s) purchased, the type of product(s) purchased, the dollar amounts, the date(s) of the purchases, and the company(ies) from which you **directly** purchased the Spark Plugs. You may be asked to submit purchase records to verify your claim.

<u>Confirmation of Receipt of Claim</u>: 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: Spark Plugs Direct Purchaser Antitrust Litigation, P.O. Box 4655, Portland, OR 97208-4655, via email at info@AutoPartsAntitrustLitigation-SP.com, or by calling 1-877-890-8078. You may also contact your own attorney or other person to assist you, at your own expense.

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 PLAINTIFFS OR DEFENDANTS OR THEIR COUNSEL, AND YOU DO NOT NEED TO USE THEM TO FILE A CLAIM.

#### **CLAIM FORM**

### I. IDENTITY OF CLAIMANT Please indicate whether the person filing this claim is a Direct Filer or a Third Party Filer (select only one): **Direct Filer** (you, or your company, made the direct purchases of Spark Plugs during the Class Period) Third Party Filer (you, or your company, are authorized to file this claim on behalf of the claimant listed below) If you selected "Direct Filer," please indicate your (the claimant's) name and contact information in Section II ("Claimant Information"). Then, skip Section III, and proceed directly to Section IV. If you selected "Third Party," please indicate the claimant's name and contact information in Section II ("Claimant Information"). Then, please provide your filer information in Section III ("Third Party Filer Information"), before proceeding to Section IV. Please note: If you selected "Third Party Filer," correspondence concerning this claim will be directed to the contact person provided in "Third Party Filer Information." II. CLAIMANT INFORMATION Claimant Name (Individual or Entity): Address 1: Address 2: ZIP Code: City: State: Country: Contact Person: Contact Person Email Address: Contact Person Phone Number: Claimant is a (Check one): Trustee in Bankruptcy Corporation Individual Partnership Other If the claimant on whose behalf this claim is being submitted acquired the rights that are the basis of their claim from some other person or entity (as assignee, transferee, successor or otherwise), please check the box below and attach copies of legal documents that support the acquisition of your claim. This claim is based upon an assignment or transfer and I have attached copies of supporting legal documents.

03-CA4183

INFORMATION SET FORTH ABOVE.

PLEASE PROMPTLY NOTIFY THE SETTLEMENT ADMINISTRATOR OF ANY CHANGE IN THE

### III. THIRD PARTY FILER INFORMATION

Only complete this section if you selected "Third Party Filer" at the start of Section I. Please note: As a Third Party Filer, you are required to provide supporting documents demonstrating the authorization to file on behalf of the claimant. If no documentation is provided upon submission of this claim, the Settlement Administrator will request the documentation prior to completion of processing.

File	er En	tity	(if a	ppli	cabl	le):																	
Ad	dress	1:																					
Ad	dress	2:												•	•								
Cit	y:									•							Stat	e:		ZIP	Coo	le:	
Co	ıntry	/:							•	•		•		•					•				
Co	ntact	Per	son:																				
Co	ntact	Per	son	Ema	il A	ddr	ess:			•													
Co	ntact	Per	son	Pho	ne N	Jum	ber:			_									•				
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## PLEASE PROMPTLY NOTIFY THE SETTLEMENT ADMINISTRATOR OF ANY CHANGE IN THE INFORMATION SET FORTH ABOVE.

### IV. PURCHASES

On the attached Schedule of Purchases: General Worksheet, list the total amount of **direct** purchases of Spark Plugs in the United States from each company listed in the "Eligibility" section above for each year during the period from January 1, 2000 through February 4, 2019. The purchase amounts must be the net amounts paid after deducting any discounts, rebates, price reductions, taxes, or delivery and freight charges, and must be provided in United States dollar (USD) currency. Purchases from companies that are not listed above, or are in non-USD currency, should <u>not</u> be included.

When records are available to allow you to calculate and document the dollar amount of your purchases, you must base your purchase information on these records.

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), extrapolation from the same or nearly the same circumstances 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 Spark Plugs 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. Therefore, please retain your documentation until this litigation has been concluded and the claims review process has been completed. 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. You should retain those documents until this litigation has been concluded and the claims review process has been completed.

or estimation methods used to calculate your claimed purchases:
FAILURE TO COMPLY WITH THE ABOVE INSTRUCTIONS REGARDING PURCHASES MAY RESULT IN A DELAY PROCESSING YOUR CLAIM.
V. EXCLUSION FROM SETTLEMENT CLASS
Identify the Settlement Class(es), if any, <b>from which you excluded yourself</b> . If you have not excluded yourself from any of the Settlement Classes, mark "None" and proceed to Section VI:
☐ DENSO ☐ NGK ☐ 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 of Direct Purchaser Class Actions with NGK Defendants and DENSO 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 Social Security Number (for corporations, trusts, etc.) (for individuals)
OR — — — — — — — — — — — — — — — — — — —
Business Name <b>OR</b> Name of taxpayer whose identification number is written above:

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 IRS 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,, decla	are under penalty of perjury that the information
contained in this Claim Form is true and correct to the best of	
to sign and submit this claim on behalf of the claimant, that th	e specific purchases of Spark Plugs listed were
made by the claimant directly from the companies listed, that the	ne claimant is a member of the DENSO or NGK
Settlement Classes and has not requested exclusion from both of th	ose Settlement Classes, that this claim is the only
claim being submitted by the claimant, that the claimant does not	
same purchases, that the claimant has not transferred or assigned in	
Instructions and the Notice of Proposed Settlements of Direct Pur	
DENSO Defendants. Claimant submits to the exclusive jurisdiction	
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 f	
laws of the United States and may subject the violator to criminal p	penalties.
	Date:       -       -
	MM DD YYYY
Signature	
-	
	]
Printed Name	
	1
	J
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 parents, subsidiaries, affiliates, and joint ventures) and year of the Class Period (January 1, 2000 through February 4, 2019) in which you **directly** purchased Spark Plugs 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-SP.com, or by calling 1-877-890-8078.

	Bosch De	efendants <sup>1</sup>	DENSO D	efendants <sup>2</sup>	NGK Defendants <sup>3</sup>				
Year Purchased	Est. Quantity of Products Purchased	Amount Purchased	Est. Quantity of Products Purchased	Amount Purchased	Est. Quantity of Products Purchased	Amount Purchased			
2000		(\$)		(\$)		(\$)			
2001		(\$)		(\$)		(\$)			
2002		(\$)		(\$)		(\$)			
2003		(\$)		(\$)		(\$)			
2004		(\$)		(\$)		(\$)			
2005		(\$)		(\$)		(\$)			
2006		(\$)		(\$)		(\$)			
2007		(\$)		(\$)		(\$)			

List the quantity of products purchased and dollar amount of **direct purchases** of Spark Plugs 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>3 &</sup>quot;NGK Defendants" refers to and includes NGK Spark Plug Co., Ltd.; NGK Spark Plugs (U.S.A.) Holding, Inc.; NGK Spark Plugs (U.S.A.), Inc.; and NTK Technologies, Inc.



<sup>1 &</sup>quot;Bosch Defendants" refers to and includes Robert Bosch GmbH and Robert Bosch LLC.

<sup>2 &</sup>quot;DENSO Defendants" refers to and includes DENSO Corporation; DENSO International America, Inc.; and DENSO Products & Services America's, Inc. (f/k/a DENSO Sales California, Inc.).

Year Purchased	Bosch D	efendants	DENSO I	Defendants	NGK Defendants				
(cont.)	Est. Quantity of Products Purchased	Amount Purchased	Est. Quantity of Products Purchased	Amount Purchased	Est. Quantity of Products Purchased	Amount Purchased			
2008		(\$)		(\$)		(\$)			
2009		(\$)		(\$)		(\$)			
2010		(\$)		(\$)		(\$)			
2011		(\$)		(\$)		(\$)			
2012		(\$)		(\$)		(\$)			
2013		(\$)		(\$)		(\$)			
2014		(\$)		(\$)		(\$)			
2015		(\$)		(\$)		(\$)			
2016		(\$)		(\$)		(\$)			
2017		(\$)		(\$)		(\$)			
2018		(\$)		(\$)		(\$)			
1/1/2019 through 2/4/2019		(\$)		(\$)		(\$)			
TOTAL AMOUNT PURCHASED (Required)		(\$)		(\$)		(\$)			