

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

IN RE: AUTOMOTIVE PARTS ANTITRUST LITIGATION	CASE NO. 12-MD-02311 HON. SEAN F. COX
In Re: STARTERS	Case No. 2:13-cv-01101-SFC-RSW
THIS RELATES TO:	Case No. 2:14-cv-10674-SFC-RSW
ALL DIRECT PURCHASER ACTIONS	Case No. 2:18-cv-11569-SFC-RSW

NOTICE

NOTICE OF PROPOSED SETTLEMENT OF DIRECT PURCHASER CLASS ACTION WITH BOSCH DEFENDANTS, AND HEARING ON:

- (1) APPROVAL OF PROPOSED SETTLEMENT;**
- (2) MOTION OF SETTLEMENT CLASS COUNSEL FOR AWARD OF ATTORNEYS' FEES AND REIMBURSEMENT OF LITIGATION COSTS AND EXPENSES, AND AN INCENTIVE PAYMENT TO THE CLASS REPRESENTATIVE; AND**
- (3) PLAN OF DISTRIBUTION OF THE MITSUBISHI ELECTRIC, HIAMS, DENSO, MITSUBA, AND BOSCH SETTLEMENT PROCEEDS**

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) A proposed settlement with Robert Bosch GmbH and Robert Bosch LLC (together, "Bosch," the "Bosch Defendants," or the "Settling Defendants");
- (2) Settlement Class Counsel's motion for an award from the Bosch settlement proceeds of attorneys' fees and reimbursement of litigation costs and expenses;
- (3) A proposed plan of distribution to Settlement Class members of the proceeds of the Bosch settlement as well as the already-approved settlements with Mitsubishi Electric, HIAMS, DENSO, and Mitsuba and a proposed Claim Form that you may submit to share in the settlement proceeds; and
- (4) The request for an incentive payment to the Class Representative, which would be paid from the Starters Settlement Fund.

This Notice provides information concerning the proposed Bosch settlement, the motion for attorneys' fees and reimbursement of litigation costs and expenses, and an incentive payment to the Class Representative, and the proposed plan of distribution of the Mitsubishi Electric, HIAMS, DENSO, Mitsuba and Bosch settlement proceeds. The Notice also advises you of your rights with respect to a Court hearing on these matters.

BACKGROUND

You were previously notified of the existence of this class action, the nature of the Plaintiff's claims, and settlements in this litigation with Mitsubishi Electric, HIAMS, DENSO, and MITSUBA Defendants totaling \$10,865,004. The Court has granted final approval to each of those settlements.

Plaintiff has now reached a settlement with Bosch for \$1,300,000. The Court has preliminarily approved this settlement and has provisionally certified a Settlement Class with respect to it. When added to the proceeds of the four previously approved settlements, the total of all settlements reached in this case is \$12,165,004, plus accruing interest (the Mitsubishi Electric, HIAMS, DENSO, Mitsuba and Bosch settlement proceeds are collectively referred to as the "Starters Settlement Fund").

This litigation and the proposed settlement with Bosch relate solely to Starters purchased in the United States **directly** from a Defendant, or depending on the specific settlement agreement, its parents, subsidiaries, affiliates, or joint ventures. The meaning of the term "Starters" is defined in each of the settlement agreements, but generally includes electric motors that are used to start internal combustion engines. The proposed settlement does not relate to, and has no effect upon, cases involving any product other than Starters.

If you are a member of the Bosch Settlement Class (defined below), you have the rights and options summarized here:

- You may remain in the Bosch Settlement Class and be eligible to share in the proceeds of, and be bound by the terms of, the Bosch settlement;
- You may exclude yourself from the Bosch Settlement Class, in which case you will **not** be bound by the Bosch settlement and will **not** be eligible to share in the proceeds of the settlement;
- If you remain in the Bosch Settlement Class, you may object to the proposed settlement, to the proposed plan of distribution of the Bosch settlement proceeds, or to Settlement Class Counsel's requests for an award of attorneys' fees and reimbursement of litigation costs and expenses, and an incentive payment to the Class Representative. 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.

With respect to the Mitsubishi Electric, HIAMS, DENSO, and Mitsuba Settlement Classes, you previously received notice of those Settlement Classes and were given an opportunity to opt out. You are bound by whatever decisions you previously made regarding those Settlement Classes. If you previously chose to remain in any of the Mitsubishi Electric, HIAMS, DENSO, or Mitsuba Settlement Classes, you are eligible to share in the proceeds of any settlement in which you elected to participate. You also have the right to object to the proposed plan of distribution of the Starters Settlement Fund, and to the request for an incentive payment to the Class Representative. If you previously chose to opt out of one or more of those Settlement Classes, you are not eligible to share in the proceeds of those Settlement Classes, and you do not have a right to object to the proposed plan of distribution relating to those Settlement Classes.

Any Settlement Class member who wishes to participate in the distribution of the Starters Settlement Fund must complete and submit a copy of the Claim Form on or before November 21, 2020.

WHO IS IN THE BOSCH SETTLEMENT CLASS?

The Court has provisionally certified a direct purchaser Bosch Settlement Class for the purpose of disseminating notice of the proposed Bosch settlement.

The Bosch 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 Bosch Settlement Class definition set forth above, the following entities are Defendants: Robert Bosch GmbH; Robert Bosch LLC; 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; and Mitsubishi Electric Automotive America, Inc.

Plaintiff Tiffin Motor Homes, Inc. has been appointed by the Court to serve as “Class Representative” for the Bosch 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 Class.

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 claims that as a result of the alleged 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 Bosch Defendants deny Plaintiff’s allegations and liability and have asserted defenses to Plaintiff’s claims. Bosch has 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 Bosch’s defenses. This settlement, if approved by the Court, will fully resolve Plaintiff’s claims against all defendants in the Starters litigation.

WHAT RELIEF DOES THE PROPOSED BOSCH SETTLEMENT PROVIDE?

Plaintiff, on behalf of the Bosch Settlement Class, entered into a settlement agreement with the Bosch Defendants on April 21, 2020 (the “Bosch Settlement Agreement”), under which the Bosch Defendants have agreed to pay \$1,300,000.

As part of the settlement, the Bosch Defendants have 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 settlement. The Bosch Settlement Agreement contains other important provisions, including the release of certain claims against the Bosch Defendants (and companies and people affiliated with them). For the complete terms of the settlement, you are referred to the settlement agreement, which is on file with the Clerk of Court and is available on-line at www.AutoPartsAntitrustLitigation.com/Starters. The proposed settlement must receive final approval by the Court to become effective.

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

HOW DO I REMAIN IN THE BOSCH SETTLEMENT CLASS AND WHAT HAPPENS IF I DO?

If you are a member of the Bosch Settlement Class, as defined above, you will automatically remain in the Settlement Class unless you elect to be excluded. If you wish to remain in the Bosch 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. If you remain in the Bosch Settlement Class and the proposed settlement is approved and becomes effective, you will be bound by its terms, including the release provisions, whether or not you receive a share of the settlement proceeds attributable to that settlement.

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

HOW WILL THE SETTLEMENT FUNDS BE DISTRIBUTED?

The Starters Settlement Fund, with accrued interest, less any amounts approved by the Court for payment of attorneys' fees, litigation and settlement administration costs and expenses, and an incentive payment to the Class Representative (the "Net Starters Settlement Fund"), will be distributed among the members of the Mitsubishi Electric, HIAMS, DENSO, Mitsuba, and Bosch Settlement Classes who complete and timely submit a copy of the Claim Form that is included with this Notice, **postmarked on or before November 21, 2020**.

The Net Starters Settlement Fund will be distributed pro rata to all Claimants based upon their **direct** purchases in the United States from Defendants listed in the "Eligibility" section of the Claim Form (and depending upon the settlement, their parents, subsidiaries, affiliates, and joint ventures) during the applicable Class Period. The distribution will take place as soon as practicable after review, determination, and audit of the Claim Forms by the Settlement Administrator and approval by the Court of the Settlement Administrator's recommendations as to the amounts to be paid to the Claimants.

Do not dispose of any document that reflects your purchases of Starters in the United States directly from any Defendant (or its parents, subsidiaries, affiliates, or joint ventures) during the period from January 1, 2000 through March 12, 2018. You may need those documents to complete and substantiate your Claim Form, which will be subject to inquiry and verification.

WHAT IF I DO NOT WANT TO REMAIN IN THE BOSCH SETTLEMENT CLASS?

You may exclude yourself from the Bosch Settlement Class. If you wish to exclude yourself from the Bosch Settlement Class, you must send a request for exclusion, in writing, by certified mail, return receipt requested, **postmarked no later than October 5, 2020**, to Settlement Class Counsel, and to counsel for Bosch, at the addresses set forth below, and to the following address:

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

Your request for exclusion must state that you are seeking exclusion from the Bosch Settlement Class 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, subsidiary, affiliate, or joint venture) from which you purchased Starters during the Class Period, the Starters purchased during the Class Period, and the dollar amount of your purchases. If you validly exclude yourself from the Bosch Settlement Class, you will not be bound by any decision concerning the Bosch Settlement Class, and you may pursue individually any claims you may have against Bosch (at your own expense), but you will not be eligible to share in the settlement proceeds attributable to Bosch.

REQUEST FOR ATTORNEYS' FEES AND EXPENSES AND AN INCENTIVE PAYMENT

Settlement Class Counsel, 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 thirty percent (30%) of the Bosch settlement proceeds.

Settlement Class Counsel will also request an incentive payment from the Bosch Settlement Fund to Plaintiff Tiffin Motor Homes, Inc., which was appointed by the Court to serve as Class Representative for the Settlement Class, in the amount of \$25,000.

The application for attorneys' fees and litigation costs and expenses and an incentive payment will be filed on or before September 14, 2020. If you remain a member of the Bosch Settlement Class and you wish to object to the request for fees and expenses or for an incentive payment to the Class Representative, or if you previously chose to remain in any of the Mitsubishi Electric, HIAMS, DENSO, or Mitsuba Settlement Classes and you wish to object to the request for an incentive payment, you must do so in writing in accordance with the procedures for objections set forth below. If you do not oppose any of these requests, you do not need to take any action in that regard.

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

The Court will hold a hearing on November 5, 2020, at 2:00 p.m., at the Theodore Levin United States Courthouse, 231 West Lafayette Boulevard, Detroit, MI 48226, Courtroom 817 (or such other courtroom as may be assigned for the hearing), to determine whether to approve: the proposed Bosch settlement; Settlement Class Counsel's request for an award of attorneys' fees and reimbursement of litigation costs and expenses; the proposed plan of distribution of the Starters Settlement Fund; and the request for an incentive payment to the Class Representative. If the Court believes that it is appropriate, the hearing may be conducted remotely by telephone or other electronic means. If the Court determines to hold the hearing remotely, Settlement Class Counsel shall post that information on the website devoted to the direct purchaser litigation (www.AutoPartsAntitrustLitigation.com/Starters) and provide any Settlement Class member that has informed the Court that it intends to participate at the hearing the information required to do so remotely. The 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 the Bosch Settlement Class, you have the right to object to the proposed settlement, and to Settlement Class Counsel's requests for an award of attorneys' fees and litigation costs and expenses. If you remain in the Bosch Settlement Class, or if you previously chose to remain in any of the Mitsubishi Electric, HIAMS, DENSO, or Mitsuba Settlement Classes you also have the right to object to the proposed plan of distribution of the Starters Settlement Fund, and to the request for an incentive payment to the Class Representative. Any such objection must be in writing, include the caption of this litigation, be signed, and must be **filed no later than October 5, 2020**, 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 October 5, 2020**:

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Co-Lead Counsel for the Direct Purchaser Settlement Class

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Counsel for the Bosch Defendants

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

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

If this Notice reached you at an address other than the one on the mailing label, or if your address changes, please send your correct address to: Starters Direct Purchaser Antitrust Litigation, P.O. Box 3076, Portland, OR 97208-3076.

The Settlement Agreement, Complaint, 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 Agreement and certain other documents relevant to this litigation are available at www.AutoPartsAntitrustLitigation.com/Starters. Questions concerning the proposed Bosch settlement, this Notice, or the litigation may be directed to any of the Co-Lead Settlement Class Counsel identified above.

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

Dated: August 14, 2020

BY ORDER OF:

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