

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

**IN RE AUTOMOTIVE PARTS ANTITRUST
LITIGATION**

In Re: BEARINGS CASES

**THIS RELATES TO:
ALL DIRECT PURCHASER ACTIONS**

**CASE NO. 12-MD-02311
HON. MARIANNE O. BATTANI**

**2:12-cv-00501-MOB-MKM
2:15-cv-12068-MOB-MKM**

**ORDER AUTHORIZING DISSEMINATION OF NOTICE
TO THE DIRECT PURCHASER SCHAEFFLER SETTLEMENT CLASS
OF PROPOSED PLAN OF DISTRIBUTION OF THE SETTLEMENT
FUND AND SETTLEMENT CLASS COUNSEL'S REQUESTS FOR
REIMBURSEMENT OF LITIGATION EXPENSES AND FOR
CLASS REPRESENTATIVE SERVICE AWARDS**

Upon consideration of the Direct Purchaser Plaintiffs' Motion for an Order Authorizing Dissemination of Notice to the Direct Purchaser Schaeffler Settlement Class of Proposed Plan of Distribution of the Settlement Fund and Settlement Class Counsel's Requests for Reimbursement of Litigation Expenses and for Class Representative Service Awards (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 November 15, 2017 (2:12-cv-00501, Doc. No. 279), the Settlement Agreement between the Direct Purchaser Plaintiffs and Defendants Schaeffler Group USA Inc., Schaeffler Technologies GmbH & Co. KG (formerly Schaeffler Technologies GmbH & Co. KG), and FAG Kugelfischer GmbH (collectively, "Schaeffler") was granted final approval, and a Direct Purchaser Schaeffler Settlement Class (the "Schaeffler Settlement Class") was certified. The Schaeffler 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 Hearing on Proposed Plan of Distribution of Settlement Fund, and Settlement Class Counsel's Requests for Reimbursement of Litigation Expenses and Service Awards to the Class Representatives, and Claim Form (the "Notice"), attached as Exhibit 1 to the Notice Memorandum; and (b) the Summary Notice of Hearing on Proposed Plan of Distribution of Settlement Fund, and Settlement Class Counsel's Requests for Reimbursement of Litigation Expenses and Service Awards to the Class Representatives (the "Summary Notice"), attached as Exhibit 2 to the Notice Memorandum.

4. The Court finds that the mailing and publication of the Notice and Summary Notice, respectively, in the manner set forth herein constitutes the best notice 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 May 26, 2020, 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 members of the Schaeffler Settlement Class identified by Defendants that were mailed notice of the Schaeffler settlement, except the entities that requested exclusion from the Schaeffler Settlement Class. In addition, a copy of the Notice shall be posted on the Internet at www.autopartsantitrustlitigation.com, the website dedicated to this litigation.

6. On or before June 8, 2020, 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, the digital version of *Automotive News*. To supplement the

notice program further, the Press Release, in substantially the same form as Exhibit 3 to the Notice Memorandum, will be issued nationwide via PR Newswire's "Auto Wire," which targets auto industry trade publications, and via PR Newswire's "Machinery and Equipment" microlist.

7. On or before June 15, 2020, Settlement Class Counsel shall file with the Court their motion or motions for approval of a proposed plan of distribution of the Settlement Fund, reimbursement of litigation expenses, and service awards to the Class Representatives.

8. Any objection by any member of the Schaeffler Settlement Class to the proposed plan of distribution of the Settlement Fund, the request for reimbursement of litigation expenses, or the request for service awards to the Class Representatives, must be in writing, must be filed with the Clerk of Court and postmarked no later than June 25, 2020, and must otherwise comply with requirements set forth in the Notice.

9. At least ten (10) days before the hearing date fixed by this Court, 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, were made, showing that mailing, posting and publication were made in accordance with this Order.

10. The Court will hold a hearing on July 23, 2020, at 11:00 a.m., at the Theodore Levin U.S. Courthouse, 231 West Lafayette Blvd., Detroit, MI, 48226, Courtroom 250 (or such other courtroom as may be assigned for the hearing), to determine whether to approve: (1) the proposed plan of distribution of the Settlement Fund; (2) Settlement Class Counsel's request for reimbursement of litigation expenses; and (3) the request for service awards to the Class Representatives. 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, Settlement Class Counsel shall post that information on the website devoted to the direct purchaser litigation and provide any class member that has informed the Court that it intends to participate the information required to remotely participate. The hearing may be rescheduled, adjourned or continued, and the courtroom assigned for the hearing may be changed, without further notice to the Settlement Classes. If no objections are timely filed, and the hearing is adjourned, the Court may rule on the papers.

11. Any Settlement Class member that wishes to participate in the distribution of the Settlement Fund must submit a Claim Form in accordance with the instructions therein, postmarked on or before August 21, 2020.

IT IS SO ORDERED.

Date: May 11, 2020

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