

**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: HEATER CONTROL PANELS IN RE: INSTRUMENT PANEL CLUSTERS IN RE: WIRE HARNESS PRODUCTS	:	Case No. 2:12-cv-00401-SFC-RSW Case No. 2:12-cv-00201-SFC-RSW Case No. 2:12-cv-00101-SFC-RSW
THIS DOCUMENT RELATES TO: DIRECT PURCHASER ACTIONS	:	

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

Upon consideration of the Direct Purchaser Plaintiffs’ Motion for Authorization to Disseminate Notice to the Direct Purchaser DENSO Settlement Classes in the *Heater Control Panels, Instrument Panel Clusters, and Wire Harness Products* cases (collectively, “DPP-DENSO Cases”) of (a) the proposed settlements with 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, “DENSO” or the “DENSO Defendants”), and (b) the proposed plans of distribution of the DENSO settlement funds in the DPP-DENSO Cases (the

“Motion”), and supporting memorandum (the “Notice Memorandum”), it is hereby ORDERED as follows:

1. The Motion is hereby **GRANTED**.
2. On May 23, 2019, the Court preliminarily approved a Global Settlement Agreement between Direct Purchaser Plaintiffs and the DENSO Defendants and certified for purposes of the Settlement a Direct Purchaser Plaintiff DENSO Settlement Class in each of the DPP-DENSO Cases. (*Heater Control Panels* (2:12-cv-00401, ECF No. 232); *Instrument Panel Clusters* (2:12-cv-00201, ECF No. 233); and *Wire Harness Products* (2:12-cv-00101, ECF No. 585)).
3. The Direct Purchaser Plaintiff DENSO Heater Control Panels, Instrument Panel Clusters, and Wire Harness Products Settlement Classes shall collectively be referred to herein as the “DENSO Settlement Classes.”
4. The DENSO Settlement Classes shall receive notice of the proposed settlements and plans of distribution in the DPP-DENSO Cases in accordance with the terms of this Order.
5. The Court approves the form and content of (a) the Notice of Proposed Settlements of Direct Purchaser Class Actions with DENSO Defendants, and Hearing on: (1) Approval of Proposed Settlements; and (2) Plan of Distribution of Settlement Funds, and Claim Forms (the “Notice”), attached as Exhibit 1 to the Notice Memorandum; (b) the Summary Notice of Proposed Settlements of Direct Purchaser Class Actions with DENSO Defendants and Hearing on Settlement Approval and Plan of Distribution of Settlement Funds (“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.
6. 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, 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.

7. On or before November 18, 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 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, the website dedicated to this litigation.

8. On or before November 29, 2021, Co-Lead 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, will be issued nationwide via PR Newswire's "Auto Wire," which targets auto industry trade publications.

9. On or before December 20, 2021, Co-Lead Settlement Class Counsel shall file with the Court their motion or motions for: final approval of the proposed settlements with the DENSO Defendants and approval of proposed plans of distribution of the settlement proceeds from the settlements with the DENSO Defendants in the DPP-DENSO Cases.

10. All requests for exclusion from any of the DENSO Settlement Classes must be in writing, postmarked no later than January 7, 2022, and must otherwise comply with the requirements set forth in the Notice.

11. Any objection by any member of the DENSO Settlement Classes to any of those proposed settlements or proposed plans of distribution must be in writing, must be filed with the

Clerk of Court and postmarked no later than January 7, 2022, and must otherwise comply with the instructions set forth in the Notice.

12. At least ten (10) days before the date fixed by this Court for the Fairness Hearing, Co-Lead 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.

13. The Court will hold a Fairness Hearing on **February 17, 2022, at 2:00 p.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 settlements with the DENSO Defendants and (2) the proposed plans of distribution of the proceeds from the settlements with the DENSO Defendants. Any member of the DENSO Settlement Classes 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 (www.autopartsantitrustlitigation.com) and provide any Settlement Class member that has informed the Court that it intends to participate the information required to do so remotely. 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.

14. Any member of the any of the DENSO Settlement Classes who wishes to participate in the distribution of the proceeds of the settlements with the DENSO Defendants must

submit a Claim Form in accordance with the instructions therein, postmarked on or before March 18, 2022.

IT IS SO ORDERED.

Dated: October 28, 2021

s/Sean F. Cox

Sean F. Cox
U. S. District Judge