

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

**IN RE AUTOMOTIVE PARTS ANTITRUST
LITIGATION**

In Re: INSTRUMENT PANEL CLUSTERS

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

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

2:12-cv-00201-MOB-MKM

**ORDER AUTHORIZING DISSEMINATION OF NOTICE TO THE DIRECT
PURCHASER NIPPON SEIKI AND YAZAKI SETTLEMENT CLASSES OF
PROPOSED PLAN OF DISTRIBUTION OF THE SETTLEMENT FUND AND FOR AN
AWARD OF ATTORNEYS' FEES AND EXPENSES, AND FOR CLASS
REPRESENTATIVE INCENTIVE PAYMENT**

Upon consideration of the Direct Purchaser Plaintiff's Motion for an Order Authorizing Dissemination of Notice to the Direct Purchaser Nippon Seiki and Yazaki Settlement Classes (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 December 4, 2014 (2:12-cv-00201, Doc. No. 108), the Settlement Agreement between the Direct Purchaser Plaintiff and Defendants Nippon Seiki Co. Ltd., N.S. International Ltd., and New Sabina Industries, Inc. (collectively, "Nippon Seiki") was granted final approval, and a Direct Purchaser Nippon Seiki Settlement Class (the "Nippon Seiki Settlement Class") was certified. The Nippon Seiki Settlement Class shall receive notice in accordance with the terms of this Order.
3. By Amended Order of this Court dated March 13, 2018 (2:12-cv-00201, Doc. No. 197), the Settlement Agreement between the Direct Purchaser Plaintiff and Defendants Yazaki Corporation and Yazaki North America, Inc. (collectively, "Yazaki") was granted final approval,

and a Direct Purchaser Yazaki Settlement Class (the “Yazaki Settlement Class”) was certified. The Yazaki Settlement Class shall receive notice in accordance with the terms of this Order.

4. 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 an Award of Attorneys' Fees and Expenses and an Incentive Payment to the Class Representative, 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 an Award of Attorneys' Fees and Expenses and an Incentive Payment to the Class Representative (the “Summary Notice”), attached as Exhibit 2 to the Notice Memorandum.

3. 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.

4. On or before August 16, 2018, 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 Nippon Seiki and Yazaki Settlement Classes identified by Defendants. The Notice shall also be provided to all persons who request it in response to the Summary Notice. In addition, a copy of the Notice shall be posted on the Internet at www.autopartsantitrustlitigation.com, the website dedicated to this litigation.

5. On or before August 27, 2018, 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 national edition of *The Wall Street Journal* and in one edition of *Automotive News*.

6. On or before September 17, 2018, Settlement Class Counsel shall file with the Court their motion or motions for approval of a proposed plan of distribution of the Settlement Fund, an award from the Settlement Fund of attorneys' fees, litigation costs and expenses, and an incentive payment to the Class Representative.

7. Any objection by any member of the Nippon Seiki or Yazaki Settlement Classes to the proposed plan of distribution of the Settlement Fund, the request for an award from the Settlement Fund of attorneys' fees, litigation costs and expenses, or the request for an incentive payment to the Class Representative, must be in writing, must be filed with the Clerk of Court and postmarked no later than October 5, 2018, and must otherwise comply with requirements set forth in the Notice.

8. 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, were made, showing that mailing, posting and publication were made in accordance with this Order.

9. The Court will hold a Fairness Hearing on November 8, 2018, at 11:00 a.m., at the Theodore Levin U.S. Courthouse, 231 West Lafayette Blvd., Detroit, MI, 48226, Courtroom 737 (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 an award of attorneys' fees and litigation costs and expenses; and (3) the request for an incentive payment 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. 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.

10. Any Settlement Class member who wishes to participate in the distribution of the Settlement Fund must submit a Claim Form in accordance with the instructions therein. Any Claim Form submitted electronically must be submitted on or before November 28, 2018. Any Claim Form submitted via mail must be postmarked on or before November 28, 2018.

IT IS SO ORDERED.

Date: July 27, 2018

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

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Order was served upon counsel of record via the Court's ECF System to their respective email addresses or First Class U.S. mail to the non-ECF participants on July 27, 2018.

s/ Kay Doaks
Case Manager