

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 DIRECTING DISSEMINATION OF NOTICE AND SCHEDULING HEARING
ON FINAL APPROVAL OF DIRECT
PURCHASER SETTLEMENT WITH YAZAKI DEFENDANTS AND ON
SETTLEMENT CLASS COUNSEL'S REQUEST TO USE A PORTION OF
SETTLEMENT PROCEEDS FOR LITIGATION EXPENSES**

Upon consideration of the Direct Purchaser's Motion for an Order Authorizing Dissemination of Notice of Proposed Settlement with Yazaki Defendants and Settlement Class Counsel's Request to Use a Portion of Settlement Proceeds for Litigation Expenses and to Set a Final Approval Hearing Date, to which the Yazaki Defendants consent, it is hereby ORDERED as follows:

1. The Motion is hereby **GRANTED**.
2. The Settlement Agreement between the Direct Purchaser Plaintiff and Defendants Yazaki Corporation and Yazaki North America, Inc. (collectively, "Yazaki" or the "Yazaki Defendants") was preliminarily approved, and a Direct Purchaser Yazaki Settlement Class (the "Yazaki Settlement Class") was provisionally certified, by Order of this Court dated March 21, 2017. The Yazaki Settlement Class shall receive notice of the proposed settlement in accordance with the terms of this Order.
3. The Court approves the form and content of the: (a) Notice of Proposed Settlement of Direct Purchaser Class Action with Yazaki Defendants, and Hearing on Settlement

Approval and Settlement Class Counsel's Request to Use a Portion of the Settlement Proceeds for Litigation Expenses ("Notice"), attached as Exhibit 1 to Direct Purchaser's Memorandum in Support of Motion for an Order Authorizing Dissemination of Notice of Proposed Settlement with Yazaki Defendants and Settlement Class Counsel's Request to Use a Portion of Settlement Proceeds for Litigation Expenses and to Set a Final Approval Hearing Date (the "Notice Memorandum"); and (b) Summary Notice of Proposed Settlement of Direct Purchaser Class Action with Yazaki Defendants, and Hearing on Settlement Approval and Settlement Class Counsel's Request to Use a Portion of Settlement Proceeds for Litigation Expenses ("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 in the Notice Memorandum 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 December 13, 2017, 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 Yazaki Settlement Class identified by Defendants. The Notice shall also be provided to all persons who request it in response to the Summary Notice provided for herein. In addition, copies of the Notice shall be posted on the Internet at www.autopartstrustlitigation.com, the website dedicated to this litigation.

6. On or before December 22, 2017, 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.

7. On or before January 16, 2018, Settlement Class Counsel shall file with the Court their motion for final approval of the proposed settlement with the Yazaki Defendants and for approval of the request to use a portion of the Yazaki settlement proceeds for litigation expenses.

8. All requests for exclusion from the Yazaki Settlement Class must be in writing, postmarked no later than February 5, 2018, and must otherwise comply with the requirements set forth in the Notice.

9. Any objection by any member of the Yazaki Settlement Class to the proposed settlement or to Settlement Class Counsel's request to use a portion of the Yazaki settlement proceeds for litigation expenses must be in writing, must be filed with the Clerk of Court and postmarked no later than February 5, 2018, and must otherwise comply with the requirements set forth in the Notice.

10. Each member of the Yazaki Settlement Class shall retain all rights and causes of action with respect to claims against every Defendant other than the Yazaki Defendants, regardless of whether such Settlement Class member decides to remain in, or request exclusion from, the Yazaki Settlement Class.

11. 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.

12. The Court will hold a Fairness Hearing on March 12, 2018, at 2:30 p.m., at the Theodore Levin U.S. Courthouse, Courtroom 272, 231 West Lafayette Blvd., Detroit MI, 48226, to determine whether the proposed Yazaki settlement is fair, reasonable and adequate and should

be approved, and whether to approve the request to use a portion of the Yazaki settlement proceeds for litigation expenses. Any Yazaki 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 without further notice to the Yazaki Settlement Class.

IT IS SO ORDERED.

Date: November 29, 2017

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 November 29, 2017.

s/ Kay Doaks
Case Manager