

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

_____	:	
<b>In Re: AUTOMOTIVE PARTS</b>	:	<b>Case No. 12-md-02311</b>
<b>ANTITRUST LITIGATION</b>	:	<b>Honorable Sean F. Cox</b>
_____	:	
	:	
<b>In Re: SMALL BEARINGS CASES</b>	:	
_____	:	
	:	
<b>THIS DOCUMENT RELATES TO:</b>	:	<b>2:17-cv-04201-SFC-RSW</b>
<b>ALL DIRECT PURCHASER ACTIONS</b>	:	<b>2:17-cv-10853-SFC-RSW</b>
_____	:	

**ORDER AUTHORIZING DISSEMINATION OF NOTICE  
TO DIRECT PURCHASER MINEBEA SETTLEMENT CLASS OF PROPOSED  
PLAN OF DISTRIBUTION OF THE MINEBEA SETTLEMENT FUND AND  
REQUESTS FOR ATTORNEYS’ FEES, REIMBURSEMENT OF LITIGATION  
EXPENSES, AND CLASS REPRESENTATIVE SERVICE AWARD**

Upon consideration of the Direct Purchaser Plaintiff’s Motion for Authorization to Disseminate Notice to Direct Purchaser Minebea Settlement Class of Proposed Plan of Distribution of the Minebea Settlement Fund and Requests for Attorneys’ Fees, Reimbursement of Litigation Expenses, and Class Representative Service Award (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 March 12, 2018 (2:17-cv-04201, ECF No. 22), the Settlement Agreement between the Direct Purchaser Plaintiff and Defendants MINEBEA MITSUMI Inc., NMB (USA), Inc., and NMB Technologies Corporation (collectively, “Minebea”) was granted final approval, and a Direct Purchaser Minebea Settlement Class (the “Minebea Settlement Class”) was certified. The Minebea 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 Minebea Settlement Fund and Settlement Class Counsel's Requests for Attorneys' Fees, Reimbursement of Litigation Expenses, and a Service Award to the Class Representative, and Claim Form (the "Notice"), attached as Exhibit 1 to the Notice Memorandum; (b) the Summary Notice of Hearing on Proposed Plan of Distribution of Minebea Settlement Fund and Settlement Class Counsel's Requests for Attorneys' Fees, Reimbursement of Litigation Expenses, and a Service Award to the Class Representative (the "Summary Notice"), attached as Exhibit 2 to the Notice Memorandum; and (c) the Informational Press Release (the "Press Release"), attached as Exhibit 3 to the Notice Memorandum.

4. 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 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 July 6, 2023, 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 Minebea Settlement Class identified by Defendants that were mailed notice of the Minebea settlement, and shall be posted on the Internet at [www.autopartsantitrustlitigation.com](http://www.autopartsantitrustlitigation.com), the website dedicated to this litigation.

6. On or before July 17, 2023, 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, and via PR Newswire's "Machinery and Equipment" microlist.

7. On or before August 7, 2023, Settlement Class Counsel shall file with the Court their motion or motions for approval of a proposed plan of distribution of the Minebea Settlement Fund, and for attorneys' fees, reimbursement of litigation expenses, and a service award to the Class Representative.

8. Any objection by any member of the Minebea Settlement Class to the proposed plan of distribution of the Minebea Settlement Fund, or to the requests for attorneys' fees, reimbursement of litigation expenses, or the request for a service award to the Class Representative, must be in writing, must be filed with the Clerk of Court and postmarked no later than August 25, 2023, 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 **October 12, 2023, 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 plan of distribution of the Minebea Settlement Fund; (2) Settlement Class Counsel's requests for attorneys' fees and reimbursement of litigation expenses; and (3) the request for a service award 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. 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](http://www.autopartsantitrustlitigation.com)) and provide any class member that has informed the Court it intends to participate with the information required to do so remotely. The hearing may be rescheduled, adjourned or continued, and the courtroom assigned for the hearing may be changed, without further notice to the Minebea Settlement Class. If no objections are timely filed, and the hearing is adjourned, the Court may rule on the papers.

11. Any Minebea Settlement Class member that wishes to participate in the distribution of the Minebea Settlement Fund must submit a Claim Form in accordance with the instructions therein, postmarked on or before October 26, 2023.

**IT IS SO ORDERED.**

Dated: June 20, 2023

s/Sean F. Cox  
Sean F. Cox  
U. S. District Judge