

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

**In Re: AUTOMOTIVE PARTS  
ANTITRUST LITIGATION**

**Case No. 12-md-02311  
Honorable Marianne O. Battani**

**In Re: WIRE HARNESS CASES**

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

**2:12-cv-00101-MOB-MKM**

**NOTICE AND CLAIM FORM**

**NOTICE OF PROPOSED SETTLEMENTS OF DIRECT PURCHASER CLASS ACTION WITH FURUKAWA AND MITSUBISHI ELECTRIC DEFENDANTS AND HEARING ON:**

- (1) APPROVAL OF PROPOSED SETTLEMENTS;**
- (2) PLAN OF DISTRIBUTION OF THE FURUKAWA AND MITSUBISHI ELECTRIC SETTLEMENT FUND; AND**
- (3) MOTION OF SETTLEMENT CLASS COUNSEL FOR ATTORNEYS' FEES AND COSTS AND EXPENSES.**

**TO:** ALL PERSONS AND ENTITIES WHO PURCHASED WIRE HARNESS PRODUCTS IN THE UNITED STATES DIRECTLY FROM A DEFENDANT AND/OR ANY CURRENT OR FORMER SUBSIDIARY, JOINT VENTURE, OR AFFILIATE OF ANY DEFENDANT DURING THE PERIOD FROM JANUARY 1, 2000 THROUGH DECEMBER 13, 2016.

PLEASE READ THIS ENTIRE NOTICE CAREFULLY. YOUR LEGAL RIGHTS MAY BE AFFECTED BY LITIGATION NOW PENDING IN THIS COURT.

**WHAT IS THE PURPOSE OF THIS NOTICE AND WHY WAS IT SENT TO ME?**

This Notice is given pursuant to Rule 23 of the Federal Rules of Civil Procedure and an Order of the United States District Court for the Eastern District of Michigan, Southern Division (the "Court"). The purpose of this Notice is to inform you of a hearing before the Court to consider:

- (1) Proposed settlements with Defendants Furukawa Electric Co., Ltd. and American Furukawa, Inc. (together, "Furukawa"), and Defendants Mitsubishi Electric Corporation, Mitsubishi Electric US Holdings, Inc., and Mitsubishi Electric Automotive America, Inc. (collectively, "Mitsubishi Electric") (all defendants referenced in this paragraph collectively, the "Settling Defendants").
- (2) A plan for distributing the proceeds of the Furukawa and Mitsubishi Electric settlements to Settlement Class members, and a proposed Claim Form that you must submit in order to share in the Furukawa and Mitsubishi Electric Settlement Fund (unless you submitted one in connection with the previously approved settlements in this case); and
- (3) Settlement Class Counsel's motion for an award of attorneys' fees and reimbursement of their litigation costs and expenses.

This Notice provides information concerning the proposed Furukawa and Mitsubishi Electric settlements, the proposed plan of distribution, and the motion for an award of attorneys' fees and litigation costs and expenses. The Notice also advises you of your rights to: participate in the settlement claims process; exclude yourself from either or both of the Settlement Classes; and object to the terms of the proposed settlements, the plan of distribution, and/or the motion for an award of fees and expenses in connection with the Court hearing on these matters.

## BACKGROUND

You were previously notified of the existence of this class action, the nature of the Plaintiffs' claims, and settlements in this litigation with the Lear, G.S. Electech, Tokai Rika, Chiyoda, Fujikura, LEONI, Sumitomo and Yazaki Defendants totaling \$102,736,240.10. The Court has granted final approval to each of those settlements and has approved Plaintiffs' proposed plan for distribution of the net settlement proceeds attributable to those settlements.

Plaintiffs have now reached settlements with Furukawa (\$19,000,000) and Mitsubishi Electric (\$680,320) totaling \$19,680,320 (combined, the "Furukawa and Mitsubishi Electric Settlement Fund"). The Court has preliminarily approved these settlements and has provisionally certified Settlement Classes with respect to each of them. When the Furukawa and Mitsubishi Electric Settlement Fund is added to the amounts of the eight previously approved settlements, the total of all settlements reached in this case is \$122,416,560.10, plus accruing interest. As discussed below, the Furukawa Settlement Agreement is subject to rescission based upon valid and timely requests for exclusion by Furukawa Settlement Class members.

This case is part of coordinated legal proceedings involving a number of parts used in motor vehicles. This case and the proposed settlements, however, relate solely to Wire Harness Products purchased **directly** from a Defendant and/or any current or former subsidiary, joint venture, or affiliate of any Defendant. These proceedings do not relate to, and have no effect upon, cases involving any other product or purchaser.

Wire Harnesses are electrical distribution systems used to direct and control electronic components, wiring, and circuit boards in motor vehicles. "Wire Harness Products," for purposes of each of the proposed settlements, means Wire Harnesses and the following related products: automotive electrical wiring, lead wire assemblies, cable bond, automotive wiring connectors, automotive wiring terminals, high voltage wiring, electronic control units, fuse boxes, relay boxes, junction blocks, power distributors, and speed sensor wire assemblies used in motor vehicles.

If you purchased one or more Wire Harness Products in the United States directly from any of the Defendants identified below and/or any current or former subsidiary, joint venture, or affiliate of any Defendant during the period from January 1, 2000 through December 13, 2016 (the "Class Period"), you may be a member of either or both of the Furukawa and Mitsubishi Electric Settlement Classes, and have the rights and options summarized here:

- You may remain in either or both of the Furukawa and/or Mitsubishi Electric Settlement Classes and be eligible to share in the proceeds of, and be bound by the terms of, those settlements in which you elect to remain;
- You may exclude yourself from either or both of the Furukawa and/or Mitsubishi Electric Settlement Classes, in which case you will **not** be bound by any settlement from which you exclude yourself and will **not** be eligible to share in the proceeds of that settlement;
- If you remain in either of the Furukawa or Mitsubishi Electric Settlement Classes, you may object in writing to that proposed settlement and appear at the hearing (personally or through your own counsel (at your own expense)) where the Court will consider whether the proposed settlements should be approved as fair, adequate, and reasonable;
- If you remain in either of the Furukawa or Mitsubishi Electric Settlement Classes, you may object in writing to the proposed plan of distribution and/or to Settlement Class Counsel's motion for attorneys' fees and reimbursement of litigation costs and expenses, and you may appear at the hearing where the Court will consider these matters;
- You may enter an appearance in the litigation through your own counsel at your own expense; and
- Any Settlement Class member who wishes to participate in the distribution of the Furukawa and Mitsubishi Electric Settlement Fund may either rely on a valid Claim Form that it previously submitted in connection with the previously approved settlements or may instead submit a Claim Form that would relate only to the Furukawa and Mitsubishi Electric settlements. Any Settlement Class member that chooses the latter option must complete and submit a copy of the Claim Form included with this Notice, **postmarked no later than November 14, 2018**.

## WHO IS IN THE SETTLEMENT CLASSES?

The Court has provisionally certified Direct Purchaser Furukawa and Mitsubishi Electric Settlement Classes for purposes of disseminating notice of the proposed settlements.

The Furukawa Settlement Class is defined as:

All individuals and entities (excluding Defendants and their present and former parents, subsidiaries, joint ventures and affiliates) that purchased Wire Harness Products in the United States directly from one or more Defendants, any current or former subsidiary, joint venture, or affiliate of any Defendant, or any alleged co-conspirator of one or more of the Defendants, during the period from January 1, 2000 through December 13, 2016.

The Mitsubishi Electric Settlement Class is defined as:

All individuals and entities who purchased Wire Harness Products in the United States directly from one or more Defendants (or their subsidiaries, affiliates, or joint ventures) from January 1, 2000 through December 13, 2016. Excluded from the Settlement Class are Defendants, their present and former parent companies, subsidiaries, and affiliates, federal governmental entities and instrumentalities of the federal government, and states and their subdivisions, agencies and instrumentalities.

For purposes of each of the Settlement Class definitions set forth above, the following entities are Defendants: Chiyoda Manufacturing Corporation; Denso Corporation; Denso International America, Inc.; Fujikura Ltd.; Fujikura Automotive America LLC; Furukawa Electric Co., Ltd.; American Furukawa, Inc.; Furukawa Wiring Systems America, Inc. f/k/a Furukawa Lear Corporation and Lear Furukawa Corporation; G.S. Electech, Inc.; G.S. Wiring Systems Inc.; G.S.W. Manufacturing, Inc.; Lear Corporation; LEONI Wiring Systems, Inc.; Leonische Holding Inc.; Mitsubishi Electric Corporation; Mitsubishi Electric US Holdings, Inc.; Mitsubishi Electric Automotive America, Inc.; Sumitomo Electric Industries, Ltd.; Sumitomo Wiring Systems, Ltd.; Sumitomo Electric Wiring Systems, Inc.; K&S Wiring Systems, Inc.; Sumitomo Wiring Systems (U.S.A.), Inc.; Tokai Rika Co., Ltd.; TRAM, Inc.; Yazaki Corporation; and Yazaki North America, Inc.

The Court has appointed Plaintiffs Paesano Connecting Systems, Inc.; Craft-Co Enterprises, Inc.; Findlay Industries, Inc.; Cesar-Scott, Inc.; Martinez Manufacturing, Inc.; South Star Corporation; and ACAP, L.L.C., f/k/a Aguirre, Collins & Aikman Plastics, LLC to serve as “Class Representatives” for the Furukawa and Mitsubishi Electric Settlement Classes. The Court has appointed the law firms of Freed Kanner London & Millen LLC; Kohn, Swift & Graf, P.C.; Preti, Flaherty, Beliveau & Pachios LLP; and Spector Roseman Kodroff & Willis, P.C. to serve as “Settlement Class Counsel” for the Settlement Classes.

## WHAT IS THIS LITIGATION ABOUT?

Beginning in 2011, class action lawsuits were filed against Defendants by Plaintiffs, who are direct purchasers of Wire Harness Products in the United States. Plaintiffs allege that Defendants entered into a conspiracy to suppress and eliminate competition for Wire Harness Products by agreeing to rig bids for, and to raise, fix, stabilize, or maintain the prices of, Wire Harness Products, in violation of federal antitrust laws. Plaintiffs further allege that because of the conspiracy, they and other direct purchasers of Wire Harness Products in the United States have been injured by paying more for those products than they would have paid in the absence of the alleged illegal conduct, and they seek recovery of treble damages, together with reimbursement of costs and an award of reasonable attorneys’ fees.

Each of the Settling Defendants denies Plaintiffs’ allegations and has agreed to settle this matter to avoid the expense and burden of further litigation. This is a settlement with the Settling Defendants only. Plaintiffs are continuing to prosecute the case against the remaining non-settling Defendants, Denso Corporation and Denso International America, Inc.

## WHAT RELIEF DO THE PROPOSED SETTLEMENTS PROVIDE?

Plaintiffs, on behalf of the Furukawa Settlement Class, have entered into a settlement with Furukawa dated May 16, 2018, under which Furukawa has agreed to pay \$19,000,000. The Settlement Agreement gives Furukawa the right to withdraw from the settlement based upon valid and timely requests for exclusion by members of the Furukawa Settlement Class. Furukawa has also agreed to cooperate with Plaintiffs in the prosecution of the lawsuit against the remaining Defendants.

Plaintiffs, on behalf of the Mitsubishi Electric Settlement Class, have entered into a settlement with Mitsubishi Electric dated March 12, 2018, under which Mitsubishi Electric has agreed to pay \$680,320. Mitsubishi Electric has also agreed to cooperate with Plaintiffs in the prosecution of the lawsuit against the remaining Defendants.

The nature and extent of the cooperation agreed to by each of the Settling Defendants is described in detail in their respective Settlement Agreements. Copies of the Agreements are on file with the Clerk of Court and available on-line at [www.AutoPartsAntitrustLitigation.com](http://www.AutoPartsAntitrustLitigation.com). Each Settling Defendant has agreed to provide some forms of cooperation that are expressly agreed upon in their respective Settlement Agreements and may include: (a) the production of documents, data and other information potentially relevant to Plaintiffs' claims; (b) assistance in understanding information produced to Plaintiffs and facilitating the use of such information at trial; (c) meetings between Settlement Class Counsel and the attorneys for the respective Settling Defendant who will provide information relevant to the claims in this litigation; (d) witness interviews; (e) depositions; and (f) declarations.

Settlement Class Counsel agreed to the proposed settlements to ensure a fair and reasonable resolution to this matter, and to provide benefits to the members of the Furukawa and Mitsubishi Electric Settlement Classes. The proposed settlements reflect the existence of complex, contested issues of law and fact; the risks inherent in such complex litigation; the likelihood that in the absence of settlement, future proceedings would take several years and be extremely costly; and the magnitude of the benefits resulting from the settlements in light of the possible range of recovery that could be obtained through further litigation, including the risk of no recovery. Settlement Class Counsel believe that it is in the best interests of the Settlement Classes to enter into the proposed settlements to resolve this litigation as to the Settling Defendants.

This Notice is only a summary of the terms of the proposed settlements. The Settlement Agreements contain other important provisions, including releases of certain claims against the Settling Defendants. You may examine the Agreements, which are on file with the Clerk of Court and available on-line at [www.AutoPartsAntitrustLitigation.com](http://www.AutoPartsAntitrustLitigation.com), for the complete terms of the settlements. The proposed settlements must receive final approval by the Court in order to become effective.

If you are a member of the Furukawa Settlement Class or the Mitsubishi Electric Settlement Class and the proposed settlement that relates to that Settlement Class is approved and becomes effective, you will be bound by its terms, including the release provisions. If you wish to object to approval of either of the Furukawa and Mitsubishi Electric settlements you may do so, but only in accordance with the procedures set forth below. If you do not object to a settlement, you do not need to take any action at this time to indicate your support for, or lack of objection to, that settlement.

## **HOW DO I REMAIN IN A SETTLEMENT CLASS AND WHAT HAPPENS IF I DO, AND HOW DO I FILE A CLAIM FORM?**

You were previously asked to decide whether you wanted to remain in the Lear, G.S. Electech, Tokai Rika, Chiyoda, Fujikura, LEONI, Sumitomo, and Yazaki Settlement Classes. With respect to each of those Settlement Classes, you are bound by whatever decisions you previously made.

If you are a member of the Furukawa or Mitsubishi Electric Settlement Class, you will automatically remain in that Settlement Class unless you elect to be excluded. If you wish to remain in a Settlement Class, you do not need to take any action at this time; your interests will be represented by the Class Representatives and by Settlement Class Counsel. If you remain in a Settlement Class, you will be eligible to share in the proceeds of that settlement.

If you submitted a valid Claim Form in connection with the previously approved Lear, G.S. Electech, Tokai Rika, Chiyoda, Fujikura, LEONI, Sumitomo, or Yazaki settlements, you may submit a new Claim Form at this time, but you are not required to do so because the information from your original Claim Form will be used to determine the amount of your share of the Furukawa and Mitsubishi Electric Settlement Fund. If you believe you have additional information that you did not include in your previously submitted Claim Form, you may submit a Claim Form with that additional information. If you did not submit a valid Claim Form in connection with the previously approved settlements and would like to share in the proceeds of the Furukawa and Mitsubishi Electric Settlement Fund, or if you wish to submit additional information, then you must submit a Claim Form **postmarked by November 14, 2018**. Any Settlement Class member that did not previously submit a valid Claim Form and does not complete and timely submit a valid Claim Form at this time will not be entitled to share in Furukawa and Mitsubishi Electric settlement proceeds.

If you remain in either the Furukawa Settlement Class or the Mitsubishi Electric Settlement Class and the proposed settlement with that Defendant is approved and becomes effective, you will be bound by its terms, including the release provisions, whether or not you receive a share of the settlement proceeds attributable to that settlement.

## HOW WILL THE SETTLEMENT FUNDS BE DISTRIBUTED?

The Furukawa and Mitsubishi Electric Settlement Fund, with accrued interest, less any amounts approved by the Court for payment of attorneys' fees and litigation and administration costs and expenses (the "Net Furukawa and Mitsubishi Electric Settlement Fund"), will be distributed among the members of the Settlement Classes who have either (1) previously submitted a valid Claim Form in connection with the Lear, G.S. Electech, Tokai Rika, Chiyoda, Fujikura, LEONI, Sumitomo, and Yazaki settlements and have not elected to exclude themselves from the Furukawa and Mitsubishi Electric Settlement Classes, or (2) completed and timely submitted a valid Claim Form **postmarked by November 14, 2018** and have not elected to exclude themselves from the Furukawa and Mitsubishi Electric Settlement Classes. The Net Furukawa and Mitsubishi Electric Settlement Fund will be distributed *pro rata* to all Claimants based upon their **direct** purchases in the United States from Defendants and/or any current or former subsidiary, joint venture, or affiliate of any Defendant from January 1, 2000 through December 13, 2016. The distribution will take place as soon as practicable after review, analysis, and audit of the Claim Forms by the Settlement Administrator and approval by the Court of the Settlement Administrator's recommendations as to the amounts to be paid to the Claimants.

**Please do not dispose of any document that reflects any payments for your direct purchases of Wire Harness Products in the United States from any Defendant (and/or their current or former subsidiaries, affiliates, or joint ventures) during the period from January 1, 2000 through December 13, 2016. You may need those documents to complete and substantiate your Claim Form, which will be subject to inquiry and verification.**

## WHAT IF I DO NOT WANT TO REMAIN IN A SETTLEMENT CLASS?

You may exclude yourself from either or both of the Settlement Classes. If you wish to exclude yourself from either or both of the Furukawa or Mitsubishi Electric Settlement Classes, you must send a request for exclusion, in writing, via certified mail, return receipt requested, **postmarked no later than October 5, 2018**, to Settlement Class Counsel and to counsel for the Settling Defendants, at the addresses set forth below on page 6, and to the following address:

Wire Harness Products Direct Purchaser Antitrust Litigation  
P.O. Box 5110  
Portland, OR 97208-5110

Your request for exclusion must identify the Settlement Class or Classes from which you are seeking exclusion and must include the full name and address of the purchaser (including any predecessor or successor entities and any trade names). You are also requested to identify the Defendant(s) and/or their current or former subsidiary(ies), joint venture(s), or affiliate(s) from which you purchased Wire Harness Products during the Class Period, the Wire Harness Products you purchased, and the dollar amount of your purchases. If you validly exclude yourself from either of the Furukawa or Mitsubishi Electric Settlement Classes, you will not be bound by any decision concerning that Settlement Class, and you may pursue individually any claims you may have against that Defendant (at your own expense), but you will not be eligible to share in the settlement proceeds attributable to that Defendant.

## REQUEST FOR ATTORNEYS' FEES AND EXPENSES

The Court has appointed the law firms identified above (on page 3) as Settlement Class Counsel. These law firms, together with other firms that have worked on this litigation, will file a motion for an award of attorneys' fees and reimbursement of their costs and expenses incurred in prosecuting the case. The request of Settlement Class Counsel for attorneys' fees will not exceed one third (33 1/3 percent) of the proceeds of the Furukawa and Mitsubishi Electric Settlement Fund.

The application for attorneys' fees and litigation costs and expenses will be filed on or before September 17, 2018. If you remain in either of the Furukawa or Mitsubishi Electric Settlement Classes, and you wish to object to the requests for attorneys' fees and litigation costs and expenses, you must do so in writing in accordance with the procedures for objections set forth below. If you do not oppose any of these requests, you do not need to take any action in that regard.

**WHEN WILL THE COURT CONSIDER THESE MATTERS AND HOW CAN I TELL THE COURT WHAT I THINK?**

The Court will hold a hearing on November 8, 2018, at 10:00 a.m., at the Theodore Levin United States Courthouse, 231 West Lafayette Boulevard, Detroit, MI 48226, Courtroom 737 (or such other courtroom as may be assigned for the hearing), to determine whether to approve: the proposed Furukawa and Mitsubishi Electric settlements; the proposed plan of distribution of the Furukawa and Mitsubishi Electric Settlement Fund; and Settlement Class Counsel's request for an award of attorneys' fees and litigation costs and expenses from the Furukawa and Mitsubishi Electric Settlement Fund. The hearing may be rescheduled, and the courtroom assigned for the hearing may be changed, without further notice to you. Please check [www.AutoPartsAntitrustLitigation.com](http://www.AutoPartsAntitrustLitigation.com) for any updated information about the hearing.

If you remain a member of either the Furukawa or the Mitsubishi Electric Settlement Classes and you wish to object to that proposed settlement, or to the proposed plan of distribution of the Furukawa and Mitsubishi Settlement Fund, or to Settlement Class Counsel's request for an award of attorneys' fees and litigation costs and expenses, you must do so in writing and at your own expense. Any such objection must include the caption of this litigation, must be signed, must identify the settlement to which you object, and must be **filed no later than October 5, 2018**, with the Clerk of Court, United States District Court for the Eastern District of Michigan, Southern Division, Theodore Levin United States Courthouse, 231 West Lafayette Boulevard, Detroit, MI 48226, and mailed to the following counsel, **postmarked no later than October 5, 2018**:

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*Counsel for the Furukawa Defendants*

If you do not object to either of the Furukawa and Mitsubishi Electric settlements, or to any of the related matters set forth above, you do not need to appear at the hearing or take any other action at this time. **You must, however, complete and timely submit the Claim Form (if you have not already done so) if you wish to share in the distribution of the Furukawa and Mitsubishi Electric Settlement Fund.**

**WHAT SHOULD I DO IF I WANT ADDITIONAL INFORMATION OR IF MY ADDRESS CHANGES?**

If this Notice reached you at an address other than the one on the mailing label, or if your address changes, please send your correct address to:

Wire Harness Products Direct Purchaser Antitrust Litigation  
P.O. Box 5110  
Portland, OR 97208-5110

The Settlement Agreements, Complaint, and other public documents filed in this litigation are available for review during normal business hours at the offices of the Clerk of Court, United States District Court for the Eastern District of Michigan, Southern Division, Theodore Levin United States Courthouse, 231 West Lafayette Boulevard, Detroit, MI 48226. Copies of the Settlement Agreements and certain other documents relevant to this litigation are available at **[www.AutoPartsAntitrustLitigation.com](http://www.AutoPartsAntitrustLitigation.com)**. In addition, all documents filed in the case may be obtained through the Public Access to Court Electronic Records system, after registration and payment of the required fees. Questions concerning the proposed settlements, this Notice, or the litigation may be directed to any of the Settlement Class Counsel identified above.

**Please do not contact the Clerk of the Court or the Judge.**

Dated: August 16, 2018

BY ORDER OF:

The United States District Court for the Eastern  
District of Michigan, Southern Division