

**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
2:14-cv-13773-MOB-MKM**

**ORDER DIRECTING DISSEMINATION OF
NOTICE AND SCHEDULING HEARING ON FINAL
APPROVAL OF SETTLEMENTS WITH CHIYODA, FUJIKURA,
LEONI, SUMITOMO, AND YAZAKI DEFENDANTS**

Upon consideration of the Direct Purchaser Plaintiffs' Motion for Authorization to Disseminate Notice to Direct Purchaser Settlement Classes of proposed settlements with Defendants Chiyoda Manufacturing Corporation, Fujikura Ltd., Fujikura Automotive America LLC, LEONI Wiring Systems, Inc., Leonische Holding 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., Yazaki Corporation, and Yazaki North America, Inc. (collectively, the "Settling Defendants"), a Motion to which all Settling Defendants consent, it is hereby ORDERED as follows:

1. The Motion is hereby **GRANTED**.
2. The Settlement Agreement between the Direct Purchaser Plaintiffs and Defendants Fujikura Ltd. and Fujikura Automotive America LLC ("Fujikura") was preliminarily approved, and a Direct Purchaser Fujikura Settlement Class (the "Fujikura Settlement Class") was provisionally certified, by Order of this Court dated January 4, 2017. The Fujikura

Settlement Class shall receive notice of the proposed settlement in accordance with the terms of this Order.

3. The Settlement Agreement between the Direct Purchaser Plaintiffs and Defendants Yazaki Corporation and Yazaki North America, Inc. (collectively, “Yazaki”) was preliminarily approved, and a Direct Purchaser Yazaki Settlement Class (the “Yazaki Settlement Class”) was provisionally certified, by Order of this Court dated March 2, 2017. The Yazaki Settlement Class shall receive notice of the proposed settlement in accordance with the terms of this Order.

4. The Settlement Agreement between the Direct Purchaser Plaintiffs and Defendant Chiyoda Manufacturing Corporation (“Chiyoda”) was preliminarily approved, and a Direct Purchaser Chiyoda Settlement Class (the “Chiyoda Settlement Class”) was provisionally certified, by Order of this Court dated March 2, 2017. The Chiyoda Settlement Class shall receive notice of the proposed settlement in accordance with the terms of this Order.

5. The Settlement Agreement between the Direct Purchaser Plaintiffs and Defendants Sumitomo Electric Industries, Ltd.; Sumitomo Wiring Systems, Ltd., Sumitomo Electric Wiring Systems, Inc., K&S Wiring Systems, Inc., Sumitomo Wiring Systems (U.S.A.) (collectively, “Sumitomo”) was preliminarily approved, and a Direct Purchaser Sumitomo Settlement Class (the “Sumitomo Settlement Class”) was provisionally certified, by Order of this Court dated March 2, 2017. The Sumitomo Settlement Class shall receive notice of the proposed settlement in accordance with the terms of this Order.

6. The Settlement Agreement between the Direct Purchaser Plaintiffs and Defendants LEONI Wiring Systems, Inc., Leonische Holding Inc. (collectively, “LEONI”) was

preliminarily approved, and a Direct Purchaser LEONI Settlement Class (the “LEONI Settlement Class”) was provisionally certified, by Order of this Court dated April 6, 2017. The LEONI Settlement Class shall receive notice of the proposed settlement in accordance with the terms of this Order.

7. The Court approves the form and content of the: (a) Notice of Proposed Settlements of Direct Purchaser Class Action with Chiyoda, Fujikura, LEONI, Sumitomo, and Yazaki Defendants and Hearing on Settlement Approval and Related Matters, and Claim Form (“Notice”), attached as Exhibit A to Direct Purchaser Plaintiffs’ Memorandum in Support of Motion for Authorization to Disseminate Notice (the “Notice Memorandum”); and (b) Summary Notice of Proposed Settlements of Direct Purchaser Class Action with Chiyoda, Fujikura, LEONI, Sumitomo, and Yazaki Defendants and Hearing on Settlement Approval and Related Matters (“Summary Notice”), attached as Exhibit B to the Notice Memorandum.

8. 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.

9. On or before May 19, 2017, the Notice, in substantially the same form as Exhibit A to the Notice Memorandum shall be mailed by first class mail, postage prepaid, to all potential members of the Chiyoda, Fujikura, G.S. Electech, Lear, LEONI, Sumitomo, Tokai Rika, 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 provided for herein. In addition,

copies of the Notice shall be posted on the Internet at www.autopartsantitrustlitigation.com, the website dedicated to this litigation.

10. On or before May 30, 2017, Settlement Class Counsel shall cause the Summary Notice, in substantially the same form as Exhibit B to the Notice Memorandum, to be published in one national edition of *The Wall Street Journal* and in one edition of *Automotive News*.

11. On or before June 19, 2017, Settlement Class Counsel shall file with the Court their motion or motions for: final approval of the proposed settlements with the Settling Defendants; authorization to utilize a portion of the settlement funds attributable to the proposed settlements with the Settling Defendants to pay Plaintiffs' future litigation expenses; approval of a proposed plan of distribution of (a) the settlement funds attributable to the proposed settlements with the Settling Defendants (the "New Settlements") and (b) the settlement funds attributable to the settlements with the G.S. Electech, Lear, and Tokai Rika Defendants, which were previously granted final approval by the Court (collectively with the funds attributable to the New Settlements, the "Wire Harness Settlement Fund"); an award from the Wire Harness Settlement Fund of attorneys' fees, litigation costs and expenses; and an award from the Wire Harness Settlement Fund of incentive payments to the Class Representatives.

12. All requests for exclusion from any of the Chiyoda, Fujikura, LEONI, Sumitomo, and Yazaki Settlement Classes must be in writing, postmarked no later than July 7, 2017, and must otherwise comply with the requirements set forth in the Notice.

13. Any objection by any member of the Chiyoda, Fujikura, LEONI, Sumitomo, or Yazaki Settlement Classes to any of those proposed settlements, or to the request to utilize a portion of the settlement funds attributable to the proposed settlements with those Defendants to

pay Plaintiffs' future litigation expenses, and any objection by any member of the Chiyoda, Fujikura, G.S. Electech, Lear, LEONI, Sumitomo, Tokai Rika, or Yazaki Settlement Classes to the proposed plan of distribution, the request for attorneys' fees and litigation costs and expenses, or the request for incentive payments to the Class Representatives, must be in writing, must be filed with the Clerk of Court and postmarked no later than July 7, 2017, and must otherwise comply with the requirements set forth in the Notice, including, with respect to objections to one or more of the New Settlements, specifically referencing to which of the settlements the Settlement Class member objects.

14. Each member of any of the Chiyoda, Fujikura, LEONI, Sumitomo, and Yazaki Settlement Classes shall retain all rights and causes of action with respect to claims against Defendants Denso Corporation; Denso International America, Inc.; Furukawa Electric Co., Ltd.; American Furukawa, Inc.; Furukawa Wiring Systems America, Inc. f/k/a Furukawa Lear Corporation and Lear Furukawa Corporation; Mitsubishi Electric Corporation; Mitsubishi Electric US Holdings, Inc.; and Mitsubishi Electric Automotive America, Inc., regardless of whether such Settlement Class member decides to remain in, or request exclusion from, any or all of those Settlement Classes.

15. 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.

16. The Court will hold a Fairness Hearing on August 8, 2017, at 10:00 a.m., at the Theodore Levin U.S. Courthouse, Courtroom 272, 231 West Lafayette Blvd., Detroit MI, 48226, to determine whether: (1) the proposed settlements with Chiyoda, Fujikura, LEONI, Sumitomo,

and Yazaki are fair, reasonable and adequate and should be approved; (2) to approve the request to utilize a portion of the settlement funds attributable to the proposed settlements with the Settling Defendants to pay Plaintiffs' future litigation expenses; (3) to approve the proposed plan of distribution of the Wire Harness Settlement Fund; (4) to approve Settlement Class Counsel's request for an award from the Wire Harness Settlement Fund of attorneys' fees and litigation costs and expenses; and (5) to approve the request for incentive payments from the Wire Harness Settlement Fund to the Class Representatives. 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 without further notice to the Settlement Classes.

17. Any Settlement Class member who wishes to participate in the distribution of the Wire Harness Settlement Fund must submit a Claim Form in accordance with the instructions therein, postmarked no later than September 15, 2017.

IT IS SO ORDERED.

May 5, 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 May 5, 2017.

s/ Kay Doaks
Case Manager