

**FUNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In Re: AUTOMOTIVE PARTS
ANTITRUST LITIGATION

Master File No. 12-md-02311
Honorable Marianne O. Battani

In Re: ANTI-VIBRATIONAL RUBBER PARTS

2:13-cv-00802-MOB-MKM

THIS DOCUMENT RELATES TO:

ALL AUTOMOBILE DEALER ACTIONS

**PROPOSED / PENDING COURT APPROVAL
DISTRIBUTION/ALLOCATION PLAN
ANTI-VIBRATIONAL RUBBER PARTS SETTLEMENTS**

This distribution / allocation plan (“Allocation Plan”) will be applied to the automobile dealership settlements in the Anti-Vibrational Rubber Parts case. The Allocation Plan includes, to the extent practicable, allowances based on *pro rata* distributions and utilizes a “weighted” point system that recognizes instances of alleged coordinated activity. The principles applied here will be applied to settlements benefitting automobile dealerships for other automobile parts cases in this litigation. Each parts case will have its own plan of distribution / allocation.

Settlement Coverage:

The Allocation Plan will allocate the net proceeds of each of the approved Anti-Vibrational Rubber Parts Settlements to:

- (1) Dealers who purchased vehicle models that were subject to alleged coordinated activity on bids for component parts;
- (2) Dealers who purchased subsequent vehicle models that were subject to alleged coordinated activity on bids for component parts;
- (3) Dealers who purchased vehicles whose manufacturers experienced multiple instances of alleged coordinated activity on bids for component parts;
- (4) Dealers who purchased other vehicles;
- (5) Dealers who purchased component parts subject to allegedly coordinated activity; and
- (6) A reserve fund for future allocations and distributions to eligible Settlement Class members.

This Allocation Plan is subject to court approval and may be revised or modified with Court approval if new relevant information becomes available. In addition, there may be supplements and additions to the list of vehicles appended hereto, without Court approval.

Payments will take into account, to the extent practicable, the number and type of new vehicles and covered component parts that a dealership purchased during the periods set forth in the Settlement Class definitions. While the make and model of some vehicles subject to the allegedly coordinated activity has been determined by Settlement Class Counsel, all of the data and information regarding affected models and years has not yet been made available to Settlement Class Counsel. As additional model or make information becomes available, the specific vehicles subject to allegedly coordinated activity and their model years will be assigned to a point class. As such, the initial reserve fund in the Anti-Vibrational Rubber Parts settlements will be 20% of the total funds to be distributed. The percentage of reserve funds in each of the future settlements may vary. In the event and to the extent that the reserve fund is not needed to cover payments described above, any funds remaining in the reserve fund after future allocations will be paid to eligible dealerships based on their *pro rata* share of the settlement funds and the eligible claims filed.

Only new vehicles purchased are eligible for inclusion. Used and pre-owned vehicles that a dealer has purchased at any time will not be included in the allocation.

Weighted Point Allocations:

Allocations will be determined on a *pro rata* basis using a “weighted” value for each new covered vehicle that dealers purchased during the relevant time periods:

- Each vehicle in a model year as to which there was alleged coordinated activity for a part used in that model will be assigned **100 points**;
- Each vehicle in the subsequent three model years of a vehicle as to which there was alleged coordinated activity for a part used in that model will be assigned **75 points**;
- Each vehicle whose OEM and model was subject to instances of alleged coordinated activity on bids for parts will be assigned **50 points**;
- Each vehicle whose OEM was subject to instances of alleged coordinated activity on bids for parts will be assigned **35 points**;
- Other vehicles not covered by the preceding paragraphs will be assigned **20 points**;
- Anti-Vibrational Rubber Parts (parts only) purchased will be assigned **10 points**;
- **Alternatively**, class members may choose to have the Settlement Administrator apply a formula through which the number of replacement Anti-Vibrational Rubber Parts (parts only) will be equal to 10% of the total number of covered vehicles that the dealer purchased, and each of those will be allocated **7 points**, in lieu of determining and proving the actual number of Anti-Vibrational Rubber Parts purchased. (This percentage will be adjusted and disclosed with each proposed settlement.)

Important Note: Each claimant that submits a valid claim and purchased the vehicles in the states listed in the settlement documents will receive a **minimum payment of \$350**, which will be drawn from the various settlement funds. The maximum payment will depend on the application of the principles of allocation and the total amount of each settlement fund, after expenses.

More details about the anticipated distribution of the settlement funds are available in the papers filed with the Court in support of settlement approval, which are available on the settlement website, www.AutoDealerSettlement.com. In order to receive a payment, you need to file a valid claim. The settlement web site and claim form provide additional details about how to submit your claim. Further information is available at www.AutoDealerSettlement.com or by calling the Settlement Administrator at 1-888-565-3171.

Vehicle Allocation charts follow. The allocation information provided was not compiled or approved by Settling Defendants and is not to be construed as evidence or an admission against any Settling Defendants that they participated in coordinated activities with respect to the listed vehicles and manufacturers.

The following models will be assigned 100 points for each vehicle purchased from the model year listed:

Car Make	Car Model	Model Year(s)
Acura	RL	2005
Honda	Accord	2007
Honda	Accord	2008
Honda	Accord	2013
Honda	Civic	2005
Honda	Civic	2006
Honda	Civic	2011
Honda	Civic	2012
Honda	CR-V	2012
Honda	Fit	2008
Honda	Fit	2011
Lexus	ES	1996
Lexus	ES350	2009
Lexus	LS	2006
Lexus	LS	2008
Lexus	RX	2008
Lexus	RX	2009
Mitsubishi	Outlander	2011
Nissan	Altima	2006
Nissan	Juke	2010
Nissan	Maxima	2008
Nissan	Sentra	2006

Car Make	Car Model	Model Year(s)
Scion	iQ	2008
Subaru	Legacy	2009
Subaru	Outback	2009
Subaru	Tribeca	2005
Subaru	Tribeca	2006
Suzuki	Kizashi	2009
Suzuki	Kizashi	2010
Suzuki	Swift	2006
Toyota	4Runner	2003
Toyota	4Runner	2004
Toyota	4Runner	2005
Toyota	4Runner	2006
Toyota	4Runner	2007
Toyota	4Runner	2008
Toyota	Avalon	2004
Toyota	Avalon	2005
Toyota	Camry	2006
Toyota	Camry	2007
Toyota	Camry	2011
Toyota	Corolla	2003
Toyota	Corolla	2004
Toyota	Corolla	2005

Car Make	Car Model	Model Year(s)
Toyota	Corolla	2006
Toyota	Corolla	2007
Toyota	Corolla	2008
Toyota	Highlander	2009
Toyota	Highlander	2010
Toyota	Land Cruiser	2006
Toyota	Matrix	2009
Toyota	Prius	2003
Toyota	Prius	2004
Toyota	Prius	2005
Toyota	Prius	2006
Toyota	Prius	2009
Toyota	RAV4	2005
Toyota	RAV4	2006
Toyota	RAV4	2008

Car Make	Car Model	Model Year(s)
Toyota	RAV4	2009
Toyota	Sequoia	2006
Toyota	Sequoia	2007
Toyota	Sequoia	2008
Toyota	Sienna	2010
Toyota	Tacoma	2004
Toyota	Tacoma	2005
Toyota	Tacoma	2006
Toyota	Tundra	2006
Toyota	Tundra	2007
Toyota	Venza	2008
Toyota	Yaris	2005
Toyota	Yaris	2008
Toyota	Yaris	2010
Toyota	Yaris	2011

Vehicle models identified in the list above that are purchased within three model years after the listed year of a particular model will be assigned 75 points.

Vehicles from the manufacturers in the model years identified, or specific models identified in the list below purchased from June 1, 1996 to August 1, 2016 will receive 50 points. Class Counsel are working to determine a more precise definition for the models and the model years listed below. If additional information is obtained, this list may be revised.

Car Make	Car Model	Model Year(s)
Infiniti	G35	
Infiniti	G37	
Infiniti	M	
Infiniti	Q70	
Infiniti	QX	
Isuzu	ELF	
Lexus	LS	
Lexus	RX	
Lexus	RX	
Lexus	RX 350	
Nissan	Altima	
Nissan	Cube	
Nissan	Juke	

Car Make	Car Model	Model Year(s)
Nissan	Maxima	
Nissan	NV200	
Nissan	NV2500	
Nissan	Patrol	
Nissan	Rogue	
Nissan	Sentra	
Nissan	Versa	
Nissan	XTrail	
Nissan	"Z" series	
Subaru	Legacy	
Subaru		2001
Subaru		2002
Subaru		2003

Car Make	Car Model	Model Year(s)
Subaru		2004
Subaru		2005
Subaru		2006
Subaru		2007
Subaru		2008
Toyota	Avalon	
Toyota	Camry	
Toyota	Corolla	
Toyota	Highlander	

Car Make	Car Model	Model Year(s)
Toyota	Land Cruiser	
Toyota	RAV4	
Toyota	Sequoia	
Toyota	Sienna	
Toyota	Tacoma	
Toyota	Tundra	
Toyota	Venza	
Toyota	Yaris	
Toyota		2010

Any other models from the manufacturers listed in the following table, that were purchased from June 1, 1996 to August 1, 2016, will be assigned 35 points.

Car Make
Honda
Infiniti
Isuzu

Car Make
Mitsubishi
Nissan
Subaru

Car Make
Suzuki

All other vehicles purchased from June 1, 1996 to August 1, 2016 will be assigned 20 points.