

**UNITED 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: Automatic Transmission Fluid Warmers

2:13-cv-02402-MOB-MKM

THIS DOCUMENT RELATES TO:

Dealership Actions

**PROPOSED / PENDING COURT APPROVAL
DISTRIBUTION/ALLOCATION PLAN
AUTOMATIC TRANSMISSION FLUID WARMERS SETTLEMENTS**

This distribution / allocation plan (“Allocation Plan”) will be applied to the automobile dealership settlements in the Automatic Transmission Fluid Warmers 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 Automatic Transmission Fluid Warmers 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 Automatic Transmission Fluid Warmers settlements will be 15% 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**;
- Automatic Transmission Fluid Warmers (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 Automatic Transmission Fluid Warmers (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 Automatic Transmission Fluid Warmers 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](tel:1-888-565-3171).

Vehicle Allocation charts follow on the next page. 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:

Table 1

| Car Make | Car Model | Model Year | Car Make | Car Model | Model Year |
|-----------------|------------------|-------------------|-----------------|------------------|-------------------|
| Honda | Accord | 2008 | Mazda | 6 | 2011 |
| Honda | Accord | 2011 | Mazda | CX-5 | 2011 |
| Honda | Civic | 2006 | Scion | FRS | 2012 |
| Honda | Civic | 2011 | Scion | tC | 2008 |
| Honda | CR-V | 2007 | Subaru | BR-Z | 2012 |
| Honda | CR-V | 2012 | Toyota | Camry | 2008 |
| Honda | Odyssey | 2011 | Toyota | Camry | 2011 |
| Lexus | ES | 2008 | Toyota | Crown | 2008 |
| Lexus | GS | 2008 | Toyota | Highlander | 2008 |
| Lexus | IS | 2008 | Toyota | RAV-4 | 2008 |
| Lexus | RX | 2008 | Toyota | Sienna | 2008 |
| Mazda | 3 | 2011 | Toyota | Venza | 2009 |

Vehicle models identified in Table 1 above, that are purchased within three model years of the last listed year of a particular model, will be assigned 75 points.

Vehicle models identified in Table 2 purchased in the year specified, or, if a model year is not specified, then from November 1, 2002 to March 30, 2018, will receive 50 points. Class Counsel are working to determine a more precise definition for the makes and models listed below. If additional information is obtained, this list may be revised.

Table 2

| Car Make | Car Model |
|-----------------|------------------|
| Mitsubishi | Lancer |
| Mitsubishi | Outlander |
| Mitsubishi | Outlander Sport |
| Subaru | Legacy |

All other models not identified from Honda and Toyota that were purchased from November 1, 2002 to March 30, 2018 will be assigned 35 points.

All other vehicles purchased from November 1, 2002 to March 30, 2018 will be assigned 20 points.