

**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: AIR CONDITIONING SYSTEMS

2:13-cv-02702-MOB-MKM

THIS DOCUMENT RELATES TO:

ALL AUTOMOBILE DEALER ACTIONS

**PROPOSED / PENDING COURT APPROVAL
DISTRIBUTION/ALLOCATION PLAN
AIR CONDITIONING SYSTEMS SETTLEMENTS**

This distribution / allocation plan (“Allocation Plan”) will be applied to the automobile dealership settlements in the Air Conditioning Systems 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 Air Conditioning Systems 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 Air Conditioning Systems 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**;
- Air Conditioning Systems (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 Air Conditioning Systems (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 Air Conditioning Systems 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
Acura	Legend	2004
Acura	MDX	2007
Acura	MDX	2012
Acura	RL	2004
Acura	TL	2008
Audi	A3	2012
Audi	A4	2012
Audi	A5	2012
Audi	A6	2012
Audi	A7	2012
Audi	A8	2012
BMW	3 Series	2004
BMW	760i xDrive	2017
BMW	760i xDrive	2018
Buick	Lacrosse	2012
Buick	LeSabre	2012
Buick	Regal	2008
Buick	Regal	2012
Cadillac	XTS	2008
Chevrolet	Equinox	2006
Chevrolet	Impala	2012

Car Make	Car Model	Model Year
Chevrolet	Malibu	2008
Chevrolet	Malibu	2012
Chevrolet	Silverado	2007
Chevrolet	Silverado HD	2007
Dodge	Ram	2008
GMC	Sierra	2007
GMC	Sierra HD	2007
Honda	Accord	2003
Honda	Accord	2008
Honda	Accord Coupe	2008
Honda	Civic	2001
Honda	Civic	2006
Honda	Civic	2011
Honda	Civic Coupe	2008
Honda	CR-V	2007
Honda	Fit	2008
Hummer	H2	2007
Mazda	Mazda 2	2010
Mazda	Mazda 2	2011
Mazda	Mazda 2	2012
Mazda	Mazda 2	2013

Car Make	Car Model	Model Year
Mazda	Mazda 2	2014
Mercedes Benz	E Class	2012
Mercedes Benz	S Class Hybrid	2012
Mitsubishi	Endeavor	2003
Mitsubishi	Endeavor	2004
Mitsubishi	Endeavor	2005
Mitsubishi	Endeavor	2006
Mitsubishi	Endeavor	2007
Mitsubishi	Endeavor	2008
Mitsubishi	Endeavor	2009
Mitsubishi	Endeavor	2010
Mitsubishi	Endeavor	2011
Mitsubishi	Endeavor	2012
Mitsubishi	Galant	2001
Mitsubishi	Galant	2002
Mitsubishi	Galant	2003
Mitsubishi	Galant	2004
Mitsubishi	Galant	2005
Mitsubishi	Galant	2006
Mitsubishi	Galant	2007

Car Make	Car Model	Model Year
Mitsubishi	Galant	2008
Mitsubishi	Galant	2009
Mitsubishi	Galant	2010
Mitsubishi	Galant	2011
Mitsubishi	Galant	2012
Nissan	Altima	2007
Nissan	Leaf	2010
Nissan	Rogue	2008
Nissan	Sentra	2007
Nissan	Sentra	2011
Nissan	Sentra	2012
Subaru	Forester	2007
Subaru	Impreza	2007
Subaru	Impreza ZR1	2007
Subaru	Tribeca	2005
Suzuki	SX4	2007
Toyota	Prius	2003
Toyota	Prius	2005
Volkswagen	Golf	2012
Volkswagen	Passat	2012

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.

Honda vehicles identified as model year 2008 and the remaining vehicle models identified in the list below purchased from May 1, 1999 to March 11, 2019 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
Audi	A4
Audi	A6
Audi	A8
BMW	1 Series
BMW	3 Series
Buick	Encore

Car Make	Car Model
Buick	LaCrosse
Buick	Regal
Buick	Terraza
Cadillac	CTS
Cadillac	XTS
Chevrolet	Aveo

Car Make	Car Model
Chevrolet	Camaro
Chevrolet	Caprice
Chevrolet	Cobalt
Chevrolet	Equinox
Chevrolet	Impala
Chevrolet	Malibu
Chevrolet	Silverado
Chevrolet	Silverado HD
Chevrolet	Sonic
Chevrolet	Spark
Chevrolet	SS
Chevrolet	Trax
Dodge	Caravan
Fiat	500
Fiat	500 L
GMC	Sierra
GMC	Sierra HD
Honda	Civic
Honda	CR-V
Hummer	H2
Infiniti	M
Infiniti	M Hybrid
Mazda	CX5
Mazda	Miata
Mazda	MPV
Mercedes Benz	A Class
Mercedes Benz	B Class
Mercedes Benz	C Class
Mercedes Benz	CLA

Car Make	Car Model
Mercedes Benz	E Class Hybrid
Mercedes Benz	S Class Hybrid
MINI	Cooper
Mitsubishi	Galant
Mitsubishi	Lancer
Mitsubishi	Montero
Mitsubishi	Outlander
Nissan	Altima Hybrid
Nissan	Juke
Nissan	Leaf
Nissan	Murano
Pontiac	G5
Pontiac	G6
Pontiac	G8
Pontiac	Solstice
Saturn	Aura
Saturn	Vue
Scion	FR-S
Subaru	BRZ
Subaru	Legacy
Suzuki	Grand Vitara
Suzuki	Kizashi
Suzuki	Swift
Suzuki	SX4
Volkswagen	Golf
Volkswagen	Jetta
Volkswagen	Passat
Volkswagen	Phaeton

All other models not identified above from the car makes in the two tables listed above, or from the following manufacturers, that were purchased from May 1, 1999 to March 11, 2019 will be assigned 35 points.

Car Make
BMW
Chrysler

Car Make
Ford
Honda

Car Make
Mazda

Car Make
Mercedes
Benz
Mitsubishi

Car Make
Nissan
Subaru

Car Make
Suzuki
Volkswagen

All other vehicles purchased from May 1, 1999 to March 11, 2019 will be assigned 20 points.