

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

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IN RE AUTOMOTIVE PARTS	:	Master File No. 12-md-02311
ANTITRUST LITIGATION	:	Honorable Marianne O. Battani
	:	
In Re: Wire Harness	:	Case No. 2:12-cv-00102
In Re: Instrument Panel Clusters	:	Case No. 2:12-cv-00202
In Re: Fuel Senders	:	Case No. 2:12-cv-00302
In Re: Heater Control Panels	:	Case No. 2:12-cv-00402
In Re: Bearings	:	Case No. 2:12-cv-00502
In Re: Alternators	:	Case No. 2:13-cv-00702
In Re: Anti Vibrational Rubber Parts	:	Case No. 2:13-cv-00802
In Re: Windshield Wiper Systems	:	Case No. 2:13-cv-00902
In Re: Radiators	:	Case No. 2:13-cv-01002
In Re: Starters	:	Case No. 2:13-cv-01102
In Re: Ignition Coils	:	Case No. 2:13-cv-01402
In Re: Motor Generators	:	Case No. 2:13-cv-01502
In Re: HID Ballasts	:	Case No. 2:13-cv-01702
In Re: Inverters	:	Case No. 2:13-cv-01802
In Re: Electronic Powered Steering Assemblies	:	Case No. 2:13-cv-01902
In Re: Air Flow Meters	:	Case No. 2:13-cv-02002
In Re: Fan Motors	:	Case No. 2:13-cv-02102
In Re: Fuel Injection Systems	:	Case No. 2:13-cv-02202
In Re: Power Window Motors	:	Case No. 2:13-cv-02302
In Re: Automatic Transmission Fluid Warmers	:	Case No. 2:13-cv-02402
In Re: Valve Timing Control Devices	:	Case No. 2:13-cv-02502
In Re: Electronic Throttle Bodies	:	Case No. 2:13-cv-02602
In Re: Air Conditioning Systems	:	Case No. 2:13-cv-00702
In Re: Windshield Washer Systems	:	Case No. 2:13-cv-02802
In Re: Spark Plugs	:	Case No. 2:15-cv-03002
In Re: Automotive Hoses	:	Case No. 2:15-cv-03202
In Re: Power Window Switches	:	Case No. 2:16-cv-03902
In Re: Ceramic Substrates	:	Case No. 2:16-cv-12194

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THIS DOCUMENT RELATES TO  
AUTOMOBILE DEALERSHIP ACTIONS

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**Order Regarding Auto Dealers' Plans of Allocation**

This matter came before the Court on November 16, 2016 on the Auto Dealers' Motion for Final Approval of Settlements With Certain Defendants, for Certification of Settlement Classes, and for Approval of Plans of Allocation. Appearances were noted on the record.

1. The Court has reviewed and considered the Plans of Allocation applicable to the Auto Dealer Settlements reached in the following cases:

Air Flow Meters	2:12-cv-02002
Alternators	2:12-cv-00702
Automatic Transmission Fluid Warmers	2:12-cv-02402
Automotive Radiators	2:12-cv-01002
Electronic Throttle Bodies	2:13-cv-02602
Fuel Injection Systems	2:12-cv-02202
Fuel Senders	2:12-cv-00302
HID Ballasts	2:13-cv-01702
Ignition Coils	2:13-cv-01402
Instrument Panel Clusters	2:12-cv-00202
Inverters	2:12-cv-01802
Motor Generators	2:13-cv-01502
Occupant Safety Systems	2:12-cv-00602
Starters	2:13-cv-01102
Steering Angle Sensors	2:12-cv-01602
Switches	2:12-cv-01302
Wire Harness	2:12-cv-00102
Valve Timing Control Devices	2:12-cv-02502

The Court previously approved Plans of Allocation for the Auto Dealer settlements with other Defendants in the Inverters, Occupant Safety Systems, Switches, and Wire Harness cases. The Plans of Allocation currently before the Court, submitted as Exhibits A-R to the Declaration of Shawn M. Raiter, have been updated and are submitted for approval.

2. The Plans of Allocation provide a fair and reasonable method for distributing the settlement funds, provide eligible members of the Settlement Classes with information about how the calculations will be made, and should be approved by the Court. *In re Cardizem CD Antitrust Litig.*, 218 F.R.D. 508, 531 (E.D. Mich. 2003). “Approval of a plan of allocation of a settlement fund in a class action is governed by the same standards of review applicable to approval of the settlement as a whole; the distribution plan must be fair, reasonable and adequate.” *In re Packaged Ice Antitrust Litig.*, No. 08-MDL-01952, 2011 WL 6209188, at \*15-16 (E.D. Mich. Dec. 13, 2011) (quoting *Meijer, Inc. v. 3M*, No. CIV.A. 04-5871, 2006 WL 2382718 (E.D. Pa. Aug. 14, 2006), at\*17

(E.D. Pa. 2006)); *In re Ikon Office Sols., Inc., Sec. Litig.*, 194 F.R.D. 166, 184 (E.D. Pa. 2000)). ““Courts generally consider plans of allocation that reimburse class members based on the type and extent of their injuries to be reasonable.”” *Id.* (quoting *In re Aetna Inc.*, No. CIV. A. MDL 1219, 2001 WL 20928, at \*12 (E.D. Pa. Jan. 4, 2001)); *Cardizem*, 218 F.R.D. at 531 (approving a plan as fair and reasonable that adopted a pro rata method for calculating each class member's share of the settlement fund).

3. The Court finds the above-referenced Plans of Allocation to be fair and reasonable and hereby approves their use for the distribution of the settlement funds in those Settlements.

4. The Court understands that the Auto Dealer’ special allocation consultant approved by the Court, Stuart Rosenthal, continues to develop Plans of Allocation for the other parts at issue in these Settlements and that those Plans will be submitted to the Court for approval when they are finalized. For Plans that that Court has approved, Settlement Class Counsel is not required to obtain additional Court approval for reductions of the settlement funds held in reserve under the terms of a particular Plan.

5. The Court authorizes Settlement Class Counsel for the Auto Dealers to retain Gilardi & Co. to process, administer, adjudicate, and pay claims submitted by members of the Settlement Classes who are eligible to receive money benefits under the Settlements for purchases of parts and new vehicles in the Included States.

6. The Court previously approved the establishment of escrow accounts under the Settlement Agreements as qualified settlement funds (“QSF”) pursuant to Internal Revenue Code Section 468B and the Treasury Regulations promulgated thereunder, and retains continuing jurisdiction as to any issue that may arise in connection with the formation and/or administration of the QSF. Settlement Class Counsel are authorized to expend funds from the QSF for the payment

of the costs of notice, payment of taxes, settlement administration costs, and the payment of qualified claims made under the Settlements.

7. Gilardi & Co. shall assist Settlement Class Counsel with the calculation and disbursement of claims paid from the QSFs under the Settlements. Settlement Class Counsel and Gilardi & Co. are authorized, without further order of the Court, to disburse settlement funds to members of the Settlement Classes who are eligible to receive money benefits under the Settlements for purchases of parts and new vehicles in the Included States. Upon a joint request from Settlement Class Counsel and Gilardi & Co., the financial institution overseeing the escrow account QSFs is authorized to make disbursements from those accounts to make payments to eligible members of the Settlement Classes.

8. The Court authorizes Settlement Class Counsel for the Auto Dealers, through Gilardi & Co., to communicate with members of the Settlement Classes about making claims, the claim process, and deadlines. Such communications may include reminders to file claim forms and supporting documents.

**IT IS HEREBY ORDERED:**

Date: November 29, 2016

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 November 29, 2016.

s/ Kay Doaks  
Case Manager