

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

In Re: AUTOMOTIVE PARTS ANTITRUST LITIGATION
In Re: Valve Timing Control Devices
THIS DOCUMENT RELATES TO: Automobile Dealership Actions

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

2:13-cv-02502-MOB-MKM

**PROPOSED / PENDING COURT APPROVAL
DISTRIBUTION/ALLOCATION PLAN
VALVE TIMING CONTROL DEVICES SETTLEMENTS**

This distribution/allocation plan (“Allocation Plan”) will be applied to the automobile dealership settlements in the Valve Timing Control Devices 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 Valve Timing Control Devices 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 Valve Timing Control Devices 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;
- Valve Timing Control Devices (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 Valve Timing Control Devices (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 Valve Timing Control Devices 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 on the next several pages. 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 listed in Table 1 will be assigned 100 points for each vehicle purchased from the model year listed:

Table 1

Car Make	Car Model	Model Year
Acura	RDX	2007
Acura	RDX	2008
Acura	TSX	2007
Acura	TSX	2008
Audi	A6	2003
Audi	A6	2011
Audi	A7	2011
Buick	Enclave	2008
Buick	Enclave	2009
Buick	Enclave	2010
Buick	LaCrosse	2006
Buick	LaCrosse	2007
Buick	LaCrosse	2008
Buick	LaCrosse	2010
Buick	Lucerne	2006
Buick	Rendezvous	2006
Buick	Rendezvous	2007
Buick	Terraza	2006
Cadillac	CTS	2006
Cadillac	CTS	2007
Cadillac	CTS	2008
Cadillac	CTS	2009
Cadillac	CTS	2010
Cadillac	SRX	2006
Cadillac	SRX	2007
Cadillac	SRX	2008
Cadillac	SRX	2009
Cadillac	SRX	2010
Cadillac	STS	2007
Cadillac	STS	2008
Cadillac	STS	2009
Cadillac	STS	2010
Chevrolet	Camaro	2010
Chevrolet	Equinox	2010
Chevrolet	Equinox Sport	2008

Car Make	Car Model	Model Year
Chevrolet	Equinox Sport	2009
Chevrolet	Impala	2006
Chevrolet	Malibu	2006
Chevrolet	Malibu	2008
Chevrolet	Malibu	2009
Chevrolet	Malibu	2010
Chevrolet	Monte Carlo	2006
Chevrolet	Traverse	2009
Chevrolet	Traverse	2010
Chevrolet	Uplander	2006
Chrysler	200	2006
Dodge	Journey	2006
Ford	Focus	2011
GMC	Acadia	2007
GMC	Acadia	2008
GMC	Acadia	2009
GMC	Acadia	2010
GMC	Terrain	2010
Honda	Accord	2003
Honda	Accord	2005
Honda	Accord	2008
Honda	Accord	2013
Honda	CR-V	2011
Honda	CR-V	2012
Honda	CR-V	2013
Honda	Odyssey	2009
Honda	Odyssey	2013
Hyundai	Elantra	2011
Hyundai	Sonata	2006
Hyundai	Sonata	2011
Hyundai	Tucson	2011
Jaguar	XF	2008
Jaguar	XF	2009
Kia	Sorento	2006
Kia	Soul	2011

Car Make	Car Model	Model Year
Kia	Sportage	2011
Mazda	3	2006
Mazda	6	2005
Mazda	CX9	2010
Mitsubishi	Galant	2006
Nissan	Altima	2013
Pontiac	G6 GTP	2007
Pontiac	G6 GXP	2008
Pontiac	G6 GXP	2009
Pontiac	G8	2008
Pontiac	G8	2009
Pontiac	Montana	2006
Pontiac	Torrent GXP	2008
Pontiac	Torrent GXP	2009
Saab	9-3	2006
Saab	9-3 Aero	2008
Saab	9-3 Aero	2009
Saab	9-3 Aero Convertible	2008
Saab	9-3 Aero Convertible	2009
Saab	9-3 Turbo	2008
Saab	9-5 Hirsch Performance	2010

Car Make	Car Model	Model Year
Saab	9-5 Turbo6 XWD	2010
Saab	9-3	2007
Saturn	Aura	2006
Saturn	Aura XR	2007
Saturn	Aura XR	2008
Saturn	Aura XR	2009
Saturn	Outlook	2007
Saturn	Outlook	2008
Saturn	Outlook	2009
Saturn	Relay	2006
Saturn	Vue	2006
Saturn	Vue XR	2008
Saturn	Vue XR	2009
Scion	FR-S	2012
Subaru	BRZ	2012
Subaru	Forester	2012
Subaru	Impreza	2011
Subaru	Legacy	2004
Suzuki	XL7	2007
Suzuki	XL7	2008
Suzuki	XLR	2009
Volkswagen	Tiguan	2013

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

Vehicle models identified in Table 2 purchased in the year specified, or, if not specified, then from January 1, 2000 to August 25, 2016, 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	Model Year
BMW	3 Series	
BMW		2004
BMW		2005
Chrysler	200	
Ford	-	2006
Ford		2011
Honda		2012
Hyundai	Azera	
Hyundai	Genesis	
Hyundai	Sonata	
Hyundai	Tucson	
Kia	Sorento	
Kia	Sportage	
Mazda	3	
Mazda	6	
Mazda	CX9	
Mazda	MX5	
Mazda		2010
Mazda		2011
Mitsubishi	Eclipse	
Mitsubishi	Endeavor	
Mitsubishi	Galant	
Mitsubishi	Lancer	
Mitsubishi	Montero Sport	
Mitsubishi	Outlander	

Car Make	Car Model	Model Year
Mitsubishi	Outlander Sport	
Nissan	Versa	
Nissan		2000
Nissan		2001
Nissan		2002
Nissan		2003
Nissan		2004
Nissan		2005
Nissan		2006
Nissan		2007
Nissan		2008
Nissan		2009
Nissan		2010
Scion	FR-S	
Scion	iA	
Subaru	BRZ	
Subaru	Forester	
Subaru	Impreza	
Subaru		2010
Suzuki	Swift	
Suzuki	SX4	
Suzuki	Vitara	
Volvo	S40	
Volvo	V40	
Volvo	V50	

Vehicles from manufacturers identified in Table 3 purchased from January 1, 2000 to August 25, 2016, that are not specifically included in Table 1 or 2, above, will receive 35 points. Class Counsel are working to determine a more precise definition for the makes listed below. If additional information is obtained, this list may be revised.

Table 3

Car Make
Audi
BMW
Ford
Hyundai
Jaguar

Car Make
Kia
MINI
Mitsubishi
Nissan
Subaru

Car Make
Suzuki
Volkswagen
Volvo

All other models not identified in the three tables listed above from the listed manufacturers, and models from the manufacturers listed in the third table above, that were purchased from January 1, 2000 to August 25, 2016, will be assigned 35 points.

All other vehicles purchased from January 1, 2000 to August 25, 2016 will be assigned 20 points.