

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

In Re: AUTOMOTIVE PARTS  
ANTITRUST LITIGATION

Master File No. 12-md-02311  
Hon. Sean F. Cox

In Re: Electronic Braking Systems

21-cv-12000  
2:13-cv-04402-MOB-MKM

THIS DOCUMENT RELATES TO:

Automobile Dealership Actions

**PROPOSED / PENDING COURT APPROVAL  
DISTRIBUTION/ALLOCATION PLAN  
AUTOMOTIVE ELECTRONIC BRAKING SYSTEMS SETTLEMENTS**

This distribution / allocation plan (“Allocation Plan”) will be applied to the automobile dealership settlement in the Electronic Braking 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 the approved Electronic Braking Systems Settlement 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

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.

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***;
- Automotive Electronic Braking 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 Electronic Braking 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 Electronic Braking Systems purchased. This percentage will be adjusted and disclosed with each proposed settlement.

**Important Note: Automobile Dealerships who previously submitted claims** for prior Automobile Dealership Settlements in Rounds 1-4 for purchases of vehicles in the states listed in the settlement documents will receive a *pro rata* portion of the available settlement funds based on previously submitted information **without submitting an additional claim**. In order to best preserve funds available for class members, and limit costs associated with processing claims and supporting material, **prior claimants will not be asked to provide information**.

**Automobile Dealerships who have not previously submitted claims information may submit their claim(s) and supporting documents.**

Each claimant that submits or has submitted a valid claim and purchased the vehicles in the states listed in the settlement documents will receive a payment based on the application of the principles of allocation and the total amount available 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](http://www.AutoDealerSettlement.com). In order to receive a payment, you need to have previously filed a valid claim. If you have not previously filed a valid claim, you will need to file a valid claim in order to receive a payment. The settlement web site and claim form provide additional details about how to submit your claim and whether a new claim form is needed. Further information is available at [www.AutoDealerSettlement.com](http://www.AutoDealerSettlement.com) or by calling the Settlement Administrator at [1-888-565-3171](tel:1-888-565-3171).

*Vehicle Allocation charts follow below. 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.*

Vehicle models identified in Table 1 below purchased from February 13, 2007 to December 31, 2017 will be assigned 50 points for each vehicle purchased. 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 1**

<b>Car Make</b>	<b>Car Model</b>
Audi	A4
Audi	A5
Audi	A6
Audi	A7

<b>Car Make</b>	<b>Car Model</b>
Audi	A8
Audi	Q5
Audi	Q7

Vehicle models identified in Table 2 below purchased from February 13, 2007 to December 31, 2017 will receive 35 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**

<b>Car Make</b>
Audi
Volkswagen

All other vehicles purchased from February 13, 2007 to December 31, 2017 will be assigned 20 points.