



FILED

San Francisco County Superior Court

JUN 23 2022

BY *[Signature]*

Deputy Clerk

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN FRANCISCO
DEPARTMENT 304

COORDINATION PROCEEDING SPECIAL)
TITLE (Cal. R. Ct. 1550(b)))
AUTOMOBILE ANTITRUST CASES I, II)

Judicial Council Coordination
Proceeding Nos. 4298 and 4303
CJC-03-004298 and CJC-03-004303

CLASS ACTION

This document relates to:
All Actions

**ORDER PRELIMINARILY
APPROVING SETTLEMENT WITH
FORD CANADA**

1 Having read and considered Plaintiffs' motion for preliminary approval of settlement with Ford
2 Motor Company of Canada, Limited ("Ford Canada") filed April 6, 2022 ("Motion"), and the Plaintiffs'
3 supplemental filing made June 15, 2022, and having considered the oral argument presented to the Court
4 on May 31, 2022, IT IS HEREBY ORDERED as follows:

- 5 1. All terms and definitions used herein have the same meaning as set forth in the
6 Settlement Agreement ("Agreement" or "Settlement") attached as Exhibit A to the
7 Declaration of Todd A. Seaver filed April 6, 2022.
- 8 2. The Settlement is within the range for which final approval may be granted, such that
9 notice should be given to the Class. Furthermore, the Settlement appears to be the
10 product of arm's-length and informed negotiations between experienced and
11 knowledgeable counsel who have actively prosecuted and contested this litigation. The
12 Settlement between Plaintiffs and Ford Canada is preliminarily approved.
- 13 3. The Class is defined as: All persons and entities residing in California on November
14 15, 2010, who purchased or leased a new motor vehicle manufactured or distributed by
15 Ford Company; Ford Motor Company of Canada, Limited; Volvo Cars of North
16 America LLC; Volvo Cars of Canada Ltd.; General Motors Corporation; General
17 Motors of Canada, Ltd.; Saab Cars USA, Inc.; Saturn Corporation; DaimlerChrysler
18 AG; DaimlerChrysler Corporation; DaimlerChrysler Motors Co., LLC;
19 DaimlerChrysler Canada, Inc.; Toyota Motor Corporation; Toyota Motor Sales USA,
20 Inc.; Toyota Canada, Inc; Honda Motor Company, Ltd.; American Honda Motor
21 Company, Inc.; Honda Canada, Inc.; Nissan Motor Company, Ltd.; Nissan North
22 America, Inc.; or Nissan Canada, Inc. from an Authorized Dealer located in California,
23 during the period January 1, 2001 through April 30, 2003 for their own use."
- 24 4. "Class Escrow Counsel" is the law firm of Berman Tabacco.
- 25 5. The Court approves the proposed Notice Plan, attached as Exhibit 1 to the
26 Supplemental Declaration of Eric Schachter of A.B. Data, Ltd. Regarding Notice Plan
27 filed June 15, 2022 ("Supplemental Schachter Declaration"). The Notice Plan meets
28 the requirements of due process and constitutes the best notice practicable under the

1 circumstances and constitutes valid, due, and sufficient notice to Class Members,
 2 complying fully with the requirements of Code of Civil Procedure § 382, California
 3 Rules of Court, rules 3.766 and 3.769, the California and United States Constitutions,
 4 and any other applicable law. The Court further approves the form of Postcard
 5 Notice/Short-Form Notice attached as Exhibit 2a to the Supplemental Schachter
 6 Declaration, the form of Long-Form Notice attached as Exhibit 3a to the Supplemental
 7 Schachter Declaration, the proposed digital advertisements attached as Exhibit 4 to the
 8 Supplemental Schachter Declaration, and the Claim Form in the form attached as
 9 Exhibit 5a to Supplemental Schachter Declaration. Notice of the Settlement shall be
 10 disseminated to the Class in accordance with the Notice Plan.

- 11 6. The Court approves the process for objecting to the Settlement and giving notice of
 12 intent to appear at the final approval hearing, as set forth in the approved Notice Plan
 13 and Long-Form Notice.
- 14 7. The Court appoints A.B. Data, Ltd. as the notice and claims administrator for the
 15 Settlement.
- 16 8. The hearing on Plaintiffs' motions for final approval and for fees, costs, and service
 17 awards is set for October 5, 2022, at 10:00 a.m., and the following schedule is set:
 18

Event	Deadline
Settlement Website	Updated within 5 days of the Court's Preliminary Approval Order.
Emailing and Mailing of Postcard/Short-Form Notice	Initial mailing will commence by August 1, 2022 and will be completed by August 12, 2022.
Re-mailing undeliverable Postcard Notices	December 1, 2022 (Notices returned as undeliverable will be re-mailed, if an updated address is available, within 10 days of receipt by the claims administrator. Notices will be re-mailed on a rolling basis, as received, until December 1, 2022).
Filing deadline for Plaintiffs' motion for fees, costs, and service awards	August 12, 2022
Filing deadline for Plaintiffs' motion for final approval	August 12, 2022
Claims filing deadline	December 31, 2022

Event	Deadline
Objections to the settlement and/or motion for fees, costs, and service awards	September 12, 2022
Any reply re motion for final approval	September 23, 2022
Hearing on Plaintiffs' motions for final approval and for fees, costs, and service awards	October 5, 2022 at 10:00 a.m.

IT IS SO ORDERED.

Dated: June 23, 2022



Anne-Christine Massullo
Judge of the Superior Court

SUPERIOR COURT OF CALIFORNIA
County of San Francisco

Department 501

COORDINATION PROCEEDING SPECIAL TITLE (Cal.
R. Ct. 1550(b)),

AUTOMOBILE ANTITRUST CASES I, II

Case Number: CJC-03-004298 and
CJC-03-004303

CERTIFICATE OF MAILING
(CCP 1013a (4))

I, Shanika Monroe, a Deputy Clerk of the Superior Court of the County of San Francisco, certify that I am not a party to the within action.

On 06/24/2022, I served the attached **ORDER PRELIMINARILY APPROVING SETTLEMENT WITH FORD CANADA** by placing a copy thereof in a sealed envelope, addressed as follows:

ERIC B. FASTIFF
Lieff, Cabraser, Heimann & Bernstein LLP
275 Battery Street, 29th Floor
San Francisco, CA 94111

FRANCIS O. SCARPULLA
Law Offices of Francis O. Scarpulla
3708 Clay Street
San Francisco, CA 94118-1806

RICHARD R. WIEBE
Law Office of Richard R. Wiebe
44 Montgomery Street, Suite 650
San Francisco, CA 94104

JOSEPH J. TABACCO, JR.
TODD A. SEAVER
MATTEW D. PEARSON
Berman Tabacco
425 California Street, Suite 2300
San Francisco, CA 94104

MICHAEL F. TUBACH
RANDALL W. EDWARDS
O'Melveny & Myers LLP
Two Embarcadero Center, 28th Floor
San Francisco, CA 94104

and, I then placed the sealed envelopes in the outgoing mail at 400 McAllister Street, San Francisco, CA. 94102 on the date indicated above for collection, attachment of required prepaid postage, and mailing on that date following standard court practices.

Dated: June 24, 2022

T. MICHAEL YUEN, Clerk of the Court

By: 

Shanika Monroe, Deputy Clerk