

## NOTICE PLAN

This document describes the components of the Notice Plan meant to provide notice of the proposed Settlement with defendant Ford Motor Company of Canada, Limited (“Ford Canada”) to the Class. The Class is defined in the Settlement Agreement as:

All persons and entities residing in California on November 15, 2010, who purchased or leased a new motor vehicle manufactured or distributed by Ford Motor Company; Ford Motor Company of Canada, Limited; Volvo Cars of North America LLC; Volvo Cars of Canada Ltd.; General Motors Corporation; General Motors of Canada, Ltd.; Saab Cars USA, Inc.; Saturn Corporation; DaimlerChrysler AG; DaimlerChrysler Corporation; DaimlerChrysler Motors Co., LLC; DaimlerChrysler Canada, Inc.; DaimlerChrysler AG; DaimlerChrysler Corporation; DaimlerChrysler Motors Co., LLC; DaimlerChrysler Canada, Inc.; Toyota Motor Corporation; Toyota Motor Sales USA, Inc.; Toyota Canada, Inc.; Honda Motor Company, Ltd.; American Honda Motor Company, Inc.; Honda Canada, Inc.; Nissan Motor Company, Ltd.; Nissan North America, Inc.; or Nissan Canada, Inc. from an Authorized Dealer located in California, during the period January 1, 2001 through April 30, 2003, for their own use.

The Notice Plan consists of the following components: (1) direct notice via First-Class Mail and email, (2) print media, (3) targeted digital advertising, and (4) earned media via a national press release. The Notice Plan will be carried out by A.B. Data, Ltd. (“A.B. Data”), an experienced notice and claims administrator approved by the Court.

Direct notice via First-Class Mail and email will be effectuated via a Short-Form Notice (also referred to as the “Postcard Notice”), formatted as a postcard. The Short-Form Notice will also be utilized primarily in paid and earned media where applicable. The more detailed Long-Form Notice will be posted on the Settlement website.<sup>1</sup>

The Long-Form Notice includes information concerning the litigation and the proposed Settlement in plain and engaging language, including: that this is a class action; the Class definition; that the Class alleges antitrust claims; that Class Members may appear through an attorney; that Class Members can submit an objection to the proposed Settlement; the time and manner for submitting an objection; and the binding effect of a class judgment. Class Members cannot submit requests to exclude themselves from the Class or the Settlement

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<sup>1</sup> The Short-Form Notice is attached as Exhibit 2a to the Supplemental Declaration of Eric Schachter of A.B. Data Regarding Notice Plan (“Supplemental Schachter Notice Declaration”). The Long-Form Notice is attached as Exhibit 3a to the Supplemental Schachter Notice Declaration. Both the Short-Form Notice and Long-Form Notice will be available on the Settlement website.

because the deadline for exclusions has passed—Class Members may submit objections, but not exclusions.

## **1. Direct Notice**

The Short-Form Notice will be mailed and/or emailed to all Class Members with a known mailing address and/or email address. If both a mailing address and an email address are available, direct notice will be effectuated by both mail and email.

Names and contact information for Class Members will be provided by IHS Markit’s Class Action and Litigation Services team (“IHS Markit”), a leading provider of automobile industry data, who maintains a database of automobile owners and routinely provides name and contact information in the context of class actions like this one. Contact information for fleet purchasers will be provided via industry mailing lists, such as a list from *Auto Fleet* magazine. Further, direct notice will be provided to those who filed claims and received payment in prior settlements in this litigation or the related federal litigation.

In advance of initiating a direct notice email campaign, A.B. Data will perform several tasks to maximize deliverability and avoid SPAM and junk filters. These tasks include running the list of recipient email addresses through a deliverability analysis to ensure the email addresses are valid, and working with A.B. Data’s contacts at the email service providers to develop sending strategies to achieve optimal deliverability. A.B. Data will also incorporate certain best practices to maximize deliverability, such as ensuring no inclusion of words or phrases known to trigger SPAM or junk filters, not including attachments to the email, and sending the emails in tranches over a period of days or weeks.

In advance of initiating direct mail notice, A.B. Data will process all mailing addresses through the national change of address (“NCOA”) database and, using any updated information available in the NCOA database, will send the Short-Form Notice directly to those potential Class Members. IHS Markit will also use its databases and resources to obtain the most current addresses of automobile purchasers and lessees for the list they provide. Further analysis will be done of any mail returned non-deliverable after use of the NCOA database, and follow up direct mail notice will be provided where appropriate.

## **2. Digital Media**

To supplement direct notice efforts, targeted digital banner and newsfeed ads will be placed on websites and applications across multiple devices, including desktop, tablet, and mobile devices. Digital advertising allows the viewer to click on a banner or newsfeed advertisement

and instantly be directed to the case website. The digital ads will be placed in premium positioning on websites and social media sites, ensuring that they can be easily seen when viewers first open website pages. A.B. Data expects a minimum of 275 million impressions to be delivered across digital networks and social media, enabling maximum exposure and delivering the necessary reach. The number of impressions ultimately served will depend on how many Class Members are successfully sent direct notice and will be adjusted accordingly to provide sufficient reach.

Guided by A.B. Data's Comscore data analysis, digital banner and/or newsfeed ads will be placed via Google Display Networks, and on the social media platforms Facebook, Instagram, and YouTube. All banner and newsfeed ads will include an embedded and trackable link to the case-specific website. Links will be tracked using Google Analytics and Facebook Pixel tracking codes, providing a way to optimize ads based on traffic and conversions. Images appropriate for the target audience will also be included in all digital ad formats, as this increases the visibility and click-through rate of the ads.<sup>2</sup>

The digital impressions will be highly targeted, specifically delivered to the social media feeds of potential Class Members using their known contact information, and to digital users that have expressed an interest in information relevant to the subject of this case, such as car purchasers.

Sponsored search listings will be acquired on Google, the most visited search engine. When identified target phrases and keywords relevant to the Class are used in searches on Google, links to the Settlement website will appear on the search result pages.

To deliver highly targeted ads likely to reach potential Class Members, several campaign optimization strategies will be utilized, including:

- Mobile In-App - targeting users inside mobile applications that fit into the data pool.
- Mobile websites - targeting phones and tablets whose users are visiting websites that are contextually relevant.
- Contextual targeting - serving ads on websites with relevant content.
- Behavioral targeting - targeting user IDs and email addresses whose owners have shown activity in the target data pools.
- Predictive Modeling - using "look alike" modeling to target users whose owners have strong similarities to users who previously clicked through to the case website.

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<sup>2</sup> Example digital advertisements are attached as Exhibit 4 to the Supplemental Schachter Notice Declaration.

To reach the significant Hispanic audience that could be potential Class Members, banner ads will be served in Spanish on websites specifically serving the Hispanic community.

The digital and social media ad campaign, including utilization of the digital networks and social media described above, will run for 30 days to ensure ample time to deliver the targeted impressions and drive potential Class Members to the website. The campaign will be targeted to both adults who previously lived in California, and geotargeted to adults who currently live in California, with a focus on the websites of major California newspapers.

Banner ad campaigns will also be effectuated on AutomotiveFleet.com and FleetFinancials.com to target fleet buyer Class Members.

A.B. Data employs a fully staffed digital-buying team to manage all digital and social media programs in house for the greatest control and oversight. A.B. Data's digital media experts will monitor the success, conversions, and activity associated with the digital and social media and will optimize the number of impressions delivered across each platform to achieve maximum engagement and efficiency.

### **3. Print Media**

To reach the older age ranges of the Class, as well as those who are light users of digital and social media, the Short-Form Notice will be published one time in 21 different regional California newspapers and one time in *People* magazine. The 21 regional California newspapers provide robust coverage throughout California, and *People* has a broad national readership with a weekly audience of more than 26 million readers.

### **4. Earned Media**

A.B. Data will disseminate a news release via PR Newswire's US1 and Multicultural Newswire distribution lists to announce the Settlement. This news release will be distributed via PR Newswire to the news desks of more than 10,000 newsrooms, including those of print, broadcast, and digital websites in general market and multicultural news media across the United States. The news release will also be translated and published to PR Newswire's U.S. Hispanic media contacts and Hispanic news websites. News about the Settlement will also be sent via Twitter to the followers of PR Newswire and A.B. Data.

## 5. Website and Telephone

To assist potential Class Members in understanding the terms of the Settlement and their options, A.B. Data will establish a case-specific toll-free telephone number and a case-specific website.

The case-specific toll-free telephone number will be equipped with an automated interactive voice response system. The automated interactive voice response system will present callers with a series of choices to hear prerecorded information concerning the Settlement. Callers will be able to leave a voicemail, which will enable A.B. Data's team to call back the caller and answer specific questions the caller may have.

A.B. Data will also implement and maintain a case-specific website, **www.CalCarsSettlement.com**, for this matter. The Long-Form Notice, which contains a detailed summary of the terms of the Settlement, will be posted prominently. The website will also provide, among other things, a summary of the case, functionality for Class Members to submit their claims online, all relevant documents, important dates, and any pertinent updates concerning the litigation or the Settlement process. The website will be secure, with an "https" designation. Google Analytics and Facebook Pixel tracking codes will also be placed on the website to ensure accurate optimization with the digital and social media ads.

## 6. Claims and Distribution

Class Members must submit a timely, valid claim to receive monetary compensation. Class Members will be permitted to submit claims online through a secure website or by mail. Fleet buyers will be required to make a claim online at the Settlement website. Consumers will be strongly encouraged to file online claims, but they may also submit a paper Claim Form by mail.<sup>3</sup> The online Claim Form will seek the same information as that which appears in the paper Claim Form. The Net Settlement Fund will be distributed to valid claimants on a weighted *pro rata* basis based upon their new vehicle purchases and leases during the Class Period.<sup>4</sup>

Settlement payments will be digitally sent to each eligible claimant using the email address or mobile phone number provided on the submitted Claim Form. At the time of distribution, each eligible claimant will be provided with a number of digital options to instantaneously receive their payment, such as a virtual debit card, PayPal, or redemption through other ecommerce

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<sup>3</sup> The Claim Form is attached as Exhibit 5a to the Supplemental Schachter Notice Declaration and will also be available on the Settlement website.

<sup>4</sup> The plan of allocation for distributing payments on a weighted *pro rata* basis is described in detail in the Long-Form Notice and accompanying appendices.

platforms. Given the large size of this Class and the expected payment amounts, a digital distribution is recommended to reduce administrative costs and to provide convenience and efficiency for claimants (who will be able to receive their funds without having to deposit a check or visit a bank).<sup>5</sup>

## **7. Process for Objecting to the Settlement**

Class Members may object to the settlement. Class Members may also object to Plaintiffs' Counsel's request for attorneys' fees and costs or the service awards to be paid to the named plaintiffs or Class Members who agreed to testify at trial. Objecting Class Members must give the reasons why they think that the Court should not approve the settlement or the requests for attorneys' fees, costs or service awards. A mere statement that "I object" will not be sufficient to create a valid objection.

To have the Court consider an objection, a Class Member must send a letter to the Administrator at the address or email address below that includes the Class Member's name, address and telephone number; the Class Member's signature (or the signature of the Class Member's authorized representative); the make and model of the vehicle purchased or leased by the Class Member in California from January 1, 2001 through April 30, 2003; the month, year and location of the purchase or lease; a statement that the Class Member was a resident of California on November 15, 2010; a statement that the Class Member objects to the settlement or to the request for attorneys' fees, costs or service awards; and the reasons for the objection. If an objecting Class Member wishes to appear at the Court's fairness hearing, the Class Member must write "Intention to Appear" on the written objection letter.

The objection letter must also contain the name of the case (*Automobile Antitrust Cases*) and the case number (JCCP Nos. 4298 & 4303).

If submitted by mail, the objection letter must be mailed the letter to the Administrator at the address listed below, postmarked no later than **September 12, 2022**:

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<sup>5</sup> Claimants will have the opportunity to request a paper check, although some conditions may apply, as described in the Long-Form Notice.

Automobile Antitrust Ford Canada Settlement  
 Administrator  
 ATTN: OBJECTIONS  
 A.B. Data, Ltd.  
 P.O. Box 173001  
 Milwaukee, WI 53217

If submitted by email, the objection letter must be emailed to the following email address: info@CalCarsSettlement.com. The emailed objection letter must be sent no later than 11:59 p.m. Pacific Time on **September 12, 2022**.

A Class Member may only submit an objection to the settlement—a Class Member may not submit a request to be excluded from the settlement or the Class. The deadline for requesting exclusion from the Class has passed.

**8. Relevant Deadlines**

<b>Event</b>	<b>Deadline</b>
Settlement Website	Updated within 5 days of the Court’s Preliminary Approval Order (“Order”)
Mailing of Postcard 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)
Motion for fees, costs, and service awards	August 12, 2022
Motion for final approval	August 12, 2022
Claims filing deadline	December 31, 2022
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

<b>Event</b>	<b>Deadline</b>
Hearing on Plaintiffs' motions for final approval and for fees, costs, and service awards	October 5, 2022 at 10:00 a.m.