

THIS NOTICE HAS BEEN APPROVED BY THE CALIFORNIA SUPERIOR COURT

Did you buy or lease a new car or truck in California of one of the following vehicle makes at any time from January 1, 2001 through April 30, 2003?

<i>Acura</i>	<i>Chrysler</i>	<i>Honda</i>	<i>Land Rover</i>	<i>Nissan</i>	<i>Saab</i>
<i>Buick</i>	<i>Dodge</i>	<i>Hummer</i>	<i>Lexus</i>	<i>Oldsmobile</i>	<i>Saturn</i>
<i>Cadillac</i>	<i>Ford</i>	<i>Infiniti</i>	<i>Lincoln</i>	<i>Plymouth</i>	<i>Toyota</i>
<i>Chevrolet</i>	<i>GMC</i>	<i>Jaguar</i>	<i>Mazda</i>	<i>Pontiac</i>	<i>Volvo</i>
		<i>Jeep</i>	<i>Mercury</i>		

If so, a class action settlement may affect your legal rights and may provide you with a payment. Please read this Notice carefully.

A court has authorized this Notice. This is not a solicitation from a lawyer.

- This Notice describes a proposed settlement of a class action lawsuit that alleges certain automakers and a trade association conspired in violation of California antitrust law to prevent closely similar, but less expensive, new vehicles sold in Canada from being exported to the United States, making new vehicle prices higher for California car buyers and lessees.
- The sole remaining defendant, Ford Motor Company of Canada, Limited (“Ford Canada”), has agreed to settle the claims against it. Ford Canada has agreed to pay \$82 million for the benefit of a Class of people or businesses residing in California on November 15, 2010 who bought or leased a new vehicle from January 1, 2001 through April 30, 2003 from an authorized dealer in California. Ford Canada asserts that it has acted lawfully and independently and that there is no legal or factual basis for the lawsuit.
- This settlement covers the claims of individuals and businesses who resided in California on November 15, 2010 and who purchased or leased new passenger cars, light-duty trucks and sport utility vehicles from authorized dealers in California. If you bought or leased a new car in California between January 1, 2001 and April 30, 2003, you may be able to receive a payment from this settlement.
- The Court will hold a hearing on whether to approve the proposed settlement, as well as Class Counsel’s request for attorneys’ fees and unreimbursed costs. The date, time and location of this hearing is set forth in Paragraph 16. Class Counsel have litigated this case for over 19 years, settling three weeks before the start of trial. Class Counsel will seek attorneys’ fees in an amount not to exceed 33.3% of the \$82 million settlement

proceeds, plus reimbursement of up to \$2 million in out-of-pocket costs. Settlement notice and administration costs of up to \$5 million, service awards to certain named plaintiffs/Class Members totaling up to \$15,000, and taxes and escrow fees will also be deducted from the settlement proceeds prior to distribution to the Class, as described in more detail below.

YOUR LEGAL RIGHTS AND OPTIONS IN THESE SETTLEMENTS:	
Submit a Claim (by Dec. 31, 2022)	This is the only way to get a payment. It's easy to submit a claim online, but you may do so only if you made an eligible purchase (see details below) from an authorized dealer in California. See Paragraph 10 below for more information on how to receive a payment.
Object (by Sept. 12, 2022)	If you wish to object, you must write to the Court about why you don't like the proposed settlement. See Paragraph 14 below for more information about objecting to the settlement.
Go to a Hearing	You may ask to speak in court about the proposed settlement. See Paragraphs 15 to 18 below for more information regarding the Court's fairness hearing.
Do Nothing	If you do nothing, you will get no payment. But if you are a Class Member, you will be releasing Ford Canada from all of your claims in this lawsuit. See Paragraph 19 below for more information on what happens if you do nothing.

These rights and options – **and the deadlines to exercise them** – are explained in this Notice. The Court overseeing this case, after hearing any objections which may be filed or made in court, still has to decide whether to give final approval to the settlement.

WHAT THIS NOTICE CONTAINS	
<u>WHAT IS THIS NOTICE ABOUT?</u>	Page 4
1. Why has this Notice been issued?	
2. What is this lawsuit about?	
3. Who are or were the Defendants in this case?	
4. Why is this lawsuit a class action lawsuit?	
5. Why did the parties agree to this settlement?	
<u>WHO IS INCLUDED IN THE SETTLEMENT?</u>	Page 6
6. How do I know if I am part of this settlement?	
7. What if I still do not know whether I am a Class Member?	
<u>WHAT THE SETTLEMENT MEANS TO YOU</u>	Page 7
8. What does the Ford Canada settlement provide?	
9. How much money will I receive?	
<u>HOW TO GET A PAYMENT – SUBMITTING A CLAIM</u>	Page 9
10. How can I get a payment?	
11. When can I expect to get my payment?	
<u>THE LAWYERS REPRESENTING YOU</u>	Page 10
12. Do I have a lawyer in this case?	
13. How will the lawyers be paid?	
<u>OBJECTING TO THE SETTLEMENT OR REQUEST FOR ATTORNEYS' FEES/COSTS</u>	Page 10
14. If I do not like the settlement, or the request for award of attorneys' fees and costs, how do I tell the Court?	
<u>THE COURT'S FAIRNESS HEARING</u>	Page 11
15. How is it determined whether the settlement is approved?	
16. When and where will the Court decide whether to approve the settlement?	
17. Do I have to come to the hearing?	
18. May I speak at the hearing?	
<u>IF YOU TAKE NO ACTION</u>	Page 12
19. What happens if I do nothing at all? What is the Release of Claims?	
<u>GETTING MORE INFORMATION</u>	Page 13
20. How can I get more information on the settlement?	

WHAT IS THIS NOTICE ABOUT?

1. Why has this Notice been issued?

This Notice is being made available to everyone who bought or leased a new motor vehicle from an authorized dealer in California manufactured or distributed by one of the defendant automakers during the period January 1, 2001 through April 30, 2003. This lawsuit was filed in 2003, and the Court allowed the case to proceed as a certified class action alleging legal claims on your behalf against various automobile manufacturers and a Canadian dealer trade association.

You have a right to know about a settlement that will conclude this class action lawsuit, and about all of your options, before the Court decides whether to approve this settlement with Ford Canada. A more detailed description of the persons benefited by the settlement is contained in the section below entitled “Who is included in the settlement?”.

This Notice explains the lawsuit, the proposed settlement with Ford Canada, what benefits were obtained for the car and truck buyers and lessees in the Class, who is eligible to receive money from the settlement, and how to receive a payment. It also tells you what your rights are if there is something about the settlement you do not like or that you would like the Court to consider.

2. What is this lawsuit about?

The lawsuit that is the subject of the proposed settlement alleges that several large automakers conspired with each other to prevent closely similar, but less expensive, new vehicles sold in Canada from being exported to the United States. The lawsuit further alleges that by conspiring to prevent this cheaper supply of cars and trucks from entering the U.S. market, the automakers kept prices of new cars in California higher than they should have been. The lawsuit seeks compensation from Ford Canada under California antitrust law.

This lawsuit began in Spring 2003, over 19 years ago. This case is pending in the California Superior Court for the County of San Francisco before the Honorable Anne-Christine Massullo (“Court”) and is called *Automobile Antitrust Cases I and II*, case numbers JCCP 4298 and 4303. Ford Canada is the last remaining defendant in this case. If the settlement with Ford Canada is approved, Ford Canada will be dismissed from the case and the lawsuit will be over.

The parties agreed to settle this case just three weeks prior to the start of trial, after nearly 19 years of litigation. During the litigation, the parties engaged in extensive discovery of evidence, including completing over 100 depositions and reviewing millions of pages of documents. The parties also litigated multiple rounds of summary judgment motions and several appeals.

Related cases were filed in federal court and several other states but they are no longer active. The federal case was called *In re New Motor Vehicles Canadian Export Antitrust Litigation*, MDL Docket No. 1532, in the United States District Court for the District of Maine (the “MDL Action”). Ford Canada was a defendant in the MDL Action. But after several years of litigation, Ford Canada and other defendants (including General Motors, General Motors of Canada, Ford Motor Company, Chrysler, Chrysler Canada, American Honda, Honda Canada, Nissan North America and Nissan Canada) were successful in winning summary judgment and were dismissed from the case.

There were three prior settlements in this case and related cases. Two defendants, Toyota Motor Sales, U.S.A., Inc., and the Canadian Automobile Dealers’ Association (“CADA”), entered settlement agreements and agreed to pay a combined \$35.7 million to settle the claims against them. Defendant General Motors of Canada, Ltd., entered a settlement agreement and agreed to pay \$20.15 million to settle the claims against it. These settlements were approved by the appropriate courts and the settlement money was distributed to authorized claimants. If you filed a claim in one of these prior settlements, you may be eligible to file a claim for a share of the Ford Canada settlement as well. See “Who Is Included in this Settlement” below for more information.

The settlement will not become final, and you will not receive a payment, until the Court approves the settlement with Ford Canada.

3. Who are or were the Defendants in this case?

For the purposes of determining whether you are a Class Member, “Defendants” includes: 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.

This list includes automakers who are no longer involved in the lawsuits but are still considered “Defendants” for purposes of determining whether you are a Class Member. Currently, Ford Canada is the only remaining Defendant in this lawsuit.

4. Why is this lawsuit a class action lawsuit?

In a class action, one or more people called Class Representatives sue on behalf of people who have similar legal claims. All of these people make up the Class and are called Class Members. One Court then resolves the issues for all Class Members, except for those who exclude

themselves from the Class. The opportunity for people to exclude themselves from the Class in this lawsuit has passed. Therefore, if you fit within the class definition below, and you did not previously file an exclusion request with the Court after notice was published in November 2010, you are a Class Member.

5. Why did the parties agree to this settlement?

When the parties entered this settlement, the Court had not decided in favor of Plaintiffs or Ford Canada. Ford Canada agreed to settle the lawsuit so it could avoid the risks and costs of litigating the lawsuit, and so the lawsuit could be resolved. **Ford Canada asserts, however, that it has acted lawfully and independently and that there is no legal or factual basis for this lawsuit.**

The Class Representatives agreed to settle so that Class Members could receive some compensation, given the risks of litigating the case against Ford Canada. The Class Representatives and their attorneys believe that the proposed settlement is fair and benefits all Class Members.

WHO IS INCLUDED IN THE SETTLEMENT?

6. How do I know if I am part of this settlement?

You are a Class Member if you meet all of the following requirements:

- a. You purchased or leased a new motor vehicle (passenger car, light-duty truck or sport utility vehicle (“SUV”)) during the period **January 1, 2001 through April 30, 2003** (the “Class Period”); and
- b. You purchased or leased your vehicle from an authorized automobile dealer located in California that sells new vehicles directly to customers; and
- c. The vehicle you purchased or leased was one of the following makes: *Acura, Buick, Cadillac, Chevrolet, Chrysler, Dodge, Ford, GMC, Honda, Hummer, Infiniti, Jaguar, Jeep, Land Rover, Lexus, Lincoln, Mazda, Mercury, Nissan, Oldsmobile, Plymouth, Pontiac, Saab, Saturn, Toyota, or Volvo*; and
- d. You resided in California on November 15, 2010; and
- e. You are not, or at the time of your vehicle purchase or lease were not, a Defendant; an officer, director or employee of any Defendant; an entity in which any Defendant has a controlling interest; an affiliate, legal representative, attorney, heir or assign of any Defendant;

a governmental entity; or any judge, justice or judicial officer presiding over this lawsuit or a member of their immediate families or judicial staffs; and

f. You did not previously submit a valid request to exclude yourself from the Class.

Those who meet these requirements are “Class Members.” If the settlement is approved and becomes final, you will have released your claims against Ford Canada and are eligible to file a claim for a share of the settlement fund.

7. What if I still do not know whether I am a Class Member?

If you still do not know whether you are included in the Class, please review answers to frequently asked questions at www.CalCarsSettlement.com, or call 1-877-354-3833 to receive a call-back from someone who can assist you.

WHAT THE SETTLEMENT MEANS TO YOU

8. What does the Ford Canada settlement provide?

Ford Canada has agreed to pay \$82 million for the benefit of the Class. In exchange, Class Members give up all rights against Ford Canada in this lawsuit, and any ability to sue Ford Canada in a different lawsuit for the same legal claims involved in this case.

9. How much money will I receive?

The settlement funds from the Ford Canada settlement total \$82 million (the “Settlement Fund”). Deducted from the Settlement Fund prior to distribution will be attorneys’ fees that are decided by the Court and totaling no more than 33.3% of the Settlement Fund, up to \$2 million in unreimbursed litigation costs, notice costs, administration costs (which depend on how many claims are filed) and service awards to three named plaintiffs/Class Members who agreed to testify at trial totaling up to \$15,000. (See Paragraph 13 below for more on attorneys’ fees, costs and service awards.) Costs of notice and claims administration will not exceed \$5,000,000. After these deductions, the Net Settlement Fund will be distributed on a weighted *pro rata* basis to Class Members who file valid claims (called “Claimants”) based upon their new vehicle purchases and leases during the Class Period, as explained below. In the event claims are submitted for less than 45,000 vehicles, Plaintiffs, in consultation with Ford Canada, will petition the Court to approve an acceptable plan to make a supplemental distribution to Class Members.

Your share of the Net Settlement Fund will depend on several factors, including the make and model of the vehicle you purchased and the date you purchased the vehicle. Here’s how it works: Plaintiffs’ expert economists conducted an analysis to estimate how much new car

prices were allegedly elevated in the United States, including in California, due to Defendants' alleged conspiracy during the Class Period. In Plaintiffs' experts' opinion, this amount—called an “overcharge”—varied depending on the type of vehicle (make and model) and the time the purchase or lease was made. Plaintiffs' experts assigned overcharges to vehicles sold or leased during the Class Period, which are specific to each make and model by month and year of purchase.

The payment you may receive will be determined using these overcharge amounts. The overcharges were used to assign a Recognized Claim Amount to each vehicle model covered by the settlement and sold during the Class Period. A chart setting forth these Recognized Claim Amounts is attached as Appendix B to this Notice. For example, a Chevrolet Avalanche purchased in November 2002 has a Recognized Claim Amount of \$453, while a Toyota Corolla purchased in April 2003 has a Recognized Claim Amount of \$6. Most likely, your payment will be less than the Recognized Claim Amount shown for your vehicle in Appendix B, but your relative share will depend on this amount. So, in the above example, a Claimant who purchased a Chevrolet Avalanche in November 2002 will receive a larger payment than a Claimant who bought a Toyota Corolla in April 2003.

Ford Canada denies that it conspired or that it did anything illegal, and it denies that prices of new cars in California were elevated due to any alleged conspiracy. Ford Canada also disagrees with Plaintiffs' experts' analysis. Plaintiffs are using their experts' analysis here for the purpose of fairly allocating the settlement money to Claimants.

Your payment from the settlement will also depend on the total number of valid claims submitted by Claimants. The greater the number of claims submitted, the less each individual Claimant's share will be. Costs to process claims also increase as the number of claims increases, and these administrative costs will be deducted from the Settlement Fund prior to distribution. Full details on how your claim will be calculated are contained in Appendix A to this Notice. (Appendices A and B are available at www.CalCarsSettlement.com.)

If you are entitled to a payment from the Settlement Fund, you will be sent an email and/or mobile phone text notifying you of the payment along with a number of digital payment options you may select to immediately receive your payment. Digital payment options will include, for example, a virtual debit card, payment via PayPal, or redemption through other ecommerce platforms. If you have one, you must provide a valid email address or mobile phone number when filing your claim in order to receive a payment (see Paragraph 10 below to learn how to file a claim). When you receive the email or text notifying you of your payment, you are strongly encouraged to select one of the digital payment options offered. If you wish to receive a paper check, you may request one when you receive the payment notification email or text. A paper check will take additional time to process, while a digital payment is instantaneous. If you have an email address or mobile phone number, you may only request a paper check if your payment amount is \$10.00 or more. If your payment amount is less than \$10.00, you may only

receive your payment digitally. However, if you do not have an email address or mobile phone number, you will be mailed a paper check even if your payment is less than \$10.00.

HOW TO GET A PAYMENT – SUBMITTING A CLAIM

10. How can I get a payment?

If you are a Class Member (see Paragraph 6), you must submit a claim in order to receive a payment. You are ***strongly encouraged to submit your claim online*** at the following website: www.CalCarsSettlement.com. Read the instructions on the website carefully, fill out the online form, include all information the form requires, and submit the claim no later than **December 31, 2022** by 11:59 p.m. Pacific Time. **If you do not submit a claim by the deadline, you will not receive a payment. If you have one, you must provide an email address or mobile phone number in order to receive a payment.**

There is a separate online claim form for fleet purchasers. Fleet purchasers are businesses that purchased or leased new vehicles using a fleet account number issued by an automaker. **Fleet purchasers must submit their claims online.**

If you are a consumer and are unable to submit your claim online at the settlement website, you may submit your claim by mail. Please call 1-877-354-3833 to request a paper claim form be mailed to you. Read the instructions carefully, fill out the form, include all information the form requires, and mail the completed claim form by first-class mail, postmarked no later than **December 31, 2022**, to the following address:

Automobile Antitrust Ford Canada Settlement
Administrator
ATTN: CLAIMS
A.B. Data, Ltd.
P.O. Box 173028
Milwaukee, WI 53217

11. When can I expect to get my payment?

The Court will hold a hearing on whether to approve the settlement. (See Paragraph 16 below for the date, time and location of this hearing.) The Court must approve the settlement. If the Court approves the settlement, there may still be appeals after that if someone objects to the settlement. If there is an appeal, it is not possible to say how long it may take before the appeal is decided or resolved, but they usually take a long time. Only after the Court approves the settlement and all the appeals, if there are any, are resolved can the money be paid out to Class Members who filed valid claims. Thank you in advance for your patience.

THE LAWYERS REPRESENTING YOU

12. Do I have a lawyer in this case?

The Court has approved several law firms (called “Plaintiffs’ Counsel” or “attorneys for the Class Representatives” or “attorneys for the Class”) to collectively represent you. You will not be directly charged for the services of these attorneys in litigating this case and negotiating this settlement. If you want to be represented by your own lawyer, and have that lawyer enter an appearance on your behalf, you may hire one at your own expense.

13. How will the lawyers be paid?

Plaintiffs’ Counsel have undertaken this litigation on a contingent fee basis, and will be paid from the Ford Canada Settlement Fund. They will ask the Court to approve reimbursement of out-of-pocket costs and payment of attorneys’ fees from the Ford Canada Settlement Fund, and will be paid whatever the Court decides is fair and reasonable. Plaintiffs’ Counsel have litigated this case for over 19 years, agreeing to settle three weeks before the start of trial. Plaintiffs’ Counsel are requesting an award of attorneys’ fees of no more than 33.3% of the Settlement Fund, plus their unreimbursed costs of up to \$2 million.

The Court will consider the detailed application for fees and costs, which will be submitted by Plaintiffs’ Counsel, and the Court has the power to approve or deny the request in whole or in part.

Plaintiffs’ Counsel will also ask the Court to approve the payment of service awards of up to \$5,000 to each of the three named plaintiffs or Class Members who agreed to testify at trial in this case. This money would come from the Settlement Fund.

OBJECTING TO THE SETTLEMENT OR REQUEST FOR ATTORNEYS’ FEES/COSTS

14. If I do not like the settlement, or the request for award of attorneys’ fees and costs, how do I tell the Court?

If you are a Class Member, you can object to the settlement. You 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. You must give the reasons why you 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 your objection, you (or your authorized representative) must send a letter to the Administrator at the address or email address below that includes your name, address and telephone number; your signature (or the signature of your authorized representative); the make and model of the vehicle you purchased or leased in California from

January 1, 2001 through April 30, 2003; the month, year and location of your purchase or lease; a statement that you were a resident of California on November 15, 2010; a statement that you object to the settlement or to the request for attorneys' fees, costs or service awards; and the reasons you are objecting. If you wish to appear at the Court's fairness hearing (see Paragraphs 15-18 below) you must write "Intention to Appear" on your written objection letter.

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

If you wish to submit your objection letter by mail, you (or your authorized representative) must mail the letter to the Administrator at the address listed below, postmarked no later than **September 12, 2022**:

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

If you wish to submit your objection letter by email, you (or your authorized representative) may email the letter to the following email address: Info@CalCarsSettlement.com. You must send your email no later than 11:59 p.m. Pacific Time on **September 12, 2022**.

You may only submit an objection to the settlement—you may not submit a request to be excluded from the settlement or the Class. The deadline for excluding yourself from the Class has passed.

THE COURT'S FAIRNESS HEARING

15. How is it determined whether the settlement is approved?

The Court will hold a hearing to decide whether to approve the settlement and to consider the requests for attorneys' fees, costs and service awards. You may attend the hearing, but you are not required to. You may speak at the hearing, but only if you have submitted your comments or objections, as provided in Paragraph 14 of this Notice, and have clearly written "Intention to Appear" on your written objection letter. If there are any objections, the Court will consider them. After the hearing, the Court will decide whether to approve the settlement and whether to grant the request for attorneys' fees, costs and service awards. We do not know how long these decisions will take.

16. When and where will the Court decide whether to approve the settlement?

The Court will hold a fairness hearing on October 5, 2022 at 10:00 a.m. at the San Francisco Superior Court, Department 306, 400 McAllister Street, San Francisco, California 94102. The hearing may be continued to a later date without further notice to the Class. If the fairness hearing is rescheduled for a later date, the settlement website will be updated to reflect the new hearing date.

17. Do I have to come to the hearing?

No. Plaintiffs' Counsel will answer any questions the Court may have. However, you may come at your own expense if you would like to attend. If you send a written objection, you do not have to come to the Court to talk about it. As long as you mailed or emailed your written objection on time, following the instructions in Paragraph 14 of this Notice, the Court will consider it. You may also pay your own lawyer to attend, but it is not necessary.

18. May I speak at the hearing?

You will not be permitted to speak unless you have submitted an objection letter as provided in Paragraph 14 of this Notice and have written "Intention to Appear" on your written objection letter.

IF YOU TAKE NO ACTION

19. What happens if I do nothing at all? What is the Release of Claims?

If you do nothing, you will receive no payment, but you will be bound by the terms of the settlement and you will be agreeing to the Release and Waiver of Rights contained in Paragraphs 11 and 12 of the Ford Canada Settlement Agreement, available at www.CalCarsSettlement.com.

By agreeing to the Release and Waiver of Rights, you will be giving up your rights against Ford Canada to sue it about the same legal claims at issue in this lawsuit. That means you cannot file your own separate lawsuit against Ford Canada arising from the same facts as this lawsuit (that is, arising out of Ford Canada's alleged agreement to restrict the export of new vehicles from Canada to the United States during the Class Period of January 1, 2001 to April 30, 2003).

GETTING MORE INFORMATION

20. How can I get more information on the settlement?

This Notice merely summarizes the proposed settlement with Ford Canada. You can download a copy of the settlement agreement and additional court documents, as well as review answers to frequently asked questions, by visiting www.CalCarsSettlement.com, or you may call toll-free, 1-877-354-3833.