



**FILED**  
San Francisco County Superior Court

OCT 31 2022

CLERK OF THE COURT  
BY: R. Michael Dila  
Deputy Clerk

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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN FRANCISCO  
DEPARTMENT 306

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

\_\_\_\_\_  
This document relates to:  
All Actions

ORDER GRANTING FINAL APPROVAL  
OF SETTLEMENT WITH FORD  
CANADA

1 This matter came before the Court on October 5, 2022, and October 21, 2022, pursuant to the  
2 Court's Order Preliminarily Approving Settlement with Ford Canada dated June 23, 2022, for a Final  
3 Approval Hearing on Plaintiffs' motion, on behalf of the Class, for final approval of the Settlement  
4 Agreement between Plaintiffs and Ford Canada.

5 The Court having considered the fairness of the Settlement Agreement, and having considered  
6 the objections of Timothy R. and Troy S. to the Settlement Agreement and Plaintiffs' responses thereto,  
7 all papers filed in connection with the Settlement Agreement, and all other papers filed and proceedings  
8 conducted in this Action, and otherwise being fully informed, based on good cause appearing therefore,  
9 IT IS HEREBY ORDERED that:

- 10 1. This Order Granting Final Approval of Settlement with Ford Canada, like the  
11 accompanying Judgment, incorporates by reference the definitions in the Settlement  
12 Agreement, and all terms used herein shall have the same meanings set forth in the  
13 Settlement Agreement.<sup>1</sup>
- 14 2. The following terms of this Order, and the accompanying Judgment, shall only become  
15 effective upon the satisfaction of all other requirements for the Settlement to become  
16 Final as defined in Paragraph 10 of the Settlement Agreement.
- 17 3. The Court has subject matter and personal jurisdiction over Plaintiffs, all members of the  
18 Class, and Ford Canada, and jurisdiction to finally approve the Settlement Agreement on  
19 behalf of the Class.
- 20 4. Pursuant to California Code of Civil Procedure Section 382 and California Rules of  
21 Court, rule 3.769, and consistent with the requirements of due process, the Court hereby  
22 finally approves the Settlement Agreement, including its payment and release provisions.  
23 The Court finds and concludes that the Settlement Agreement was entered into in good  
24 faith, following arm's-length negotiations, and was not collusive. The Court further finds  
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26 <sup>1</sup> The Settlement Agreement is attached as Exhibit A to the Declaration of Todd A. Seaver filed April 6,  
27 2022.

1 and concludes that the Settlement Agreement is fair, reasonable, and adequate, and  
2 consistent with the requirements of California law and all applicable court rules,  
3 including but not limited to California Code of Civil Procedure Section 382 and  
4 California Rules of Court, rule 3.769, and due process.

5 5. The Class is defined as:

6 All persons and entities residing in California on November 15, 2020, who purchased or  
7 leased a new motor vehicle manufactured or distributed by Ford Company; Ford Motor  
8 Company of Canada, Limited; Volvo Cars of North America LLC; Volvo Cars of Canada  
9 Ltd., General Motors Corporation; General Motors of Canada, Ltd.; Saab Cars USA, Inc.;  
10 Saturn Corporation; DaimlerChrysler AG; DaimlerChrysler Corporation;  
11 DaimlerChrysler Motors, Co., LLC; DaimlerChrysler Canada, Inc.; Toyota Motor  
12 Corporation; Toyota Motor Sales USA, Inc.; Toyota Canada, Inc.; Honda Motor  
13 Company, Ltd.; American Honda Motor Company, Inc.; Honda Canada, Inc.; Nissan  
14 Motor Company, Ltd.; Nissan North America, Inc.; or Nissan Canada, Inc. from an  
15 Authorized Dealer located in California, during the period of January 1, 2001 through  
16 April 30, 2003 for their own use.

17 No Class Members have submitted requests to be excluded from the Class.

18 6. The Court finds and concludes that the Class meets the class action criteria of California  
19 Code of Civil Procedure section 382.

20 7. The Court finds and concludes that notice of the Settlement Agreement was provided to  
21 the Class in accordance with the Court's Order Preliminarily Approving Settlement with  
22 Ford Canada dated June 23, 2022, including the forms of notice and methods of notifying  
23 members of the Class that were approved by the Court. That notice was fair, adequate,  
24 and sufficient, constituting the best practicable notice under the circumstances, and was  
25 reasonably calculated to reach all or a substantial percentage of the members of the Class  
26 and apprise them of this Action, the terms and conditions of the Settlement Agreement,  
27 and their right to object to the Settlement Agreement. The notice provided fully satisfied  
28 all requirements of California Code of Civil Procedure section 382, California Rules of  
Court, rules 3.766 and 3.769, all other applicable laws or rules of the Court, and due  
process.

8. The Court overrules the objections submitted by Timothy R. and Troy S.

1 9. The Settlement Fund is \$82,000,000. Pursuant to the Court's October 31, 2022 Order  
2 Granting Plaintiffs' Motion for Award of Attorneys' Fees, Reimbursement of Expenses,  
3 and Payment of Service Awards, the following amounts shall be paid from the Settlement  
4 Fund:

- 5 i. Attorneys' fees in the amount of \$27,306,000;
- 6 ii. Litigation expenses in the amount of \$1,293,971.39;
- 7 iii. A \$5,000 service award to named Plaintiff Jason Gabelsberg; and
- 8 iv. A \$5,000 service award to named Plaintiff W. Scott Young.

9 10. The Settlement Fund, net of the Court-approved deductions in Paragraph 9 *supra*, shall  
10 be distributed pursuant to Paragraph 21 of the Settlement Agreement. A Status  
11 Conference is set for March 24, 2023 at 10:00 a.m. No later than three court days prior to  
12 the Status Conference, Plaintiffs shall file a status report regarding the claims process,  
13 any outstanding issues, and the amount available for distribution to the Class. The status  
14 report must be accompanied by an admissible evidentiary declaration.

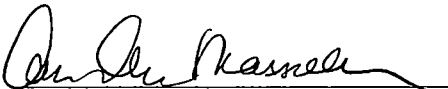
15 11. Class Counsel, Plaintiffs, and Ford Canada are directed to implement and consummate  
16 the Settlement Agreement according to its terms and conditions.

17 12. This Order Granting Final Approval and the Judgment shall terminate and dispose of all  
18 the claims against Ford Canada in this Action and all individual cases within it.

19 13. Without affecting the finality of this Order Granting Final Approval or the Judgment in  
20 any way, this Court retains continuing jurisdiction over Plaintiffs, the Class, and Ford  
21 Canada, to implement, administer, consummate, and enforce the Settlement Agreement  
22 and this Order Granting Final Approval and the Judgment, consistent with California  
23 Code of Civil Procedure section 664.6

24 IT IS SO ORDERED.

25 Dated: October 31, 2022

  
26 Anne-Christine Massullo  
27 Judge of the Superior Court  
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