

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF MAINE**

<b>IN RE NEW MOTOR VEHICLES</b>	]	
<b>CANADIAN EXPORT ANTITRUST</b>	]	<b>CIVIL No. 2:03-MD-1532-DBH</b>
<b>LITIGATION</b>	]	

**ORDER APPROVING SUPPLEMENTAL NOTICE PLAN**

I previously certified nationwide settlement classes and a nationwide notice plan in connection with plaintiffs’ efforts to achieve final approval of two proposed settlements with defendants Toyota Motor Sales, U.S.A., Inc. (“Toyota”) and the Canadian Automobile Dealers’ Association (“CADA”). See Order Certifying Settlement Classes for the Purpose of Disseminating Notice, Oct. 4, 2010 (Docket Item 1123). After conclusion of a claims filing period, during which class members in twenty Eligible States<sup>1</sup> were able to file claims for a share of the settlement proceeds, I held a fairness hearing on February 18, 2011. After the fairness hearing I determined that the plan of allocation should be expanded to permit class members in four additional jurisdictions—the District of Columbia, Hawaii, Iowa and North Carolina—to file claims for payment. Supplemental Decision & Order on Proposed Settlements & Plan of Allocation Following Additional Briefing, Aug. 1, 2011 (Docket Item 1188). I directed the Attorneys General of these four jurisdictions

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<sup>1</sup> The twenty Eligible States included Arizona, Arkansas, California, Idaho, Kansas, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Nebraska, Nevada, New Hampshire, New Mexico, North Dakota, South Dakota, Tennessee, Vermont, West Virginia and Wisconsin.

to propose what would be fair notice to residents of their jurisdictions and provide me with its mechanics and cost. Id. at 11. I instructed plaintiffs to present a response or alternative. Id.

On August 31, 2011, the plaintiffs and the Attorneys General jointly proposed a notice plan. See Joint Submission Re: Notice to Class Members in the District of Columbia, Hawaii, Iowa and North Carolina, Aug. 31, 2011 (“Joint Submission”) (Docket Item 1189). By Order dated September 30, 2011 (Docket Item 1200), I found the Joint Submission to be reasonable and directed that a dissemination schedule be proposed. I ordered that the supplemental notice be amended to reflect input from Nissan North America, Inc.

**IT IS HEREBY ORDERED:**

1. I hereby approve the Supplemental Notice Plan set forth in the Joint Submission and the accompanying Declaration of Dennis Gilardi dated August 31, 2011 (“Gilardi Decl.”) (Docket Item 1191). The Supplemental Notice Plan provides fair and reasonable notice to class members in the District of Columbia, Hawaii, Iowa and North Carolina of their right to file a claim for a share of the settlement funds from the proposed settlements with Toyota and CADA.

2. I find that the amended supplemental notice, supplemental email notice to fleet buyers and supplemental press release<sup>2</sup> clearly and concisely in

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<sup>2</sup> See Exhibits A, B and C hereto, which are revised versions of Gilardi Decl. Exs. A-C (Docket Item 1191).

plain, easily understood language describe who is eligible to make a claim during the supplemental claims period and how that claim is to be made.

3. I order Gilardi to implement the Supplemental Notice Plan such that the supplemental notice first appears in newspapers within thirty days from the date of this order. The supplemental notice shall run four times in daily newspapers over a two-week period and two times in weekly newspapers over that same period.

4. The deadline for filing claims is January 13, 2012. All claims made online must be submitted no later 11:59 p.m. Eastern Time on January 13, 2012. All claims made by paper claim form must be sent by first-class mail and postmarked no later than January 13, 2012. I approve the revised Consumer Claim Form (Gilardi Decl. Ex. F) for use in the supplemental claims filing period.

**SO ORDERED.**

**DATED THIS 18<sup>TH</sup> DAY OF OCTOBER, 2011**

/s/D. Brock Hornby  
**D. BROCK HORNBY**  
**UNITED STATES DISTRICT JUDGE**

## **EXHIBIT A**

## SUPPLEMENTAL LEGAL NOTICE

### **If you bought or leased a new car or truck in Hawaii, Iowa, North Carolina or the District of Columbia during Jan. 1, 2001 to April 30, 2003, you could get a payment from two class action settlements.**

In Fall 2010 we notified car buyers and lessees nationwide of two settlements that resolve claims against Toyota Motor Sales, U.S.A., Inc. (“Toyota”) and the Canadian Automobile Dealers’ Association (“CADA”) in several lawsuits across the country. The lawsuits are about an alleged conspiracy among several automakers to keep Canadian new car exports out of the U.S. Those who purchased or leased a new vehicle from a dealer in one of 20 “Eligible States”—AZ, AR, CA, ID, KS, ME, MA, MI, MN, MS, NE, NV, NH, NM, ND, SD, TN, VT, WV and WI—were eligible to file a claim for payment from the settlement money, but the deadline for class members in those states to file a claim has passed.

The Court overseeing the case held a hearing on February 18, 2011 to consider the fairness, reasonableness and adequacy of the settlements. The Court has now ordered that car buyers and lessees in Hawaii, Iowa, North Carolina and the District of Columbia should also be able to file a claim for payment from the settlement money.

#### **Who May Now File a Claim for Payment?**

To receive any money from the settlements, you must file a claim. You may only file a claim at this time if you purchased or leased a passenger car, light truck or SUV manufactured by one of the following automakers from an authorized dealer in Hawaii, Iowa, North Carolina or the District of Columbia during January 1, 2001 through April 30, 2003:

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

At the time of your purchase or lease, you must have resided in Hawaii, Iowa, North Carolina, the District of Columbia, or one of the original 20 Eligible States listed above.

#### **What Are the Lawsuits About?**

The lawsuits claim that several automakers and a dealer association (CADA) conspired with each other to prevent cheaper, but virtually identical, new cars from being exported to the U.S. from Canada. The lawsuits allege that this violated state antitrust and consumer protection laws and caused new vehicle prices in the U.S. to be higher than they should have been. After considering the extensive evidence of the case after six years of litigation, the federal Court ruled in favor of all defendants except Toyota and CADA and dismissed them from the federal lawsuit. Toyota and CADA assert that they have acted lawfully and independently and that there is no legal or factual basis for these lawsuits. This is just a summary—for more info, visit [www.CanadianExportAntitrust.com](http://www.CanadianExportAntitrust.com).

#### **What Do the Settlements Provide?**

Toyota has agreed to pay \$35 million, and CADA has agreed to pay \$700,000, to settle the lawsuits. Toyota and CADA have agreed not to conspire or share information with others aimed at stopping Canada-to-U.S. new vehicle exports.

#### **How Do I Ask for a Payment?**

To get a payment, you must submit a claim, which you should do online. The website contains all the information you need to submit a claim.

**You must submit your claim by \_\_\_\_\_, 2011.**

If you do not have Internet access, please call 1-866-266-9034 for more info and to learn how to submit a claim by mail.

**FOR MORE DETAILED  
INFORMATION VISIT  
[www.CanadianExportAntitrust.com](http://www.CanadianExportAntitrust.com)**

## **Exhibit B**

**TO: AUTO FLEET BUYERS IN HAWAII, IOWA, NORTH CAROLINA AND THE DISTRICT OF COLUMBIA**

**If you bought or leased a new car or truck in Hawaii, Iowa, North Carolina or the District of Columbia during Jan. 1, 2001 to April 30, 2003, you could get a payment from two class action settlements.**

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

In Fall 2010 we notified car buyers and lessees nationwide of two settlements that resolve claims against Toyota Motor Sales, U.S.A., Inc. (“Toyota”) and the Canadian Automobile Dealers’ Association (“CADA”) in several lawsuits across the country. The lawsuits are about an alleged conspiracy among several automakers to keep Canadian new car exports out of the U.S. Fleet buyers who purchased or leased new vehicles from a dealer in one of 20 “Eligible States”—AZ, AR, CA, ID, KS, ME, MA, MI, MN, MS, NE, NV, NH, NM, ND, SD, TN, VT, WV and WI—were eligible to file a claim for payment from the settlement money, but the deadline for class members in those states to file a claim has passed.

The Court overseeing the case held a hearing on February 18, 2011 to consider the fairness, reasonableness and adequacy of the settlements. The Court has now ordered that car buyers and lessees in Hawaii, Iowa, North Carolina and the District of Columbia should also be able to file a claim for payment from the settlement money.

**Who May Now File a Claim for Payment?** To receive any money from the settlements, you must file a claim. You may only file a claim at this time if you purchased or leased a passenger car, light truck or SUV manufactured by one of the following automakers from an authorized dealer in Hawaii, Iowa, North Carolina or the District of Columbia during January 1, 2001 through April 30, 2003:

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

At the time of your purchase or lease, your principal place of business must have been located in Hawaii, Iowa, North Carolina, the District of Columbia, or one of the original 20 Eligible States listed above.

**What Are the Lawsuits About?** The lawsuits claim that several automakers and a dealer association (CADA) conspired with each other to prevent cheaper, but virtually identical, new cars from being exported to the U.S. from Canada. The lawsuits allege that this violated state antitrust and consumer protection laws and caused new vehicle prices in the U.S. to be

higher than they should have been. After considering the extensive evidence of the case after six years of litigation, the federal Court ruled in favor of all defendants except Toyota and CADA and dismissed them from the federal lawsuit. Toyota and CADA assert that they have acted lawfully and independently and that there is no legal or factual basis for these lawsuits. This is just a summary—for more info, visit [www.CanadianExportAntitrust.com](http://www.CanadianExportAntitrust.com).

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**How Do I Ask for a Payment?**

To get a payment, you must submit a claim, which you must do online. The website contains all the information you need to submit a claim. **You must submit your claim by \_\_\_\_\_, 2011.**

**FOR MORE DETAILED INFORMATION Visit [www.CanadianExportAntitrust.com](http://www.CanadianExportAntitrust.com) or Call 1-866-266-9034**

## **Exhibit C**

**Berman DeValerio Announces That New Car Buyers and Lessees in Hawaii, Iowa, North Carolina and the District of Columbia May Now File a Claim for Payment from Two Class Action Settlements.**

The following statement is being issued by Berman DeValerio pursuant to an order from the United States District Court for the District of Maine.

SAN FRANCISCO, \_\_\_\_\_, 2011 /PRNewswire/ -- If you bought or leased a new car or truck in Hawaii, Iowa, North Carolina or the District of Columbia during January 1, 2001 to April 30, 2003, you could get a payment from two class action settlements.

In Fall 2010 we notified car buyers and lessees nationwide of two settlements that resolve claims against Toyota Motor Sales, U.S.A., Inc. ("Toyota") and the Canadian Automobile Dealers' Association ("CADA") in several lawsuits across the country. The lawsuits are about an alleged conspiracy among several automakers to keep Canadian new car exports out of the U.S. Those who purchased or leased a new vehicle from a dealer in one of 20 "Eligible States" —AZ, AR, CA, ID, KS, ME, MA, MI, MN, MS, NE, NV, NH, NM, ND, SD, TN, VT, WV and WI—were eligible to file a claim for payment from the settlement money, but the deadline for class members in those states to file a claim has passed.

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<i>BMW</i>	<i>Honda</i>	<i>Mazda</i>	<i>Saab</i>
<i>Buick</i>	<i>Hummer</i>	<i>Mercedes</i>	<i>Saturn</i>
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<i>Chrysler</i>	<i>Jeep</i>	<i>Nissan</i>	<i>Volvo</i>
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**What Do the Settlements Provide?** Toyota has agreed to pay \$35 million, and CADA has agreed to pay \$700,000, to settle the lawsuits. Toyota and CADA have agreed not to conspire or share information with others aimed at stopping Canada-to-U.S. new vehicle exports.

**How Do I Ask for a Payment?** To get a payment, you must submit a claim, which you should do online. The website contains all the information you need to submit a claim. **You must submit your claim by \_\_\_\_\_, 2011.**

If you do not have Internet access, please call 1-866-266-9034 for more info and to learn how to submit a claim by mail.

**FOR MORE DETAILED INFORMATION VISIT [www.CanadianExportAntitrust.com](http://www.CanadianExportAntitrust.com)**

Berman DeValerio is lead counsel for the Settlement Classes. Other Class Counsel include:

Pomerantz Haudek Grossman & Gross LLP; Cafferty Faucher LLP; Heins Mills & Olson, PLC; Kohn Swift & Graf, P.C.; Labaton Sucharow LLP; and Lowey Dannenberg Cohen & Hart, P.C.

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**U.S. DISTRICT COURT  
DISTRICT OF MAINE (PORTLAND)  
CIVIL DOCKET FOR CASE #: 2:03-MD-1532-DBH**

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