

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

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

**ORDER AWARDING INCENTIVE PAYMENTS  
TO CERTAIN NAMED PLAINTIFFS**

Before this Court is Plaintiffs’ Motion for Approval of Proposed Plan of Allocation (Docket Item 1130) (“Motion) in connection with the settlements with the defendants Toyota Motor Sales, U.S.A., Inc. (“Toyota”) and the Canadian Automobile Dealers’ Association (“CADA”). Through this Motion, the plaintiffs have requested, in part, that named plaintiffs be awarded \$750 each for their service on behalf of the Settlement Classes. The plaintiffs have provided notice to the Settlement Classes, pursuant to my Order Certifying Settlement Classes for the Purpose of Disseminating Notice, Oct. 4, 2010 (Docket Item 1123), which apprised Class Members that the plaintiffs would seek incentive awards of \$750 each for 46 named plaintiffs to be paid from the Settlement Funds.<sup>1</sup> The notice to the Settlement Classes informed Class Members of their right to object and participate in the fairness hearing held February 18, 2011 (“Fairness Hearing”).

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<sup>1</sup> See Revised Long-Form Settlement Notice ¶ 16 (Docket Item 1122-2); Long-form Settlement Notice ¶ 16, attached as Ex. F to the Declaration of Dennis Gilardi Reporting on Notice & Claims Administration, Jan. 7, 2011 (Docket Item 1133-7).

Upon consideration of the foregoing, the arguments made at the Fairness Hearing and the briefing presented to the Court both before and after the Fairness Hearing by the plaintiffs and other interested parties, it is hereby

**ORDERED:**

1. This Order incorporates the definitions in the Settlement Agreements, and all terms used herein shall have the same meanings as set forth in the Settlement Agreements.

2. This Court has jurisdiction over the subject matter of the Motion and all matters relating thereto, including jurisdiction over all Class Members.

3. The plaintiffs provided the Settlement Classes with due, reasonable, and adequate notice of the maximum number and dollar amounts of incentive awards Class Counsel would request for named plaintiffs. The notice informed Class Members that the plaintiffs would seek incentive awards in the amount of \$750 each to be paid to up to 46 named plaintiffs. The notice also informed Class Members of their right to object to these proposed incentive awards. Class Members were afforded a reasonable amount of time to object to the proposed incentive awards.

4. The Court reaffirms its findings and conclusions, as set forth in its Decision and Order on Proposed Settlements and Plan of Allocation, Apr. 13, 2011 (Docket Item 1175), that the \$750 incentive awards are fair and reasonable and should be permitted for 45 of the 46 named plaintiffs for which incentive awards were sought. The Court hereby approves the award of \$750

each to the following 45 named plaintiffs (“Named Plaintiffs”) in recognition of their service to the Settlement Classes:

Accomando, Cathy-Ann  
Arrington, Alison  
Auld, Evelyn  
Aylward, Dennis  
Bagin, William  
Barrett-Riley, Katherine  
Berke, Jack  
Berke, Arlyne  
Cole, John  
Cook, John  
Comorski, Philip  
Dale, Cynthia  
Elliot, Hilary  
Field, Anders  
Gaines, Ira  
Gray, Susan  
Humphrey (Medigovich), Lindsay  
Jewell, Ronald  
Kindberg, Larry  
Kious, David  
Kornegay, Henry  
Kozad, Clyde  
Kushner, Barry  
LaCava, Susan  
Martinez, Kenneth  
McAllister, Ruby  
McIness, Peter  
Mercer, Jason  
Mohr, Donald  
Nemesh, Angela  
Nemesh, John  
Perdue, David  
Peterson, Randal  
Phillips, David  
Rosen, Denise  
Ruser, Kevin  
Sadoff, Parry

Scherzer, Robert  
Schlesinger, Alan  
Sengel, Cynthia  
Sengel, Jason  
Spear, Aubrey Van  
Thayer, Edith  
Weir, Elizabeth  
Weir, James

5. The incentive awards for the Named Plaintiffs will be paid from the Toyota Settlement Fund and CADA Settlement Fund proportionally based on the original amounts deposited into each fund. Payment will be directed to Chair of the MDL Executive Committee, Joseph J. Tabacco, Jr. and Todd A. Seaver of Berman DeValerio, who will thereafter direct distribution of the incentive awards to the Named Plaintiffs consistent with the terms of the Settlement Agreements.

6. The Court retains and reserves jurisdiction over all matters relating to the administration, consummation, enforcement and interpretation of the Settlement Agreements, and for any other purpose, including but not limited to payment of the incentive awards to the Named Plaintiffs.

**SO ORDERED.**

**DATED THIS 31<sup>ST</sup> DAY OF JANUARY, 2012**

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

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

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