



SIDLEY AUSTIN LLP  
ONE SOUTH DEARBORN STREET  
CHICAGO, IL 60603  
+1 312 853 7000  
+1 312 853 7036 FAX

AMERICA • ASIA PACIFIC • EUROPE

+1 312 853 4716  
EMATTSON@SIDLEY.COM

May 1, 2023

The Honorable Merrick B. Garland  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530

The Attorneys General identified  
in Exhibit A

Re: *In re Takata Airbag Products Liability Litigation*, MDL No. 2599 (S.D. Fla.)

Dear Mr. Garland and Attorneys General:

We are writing on behalf of our clients, Honda Motor Co., Ltd., American Honda Motor Co., Inc., and Honda Development and Manufacturing of America, LLC (collectively, “Honda”), to advise your office of a proposed class action settlement in the above-referenced case. This notice is being provided pursuant to the Class Action Fairness Act of 2005 (“CAFA”), 28 U.S.C. § 1715(b).

## BACKGROUND

On October 27, 2014, various individual plaintiffs (the “Consumer Economic Loss Plaintiffs”) filed a class action complaint in *Dunn v. Takata Corp.*, No. 1:14-cv-24009 (S.D. Fla.) (“Consumer Economic Loss Class Actions”), alleging, among other things, that certain automotive companies manufactured, distributed, or sold vehicles containing allegedly defective airbag inflators manufactured by Takata Corp. and its affiliates that allegedly could, upon deployment, rupture and expel debris into the occupant compartment and/or otherwise affect the airbag’s deployment, and that the Consumer Economic Loss Plaintiffs sustained economic losses as a result. The Judicial Panel on Multidistrict Litigation consolidated the *Dunn* action for pre-trial proceedings with additional class and individual actions alleging similar or identical claims in *In re Takata Airbag Products Liability Litigation*, No. 1:15-md-2599 (S.D. Fla.), pending before the Honorable Judge Federico A. Moreno in the United States District Court for the Southern District of Florida.

On May 18, 2017, Honda and the Consumer Economic Loss Plaintiffs reached a settlement agreement. On November 1, 2017, after the completion of various steps, including notice to the class and CAFA notice, the Court gave final approval to the settlement.

Sidley Austin LLP is a limited liability partnership practicing in affiliation with other Sidley Austin partnerships.

# SIDLEY

The Honorable Merrick B. Garland  
The Attorneys General identified in Exhibit A  
May 1, 2023  
Page 2

Separately, various Recycler Plaintiffs (Butler Auto Recycling, Inc., Cunningham Brothers Auto Parts, LLC, Midway Auto Parts LLC, Road Tested Parts, Inc. d/b/a weaverparts.com, Snyder's Ltd., Triple D Corporation d/b/a Knox Auto Parts, Automotive Dismantlers and Recyclers Association, Inc. d/b/a Automotive Recyclers Association, Rigsby's Auto Parts & Sales, Inc., Quartno's Auto Salvage, and Young's Auto Center and Salvage, LP) filed a First Amended Consolidated Class Action Complaint against Honda and others on May 18, 2018. The Recycler Plaintiffs asserted some of the same claims as the Consumer Economic Loss Plaintiffs, but they purported to represent automotive recyclers and salvage yards rather than consumers.

In the proceedings involving the Recycler Plaintiffs, the Court granted in part and denied in part various motions to dismiss. The Court dismissed the following claims against Honda: RICO claim for the nationwide class; Lanham Act for all Recycler Plaintiffs; fraudulent concealment and fraudulent misrepresentation claims under Tennessee and North Carolina law; violation of the Georgia Uniform Deceptive Trade Practices Act; and violation of the Tennessee Consumer Protection Act. The claims that remained against Honda were claims for violation of the Florida Deceptive and Unfair Trade Practices Act; violation of the Texas Deceptive Trade Practices Act; violation of the North Carolina Unfair and Deceptive Trade Practices Act; and fraudulent concealment and fraudulent misrepresentation claims under Georgia, Florida, Missouri, Texas, and Virginia law.

On April 24, 2021, the Recycler Plaintiffs filed a Second Amended Class Action Complaint. This complaint was corrected on May 7, 2021, and the corrected version is the operative pleading for the Recycler Plaintiffs' claims. Honda answered the Second Amended Class Action Complaint on May 21, 2021.

This notice provides information about a proposed settlement with the Recycler Plaintiffs and the automotive recyclers and salvage yards in their proposed class.

## **COMPLIANCE WITH 28 U.S.C. § 1715**

In compliance with 28 U.S.C. § 1715, we provide the following information:

# SIDLEY

The Honorable Merrick B. Garland  
The Attorneys General identified in Exhibit A  
May 1, 2023  
Page 3

1. *Complaint and Related Materials* (28 U.S.C. § 1715(b)(1))

Enclosed as *Exhibits A* and *B* are copies of the Recycler Plaintiffs' First Amended Consolidated Class Action Complaint and the Recycler Plaintiffs' Second Amended Consolidated Class Action Complaint, together with their respective exhibits.

2. *Notice of Any Scheduled Judicial Hearing* (28 U.S.C. § 1715(b)(2))

A hearing on final approval of the proposed settlement is currently scheduled for November 3, 2023, at 2:30 p.m. See Preliminary Approval Order, attached as *Exhibit C*.

3. *Proposed Notification to Class Members* (28 U.S.C. § 1715(b)(3))

The proposed notice to be provided to class members are Exhibits 2 and 6 to the Settlement Agreement. The Settlement Agreement is enclosed as *Exhibit D*.

4. *Proposed Class Action Settlement Agreement* (28 U.S.C. § 1715(b)(4))

A copy of the executed Settlement Agreement, with exhibits, is attached as *Exhibit D*.

5. *Any Settlement or Other Agreement* (28 U.S.C. § 1715(b)(5))

There are no settlements or other agreements between class counsel and counsel for Honda other than the Settlement Agreement.

6. *Final Judgment* (28 U.S.C. § 1715(b)(6))

There has been no final judgment or notice of dismissal. Accordingly, no such document is currently available. However, the proposed final judgment and final approval order are enclosed as Exhibits 4 and 5, respectively, to the Settlement Agreement, which is attached as *Exhibit D*.

7. *Estimate of Class Members in Each State* (28 U.S.C. § 1715(b)(7)(B))

It is not feasible to provide a complete list of class members residing in each state who may be encompassed within the proposed settlement. Pursuant to 28 U.S.C. § 1715(b)(7)(B), Honda believes that class members reside and do business in all 50 states, the District of Columbia, and U.S. territories and possessions. Honda estimates that approximately 10,000 or more automotive recyclers and salvage yards are encompassed in the class.

# SIDLEY

The Honorable Merrick B. Garland  
The Attorneys General identified in Exhibit A  
May 1, 2023  
Page 4

8. *Judicial Opinions Related to the Settlement* (28 U.S.C. § 1715(b)(8))

The Preliminary Approval Order is attached as *Exhibit C*. There are no judicial opinions related to settlement at this time.

If you have any questions, or if you have any concerns about whether this notice complies with CAFA, please let me know.

Very truly yours,

A handwritten signature in black ink, appearing to read "Eric S. Mattson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Eric S. Mattson