

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**IN RE: DEALER MANAGEMENT
SYSTEMS ANTITRUST LITIGATION**

This Document Relates To:

THE DEALERSHIP CLASS ACTION

MDL No. 2817
Case No. 18-cv-00864

Honorable Rebecca R. Pallmeyer

**DECLARATION OF CAMERON R. AZARI, ESQ. REGARDING IMPLEMENTATION
AND ADEQUACY OF SETTLEMENT NOTICE PLAN AND NOTICES**

I, Cameron R. Azari, Esq., hereby declare and state as follows:

1. My name is Cameron R. Azari, Esq. I have personal knowledge of the matters set forth herein, and I believe them to be true and correct.

2. I am a nationally recognized expert in the field of legal notice and have served as an expert in hundreds of federal and state cases involving class action notice plans.

3. I am a Senior Vice President of Epiq Class Action and Claims Solutions, Inc. (“Epiq”) and the Director of Legal Notice for Hilsoft Notifications, a firm that specializes in designing, developing, analyzing, and implementing large-scale, un-biased, legal notification plans. Hilsoft Notifications is a business unit of Epiq. References to Epiq in this declaration include Hilsoft Notifications.

4. I previously filed declarations in this matter related to Epiq’s administration of the Settlement with Reynolds (“Reynolds Settlement”), *Declaration of Cameron Azari, Esq. Regarding Notice Administration*, executed December 19, 2018 (ECF No. 479-2) and *Supplemental Declaration of Cameron Azari, Esq. Regarding Notice Administration*, executed January 15, 2019 (ECF No. 494).

5. The facts in this declaration are based on my personal knowledge, as well as information provided to me by my colleagues in the ordinary course of my business at Epiq.

OVERVIEW

6. This declaration describes the successful implementation of the Settlement notice plan (“Notice Plan”) and notices (the “Notice” or “Notices”) for *In re Dealer Management Systems Antitrust Litigation*, MDL No. 2817, in the United States District Court for the Northern District of Illinois for the Settlement with Dealership Class Plaintiffs, both individually and on behalf of the CDK Settlement Class, and CDK Global, LLC (“CDK”) (“CDK Settlement”). I previously executed my *Declaration of Cameron R. Azari, Esq. Regarding Settlement Notice Plan and Notices* (“Notice Plan Declaration”) on August 16, 2024, which described the Notice Plan, detailed Hilsoft’s class action notice experience, and attached Hilsoft’s *curriculum vitae*. In the Notice Plan Declaration, I also provided my educational and professional experience relating to class actions and my ability to render opinions on overall adequacy of notice plans.

NOTICE PLANNING METHODOLOGY

7. Federal Rules of Civil Procedure, Rule 23 directs that notice must be “the best notice that is practicable under the circumstances, including individual notice to all members who can be identified through reasonable effort” and that “the notice may be by one or more of the following: United States mail, electronic means, or other appropriate means.”¹ The Notice Plan satisfied these requirements.

8. This Notice Plan, as designed and implemented, reached the greatest practicable number of CDK Settlement Class Members. The Notice Plan individual notice efforts reached approximately 98.4% of the CDK Settlement Class using individual notice via email and/or mail to identified CDK Settlement Class Members. The reach was further enhanced by a Publication Notice in a select national print publication for the automotive industry, digital media, an informational release, and a settlement website. In my experience, the reach of the Notice Plan was consistent with other court-approved notice plans, was the best notice practicable under the

¹ Fed. R. Civ. P. 23(c)(2)(B).

circumstances of this case, and satisfied the requirements of due process, including its “desire to actually inform” requirement.²

CAFA NOTICE

9. On August 20, 2024, Epiq sent 57 CAFA Notice Packages (“CAFA Notice”). The CAFA Notice was mailed via United States Postal Service (“USPS”) Priority Mail to 54 officials (the Attorneys General of 48 states, the District of Columbia, and the United States Territories). Per the direction of the Office of the Nevada and Connecticut Attorneys General, the CAFA Notice was sent to the Nevada and Connecticut Attorneys General electronically via email. The CAFA Notice was also sent via United Parcel Service (“UPS”) to the Attorney General of the United States. Details regarding the CAFA Notice mailing are provided in the *Declaration of Kyle S. Bingham on Implementation of CAFA Notice*, dated August 20, 2024, which is included as **Attachment 1**.

NOTICE PLAN DETAIL

10. On August 23, 2024, the Court approved the Notice Plan and appointed Epiq as the Settlement Administrator in the *Preliminary Approval Order for Settlement between Dealership Class Plaintiffs and CDK Global, LLC* (“Preliminary Approval Order”). In the Preliminary Approval Order, the Court certified, for settlement purposes, the following CDK Settlement Class:

All persons and entities located in the United States engaged in the business of the retail sale of automobiles who purchased DMS from CDK and/or Reynolds (“Defendants”), or any predecessor, successor, subsidiary, joint venture or affiliate, during the period from September 1, 2013 through the date of the executed Agreement (“CDK Settlement Class Period”).

Excluded from the CDK Settlement Class are Defendants, including any entity or division in which any Defendant has a controlling interest, as well as Defendants’ joint ventures, subsidiaries, affiliates, assigns, and successors.

² *Mullane v. Cent. Hanover Bank & Trust Co.*, 339 U.S. 306, 315 (1950) (“But when notice is a person’s due, process which is a mere gesture is not due process. The means employed must be such as one desirous of actually informing the absentee might reasonably adopt to accomplish it. The reasonableness and hence the constitutional validity of any chosen method may be defended on the ground that it is in itself reasonably certain to inform those affected . . .”).

NOTICE PLAN

Individual Notice

11. Beginning on August 8, 2024, Epiq received data files from CDK containing 13,942 records for identified CDK Settlement Class Members. The data file included names and mailing addresses for prior and current CDK DMS customers from September 1, 2013, to July 20, 2024, and all available email addresses for current CDK DMS customers. Subsequently, Epiq received one data file from Reynolds containing 4,484 records for identified CDK Settlement Class Members. The data file from Reynolds included names and mailing addresses used in connection with the notice program for the prior Reynolds Settlement, along with names and mailing addresses for current customers. Additionally, 8,290 records for identified Reynolds Settlement Class Members, already in Epiq's database from the 2018 class certification notice effort, including entities who had requested to be kept informed of the status of the Settlement, were added to the current database.

12. Epiq consolidated deduplicated and rolled-up the records and loaded the unique records into its database. These efforts resulted in 25,235 unique, identified Settlement Class Member records. An Email Notice was sent to all identified CDK Settlement Class Members for whom a valid email address was available. A postcard Mail Notice was sent via USPS first class mail to all identified CDK Settlement Class Members with an associated physical address for whom a valid email address was not available, or for whom the Email Notice was returned as undeliverable after several attempts. The Email Notice and Mail Notice clearly described the Settlement and the legal rights of the CDK Settlement Class Members. In addition, the Email Notice and Mail Notice directed the recipients to a settlement website where they could access additional information.

Individual Notice – Email

13. Commencing on September 23, 2024, Epiq sent 15,996 Email Notices to 14,287 identified CDK Settlement Class Members for whom a valid email address was available (some

CDK Settlement Class Members had multiple email addresses, and an Email Notice was sent to each unique email address). The following industry standard best practices were followed for the Email Notice efforts. The Email Notice was drafted in such a way that the subject line, the sender, and the body of the message overcame SPAM filters and ensured readership to the fullest extent reasonably practicable. For instance, the Email Notice used an embedded html text format. This format provided easy-to-read text without graphics, tables, images and other elements that in our experience would increase the likelihood that the message could be blocked by Internet Service Providers (ISPs) and/or SPAM filters for this type of email communication. The Email Notices were sent from an IP address known to major email providers as one not used to send bulk “SPAM” or “junk” email blasts. Each Email Notice was transmitted with a digital signature to the header and content of the Email Notice, which allowed ISPs to programmatically authenticate that the Email Notices were from our authorized mail servers. Each Email Notice was also transmitted with a unique message identifier. The Email Notice included an embedded link to the settlement website. By clicking the link, recipients were able to access the Long-Form Posted Notice and other information about the case.

14. If the receiving email server could not deliver the message, a “bounce code” was returned along with the unique message identifier. For Email Notices for which a bounce code was received indicating that the message was undeliverable for reasons such as an inactive or disabled account, the recipient’s mailbox was full, technical autoreplies, etc., at least two additional attempts were made to deliver the Email Notice. The Email Notice is included as **Attachment 2**.

Individual Notice – Direct Mail

15. Commencing on September 23, 2024, Epiq sent 10,948 postcard Mail Notices to all identified CDK and Reynolds Settlement Class Members with an associated physical address for whom a valid email address was not available. The Mail Notice was sent via USPS first class mail. Subsequently, 2,251 Mail Notices were sent to CDK Settlement Class Members with an associated mailing address for whom the Email Notice was returned as undeliverable after several attempts.

16. The Mail Notice clearly and concisely summarized the Settlement and the legal rights of the CDK Settlement Class Members. In addition, the Mail Notice directed the recipients to the settlement website where they could access the Long-Form Posted Notice and additional information about the Settlement. The Mail Notice is included as **Attachment 3**.

17. Prior to sending the Mailed Notice, mailing addresses were checked against the National Change of Address (“NCOA”) database maintained by the USPS to ensure the CDK Settlement Class Member address information was up-to-date and accurately formatted for mailing.³ In addition, the addresses were certified via the Coding Accuracy Support System (“CASS”) to ensure the quality of the zip code, and were verified through Delivery Point Validation (“DPV”) to verify the accuracy of the addresses. This address updating process is standard for the industry and for the majority of promotional mailings that occur today.

18. The return address on the Mail Notices was a post office box that Epiq maintains for this case. The USPS automatically forwarded Mail Notices with an available forwarding address order that has not expired (“Postal Forwards”). Mail Notices returned as undeliverable were re-mailed to any new address available through USPS information, (for example, to the address provided by the USPS on returned mail pieces for which the automatic forwarding order has expired, but is still within the time period in which the USPS returns the piece with the address indicated), and to better addresses that were found using a third-party lookup service. Upon successfully locating better addresses, Mail Notices were promptly remailed. As of November 24, 2024, Epiq has remailed 903 Mail Notices.

19. Additionally, a Long-Form Posted Notice and/or Claim Form was mailed to all persons who requested one via the toll-free telephone number or by other means. As of November

³ The NCOA database is maintained by the USPS and consists of approximately 160 million permanent change-of-address (COA) records consisting of names and addresses of individuals, families, and businesses who have filed a change-of-address with the Postal Service™. The address information is maintained on the database for 48 months and reduces undeliverable mail by providing the most current address information, including standardized and delivery-point-coded addresses, for matches made to the NCOA file for individual, family, and business moves.

24, 2024, Epiq mailed two Long-Form Posted Notices and two Claim Forms as a result of such requests. The Long-Form Posted Notice is included as **Attachment 4**. The mailed Claim Form is included as **Attachment 5**.

Notice Results

20. As of November 24, 2024, an Email Notice and/or Mail Notice was delivered to 24,829 of the 25,235 unique, identified CDK Settlement Class Members. This means the individual notice efforts reached approximately 98.4% of the identified CDK Settlement Class Members.

Media Plan Summary

21. The Media Plan included various forms of notice including Publication Notice in a select national print publication for the automotive industry, digital/internet notice, and an informational release.

Publication Notice

22. To supplement the individual notice efforts, a Publication Notice appeared on page nine of the national edition of *Automotive News*, as an approximate 4” x 9” page ad unit, on September 30, 2024. The national circulation of *Automotive News* is approximately 64,547. The Publication Notice is included as **Attachment 6**. The tear sheet is included as **Attachment 7**.

Internet Digital Notice Campaign

23. Internet advertising has become a standard component in legal notice programs. The internet has proven to be an efficient and cost-effective method to target and provide measurable reach of persons covered by a settlement. According to MRI-Simmons data, 97.2% of Adults aged 18+ in the United States are online and 85% of all Adults aged 18+ use social media.⁴

24. The Notice Plan included targeted Digital Notice advertising on *AutoNews.com*⁵ and *CBT News – Homepage Banner*. Consistent with common practice, the Digital Notices used language from the Long-Form Posted Notice headline, which allowed users to identify themselves

⁴ MRI-Simmons 2023 Survey of the American Consumer®.

⁵ *AutoNews.com* is the online/digital corollary of *Automotive News*' national print circulation. See *supra*. ¶ 21.

as potential CDK Settlement Class Members.

25. All Digital Notices appeared on electronic devices and were distributed to the selected targeted audiences. Digital Notices were also targeted (remarketed) to people who click on a Digital Notice.

26. More details regarding the duration, specific ad sizes, and number of delivered impressions of the Digital Notices are included in the following table.

<i>Network/Property</i>	<i>Ad Sizes</i>	<i>Duration</i>	<i>Delivered Impressions</i>
<i>AutoNews.com</i>	300x600, 300x250	2 weeks	35,076
<i>CBT News – Homepage Banner</i>	1140x418	1 week	59,945
TOTAL			95,021

27. Combined, 95,021 impressions were generated by the Digital Notices.⁶ Digital Notices ran on *AutoNews.com* from September 13, 2024, through October 13, 2024, and on *CBT News* from September 23, 2024, through September 29, 2024. Clicking on the Digital Notices linked the readers to the settlement website, where the reader could easily obtain detailed information about the Settlement. The Digital Notice is included as **Attachment 8**.

Informational Release

28. To build additional reach and extend exposures, on September 23, 2024, a party-neutral Informational Release was issued nationwide over the Auto Wire and Automotive Industry microlist to media outlets, including local and national newspapers, magazines, national wire services, etc. across the United States as well as websites, online databases, internet networks, blogs, and social networking media.

⁶ The third-party ad management platform, ClickCease, was used to audit Digital Notice ad placements. This type of platform tracks all Digital Notice ad clicks to provide real-time ad monitoring, fraud traffic analysis, blocks clicks from fraudulent sources, and quarantines dangerous IP addresses. This helps reduce wasted, fraudulent or otherwise invalid traffic (*e.g.*, ads being seen by ‘bots’ or non-humans, ads not being viewable, etc.).

29. The Informational Release included the address of the settlement website and the toll-free telephone number. The Informational Release served a valuable role by providing additional notice exposures beyond that which was provided by the paid media. The Informational Release is included as **Attachment 9**.

Settlement Website

30. On September 23, 2024, Epiq updated the existing website www.dealershipclassDMSsettlement.com with information regarding the CDK Settlement. Relevant documents are posted on the settlement website, including the Complaint, Long-Form Posted Notice, Claim Form, Settlement Agreement, Preliminary Approval Order, Final Approval Order, and select other case-related documents. The settlement website also provides the ability for CDK Settlement Class Members to file an online Claim Form. In addition, the settlement website includes relevant dates, answers to frequently asked questions (“FAQs”), instructions for how CDK Settlement Class Members were able to opt-out (request exclusion) from or object to the Settlement, Fee and Expense Application and/or Allocation Plan prior to the deadline, contact information for the Settlement Administrator, and how to obtain other case-related information. The settlement website address was prominently displayed in all notice documents. From September 23, 2024, to November 24, 2024, there have been 7,316 unique visitor sessions to the case website, and 23,388 web pages have been presented.

Toll-Free Telephone Number

31. On September 23, 2024, Epiq updated the existing toll-free telephone number (1-888-842-3161) with information regarding the CDK Settlement. Callers are able to hear an introductory message and have the option to learn more information in the form of recorded answers to FAQs, and to request that a Long-Form Posted Notice and/or a Claim Form be mailed to them. This automated telephone system is available 24 hours per day, 7 days per week. The toll-free telephone number was prominently displayed in all notice documents. From September 23, 2024,

to November 24, 2024, there have been 163 calls to the toll-free telephone number, representing 460 minutes of use.

32. A postal mailing address was established and continues to be available, allowing CDK Settlement Class Members the opportunity to request additional information or ask questions.

Requests for Exclusion

33. The deadline to request exclusion from the CDK Settlement or to object to the CDK Settlement was November 7, 2024. As of November 25, 2024, Epiq has received no requests for exclusion from the CDK Settlement. As of November 25, 2024, Epiq is aware of no objections to the CDK Settlement.

Claim Submission & Distribution Options

34. The CDK Settlement provides CDK Settlement Class Members the option of filing a Claim Form. The Notices contained a detailed summary of the relevant information, including the settlement website address and how CDK Settlement Class Members can file a Claim Form online or by mail. With any method of filing a Claim Form, CDK Settlement Class Members will receive a traditional paper check.

35. The deadline for CDK Settlement Class Members to file a Claim Form is January 9, 2025. As of November 24, 2024, Epiq has received 1,095 Claim Forms (779 online and 316 paper). Since the claim filing deadline has not yet passed, these numbers are preliminary. As standard practice, Epiq is in the process of conducting a complete review and audit of all Claim Forms received. There is a likelihood that after detailed review, the total number of Claim Forms received will change due to duplicate and denied Claim Forms.

EPIQ'S ROLE AS ESCROW AGENT

36. Epiq also serves as the escrow agent for the Settlement. CDK transferred \$100.25 million on or about September 20, 2024 to Epiq, with \$100 million currently in an interest-bearing escrow account and \$250,000 in a checking account from which Epiq is paid on a quarterly basis for notice and claims administration costs.

EPIQ’S ROLE IN CLAIMS PROCESSING

37. In addition to effectuating Notice, and serving as the escrow agent, Epiq, under the supervision of Class Counsel, is administering the processing of claims, including: receipt and review of all claims and supporting documentation; determining the validity and timeliness of all claim submissions; and pursuant to the Allocation Plan provided by Class Counsel and with guidance from Class Counsel’s expert economist, will calculate amounts to be paid to CDK and Reynolds Settlement Class Members, subject to Court approval.

CONCLUSION

38. In class action notice planning, execution, and analysis, we are guided by due process considerations under the United States Constitution, by federal and local rules and statutes, and further by case law pertaining to notice. This framework directs that the notice plan be designed to reach the greatest practicable number of potential class members and, that the notice or notice plan provide class members with easy access to the details of how the class action may impact their rights. All of these requirements were met in this case.

39. The Notice Plan’s individual notice efforts via direct email and/or mail to identified CDK Settlement Class Members reached approximately 98.4% of the CDK Settlement Class. The reach was further enhanced by a Publication Notice as set forth in the Media Plan in a select national print publication for the automotive industry, digital media, an informational release, and a settlement website. The Federal Judicial Center’s (“FJC”) *Judges’ Class Action Notice and Claims Process Checklist and Plain Language Guide*, which is relied upon for federal cases, states that “the lynchpin in an objective determination of the adequacy of a proposed notice effort is whether all the notice efforts together will reach a high percentage of the class. It is reasonable to reach between 70–95%.”⁷ Here, we have developed a Notice Plan that readily achieved a reach beyond the high end of that standard.

⁷ FED. JUDICIAL CTR, JUDGES’ CLASS ACTION NOTICE AND CLAIMS PROCESS CHECKLIST AND PLAIN LANGUAGE GUIDE 3 (2010), available at <https://www.fjc.gov/content/judges-class-action-notice-and-claims-process-checklist-and-plain-language-guide-0>.

40. The Notice Plan followed the guidance for satisfying due process obligations that a notice expert gleans from the United States Supreme Court’s seminal decisions, which emphasize the need: (a) to endeavor to actually inform the Settlement Class, and (b) to ensure that notice is reasonably calculated to do so.

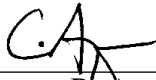
a) “[W]hen notice is a person’s due, process which is a mere gesture is not due process. The means employed must be such as one desirous of actually informing the absentee might reasonably adopt to accomplish it,” *Mullane v. Central Hanover Trust*, 339 U.S. 306, 315 (1950); and

b) “[N]otice must be reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections,” *Eisen v. Carlisle & Jacquelin*, 417 U.S. 156 (1974) (citing *Mullane*, 339 U.S. at 314).

41. The Notice Plan provided the best notice practicable under the circumstances, conformed to all aspects of Federal Rule of Civil Procedure 23 regarding notice, comported with the guidance for effective notice articulated in the Manual for Complex Litigation, Fourth and applicable FJC materials, and satisfied the requirements of due process, including its “desire to actually inform” requirement.

42. The Notice Plan schedule afforded enough time to provide full and proper notice to the CDK Settlement Class Members before the Opt-Out Deadline and objection deadline.

I declare under penalty of perjury that the foregoing is true and correct. Executed on November 26, 2024.



Cameron R. Azari, Esq.

Attachment 1

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In re Dealer Management Systems Antitrust Litig.,
MDL 2817

This Document Relates To:

THE DEALERSHIP PUTATIVE CLASS ACTION

MDL No. 2817

Case No. 18-cv-00864

Hon. Rebecca R. Pallmeyer

DECLARATION OF KYLE S. BINGHAM ON IMPLEMENTATION OF CAFA NOTICE

I, KYLE S. BINGHAM, hereby declare and state as follows:

1. My name is KYLE S. BINGHAM. I am over the age of 25 and I have personal knowledge of the matters set forth herein, and I believe them to be true and correct.

2. I am the Director of Legal Noticing for Epiq Class Action & Claims Solutions, Inc. (“Epiq”), a firm that specializes in designing, developing, analyzing and implementing large-scale, un-biased, legal notification plans. I have overseen and handled Class Action Fairness Act (“CAFA”) notice mailings for more than 500 class action settlements.

3. Epiq is a firm with more than 25 years of experience in claims processing and settlement administration. Epiq’s class action case administration services include coordination of all notice requirements, design of direct-mail notices, establishment of fulfillment services, receipt and processing of opt-outs, coordination with the United States Postal Service (“USPS”), claims database management, claim adjudication, funds management and distribution services.

4. The facts in this Declaration are based on what I personally know, as well as information provided to me in the ordinary course of my business by my colleagues at Epiq.

CAFA NOTICE IMPLEMENTATION

5. At the direction of counsel for the Defendant CDK Global, LLC (“CDK”), 57 federal and state officials (the Attorney General of the United States and the Attorneys General of each of the 50 states, the District of Columbia and the United States Territories) were identified to receive the CAFA notice.

6. Epiq maintains a list of these state and federal officials with contact information for the purpose of providing CAFA notice. Prior to mailing, the names and addresses selected from Epiq’s list were verified, then run through the Coding Accuracy Support System (“CASS”) maintained by the United States Postal Service (“USPS”).¹

7. On August 20, 2024 Epiq sent 57 CAFA Notice Packages (“Notice”). The Notice was mailed via USPS Priority Mail to 54 officials (the Attorneys General of 48 states, the District of Columbia, and the United States Territories). As per the direction of the Office of the Nevada and Connecticut Attorneys General, the Notice was sent to the Nevada and Connecticut Attorneys General electronically via email. The Notice was also sent via United Parcel Service (“UPS”) to the Attorney General of the United States. The CAFA Notice Service List (USPS Priority Mail, Email, and UPS) is included as **Attachment 1**.

8. The materials sent to the Attorneys General included a Cover Letter, which provided notice of the proposed settlement of the above-captioned case. The Cover Letter is included as **Attachment 2**.

9. The cover letter was accompanied by a CD, which included the following:

¹ CASS improves the accuracy of carrier route, 5-digit ZIP®, ZIP + 4® and delivery point codes that appear on mail pieces. The USPS makes this system available to mailing firms who want to improve the accuracy of postal codes, i.e., 5-digit ZIP®, ZIP + 4®, delivery point (DPCs), and carrier route codes that appear on mail pieces.

- (a) Dealership Plaintiffs' Consolidated Class Action Complaint, No. 1:18-cv-00864, ECF No. 184 (filed June 4, 2018) (the "Complaint").
- (b) The Dealership Class Plaintiffs' Motion for Preliminary Approval of Settlement Between Dealership Class Plaintiffs and Defendant CDK Global, Inc. and for Conditional Certification of the Proposed Settlement Class (the "Motion"), No. 1:18-cv-00864, ECF No. 1528 (filed Aug. 16, 2024).
- (c) A copy of the proposed notifications to class members is included in the Declaration of Cameron R. Azari regarding the Settlement Notice Plan and Notices, ECF No. 1528-05 (filed Aug. 16, 2024) ("Azari Declaration"), which attached:
 - i. Attachments 2 and 3: Proposed Email and Mail Notices
 - ii. Attachment 4: Proposed Publication Notice
 - iii. Attachment 5: Digital Notice
 - iv. Attachment 7: Proposed Long-Form Posted Notice
- (d) A copy of the proposed class action settlement as attached as Exhibit A to the Wedgworth Declaration. No. 1:18-cv-00864, ECF No. 1528-02 (filed Aug. 16, 2024).
- (e) A copy of statistics reported by IBISWorld, attached as Exhibit 1 to the CAFA Notice, in addition to the cited IBISWorld publications, included as Exhibits 2 and 3 to the CAFA Notice.

I declare under penalty of perjury that the foregoing is true and correct. Executed August 20, 2024.



KYLE S. BINGHAM

Attachment 1

CAFA Notice Service List

USPS Priority Mail

Appropriate Official	FullName	Address1	Address2	City	State	Zip
Office of the Attorney General	Treg Taylor	1031 W 4th Ave	Suite 200	Anchorage	AK	99501
Office of the Attorney General	Steve Marshall	501 Washington Ave		Montgomery	AL	36104
Office of the Attorney General	Tim Griffin	323 Center St	Suite 200	Little Rock	AR	72201
Office of the Attorney General	Kris Mayes	2005 N Central Ave		Phoenix	AZ	85004
Office of the Attorney General	CAFA Coordinator	Consumer Protection Section	455 Golden Gate Ave Suite 11000	San Francisco	CA	94102
Office of the Attorney General	Phil Weiser	Ralph L Carr Colorado Judicial Center	1300 Broadway Fl 10	Denver	CO	80203
Office of the Attorney General	Brian Schwalb	400 6th St NW		Washington	DC	20001
Office of the Attorney General	Kathy Jennings	Carvel State Bldg	820 N French St	Wilmington	DE	19801
Office of the Attorney General	Ashley Moody	State of Florida	The Capitol PL-01	Tallahassee	FL	32399
Office of the Attorney General	Chris Carr	40 Capitol Square SW		Atlanta	GA	30334
Department of the Attorney General	Anne E Lopez	425 Queen St		Honolulu	HI	96813
Iowa Attorney General	Brenna Bird	Hoover State Office Building	1305 E Walnut St	Des Moines	IA	50319
Office of the Attorney General	Raul Labrador	700 W Jefferson St Ste 210	PO Box 83720	Boise	ID	83720
Office of the Attorney General	Kwame Raoul	100 W Randolph St		Chicago	IL	60601
Office of the Indiana Attorney General	Todd Rokita	Indiana Government Center South	302 W Washington St Rm 5	Indianapolis	IN	46204
Office of the Attorney General	Kris Kobach	120 SW 10th Ave 2nd Fl		Topeka	KS	66612
Office of the Attorney General	Russell Coleman	700 Capitol Ave Suite 118		Frankfort	KY	40601
Office of the Attorney General	Liz Murrill	PO Box 94005		Baton Rouge	LA	70804
Office of the Attorney General	Andrea Campbell	1 Ashburton Pl 20th Fl		Boston	MA	02108
Office of the Attorney General	Anthony G Brown	200 St Paul Pl		Baltimore	MD	21202
Office of the Attorney General	Aaron Frey	6 State House Station		Augusta	ME	04333
Department of Attorney General	Dana Nessel	PO BOX 30212		Lansing	MI	48909
Office of the Attorney General	Keith Ellison	445 Minnesota St Ste 1400		St Paul	MN	55101
Missouri Attorney General's Office	Andrew Bailey	207 West High Street	PO Box 899	Jefferson City	MO	65102
Mississippi Attorney General	Lynn Fitch	PO Box 220		Jackson	MS	39205
Office of the Attorney General	Austin Knudsen	215 N Sanders 3rd Fl	PO Box 201401	Helena	MT	59620
Attorney General's Office	Josh Stein	9001 Mail Service Ctr		Raleigh	NC	27699
Office of the Attorney General	Drew H Wrigley	600 E Boulevard Ave Dept 125		Bismarck	ND	58505
Nebraska Attorney General	Mike Hilgers	2115 State Capitol	PO Box 98920	Lincoln	NE	68509
Office of the Attorney General	John Formella	NH Department of Justice	33 Capitol St	Concord	NH	03301
Office of the Attorney General	Matthew J Platkin	25 Market Street	PO Box 080	Trenton	NJ	08625
Office of the Attorney General	Raul Torrez	408 Galisteo St	Villagra Bldg	Santa Fe	NM	87501
Office of the Attorney General	CAFA Coordinator	28 Liberty Street 15th Floor		New York	NY	10005
Office of the Attorney General	Dave Yost	30 E Broad St Fl 14		Columbus	OH	43215
Office of the Attorney General	Gentner Drummond	313 NE 21st St		Oklahoma City	OK	73105
Office of the Attorney General	Ellen F Rosenblum	Oregon Department of Justice	1162 Court St NE	Salem	OR	97301
Office of the Attorney General	Michelle A Henry	16th Fl Strawberry Square		Harrisburg	PA	17120
Office of the Attorney General	Peter F Neronha	150 S Main St		Providence	RI	02903
Office of the Attorney General	Alan Wilson	PO Box 11549		Columbia	SC	29211
Office of the Attorney General	Marty Jackley	1302 E Hwy 14 Ste 1		Pierre	SD	57501
Office of the Attorney General	Jonathan Skrmetti	PO Box 20207		Nashville	TN	37202
Office of the Attorney General	Ken Paxton	PO Box 12548		Austin	TX	78711
Office of the Attorney General	Sean D Reyes	PO Box 142320		Salt Lake City	UT	84114
Office of the Attorney General	Jason S Miyares	202 N 9th St		Richmond	VA	23219
Office of the Attorney General	Charity R Clark	109 State St		Montpelier	VT	05609
Office of the Attorney General	Bob Ferguson	800 5th Ave Ste 2000		Seattle	WA	98104
Office of the Attorney General	Josh Kaul	PO Box 7857		Madison	WI	53707
Office of the Attorney General	Patrick Morrissey	State Capitol Complex Bldg 1 Room E 26	1900 Kanawha Blvd E	Charleston	WV	25305
Office of the Attorney General	Bridget Hill	109 State Capital		Cheyenne	WY	82002
Department of Legal Affairs	Fainu'ulei Falefatu Ala'ilima-Utu	American Samoa Gov't Exec Ofc Bldg Utulei	Territory of American Samoa	Pago Pago	AS	96799
Attorney General Office of Guam	Douglas Moylan	Administrative Division	590 S Marine Corps Dr Ste 901	Tamuning	GU	96913
Office of the Attorney General	Edward Manibusan	Administration Bldg	PO Box 10007	Saipan	MP	96950
PR Department of Justice	Domingo Emanuelli Hernandez	PO Box 9020192		San Juan	PR	00902
Department of Justice	Gordon C. Rhea	3438 Kronprindsens Gade Ste 2	GERS BLDG	St Thomas	VI	00802

CAFA Notice Service List

Email

Appropriate Official	Contact Format	State
Office of the Attorney General for Connecticut	All documents sent to CT AG at their dedicated CAFA email inbox.	CT
Office of the Attorney General for Nevada	All documents sent to NV AG at their dedicated CAFA email inbox.	NV

CAFA Notice Service List

UPS

Appropriate Official	FullName	Address1	Address2	City	State
US Department of Justice	Merrick B. Garland	950 Pennsylvania Ave NW		Washington	DC

Attachment 2

KIRKLAND & ELLIS LLP

AND AFFILIATED PARTNERSHIPS

Katherine R. Katz, P.C.
To Call Writer Directly:
+1 202 389 5184
katherine.katz@kirkland.com

1301 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
United States
+1 202 389 5000
www.kirkland.com

Facsimile:
+1 202 389 5200

August 20, 2024

VIA UPS OR USPS PRIORITY MAIL

Attorneys General on the Enclosed Service List

Re: Notice of Proposed Class Action Settlement
In re: Dealer Management Systems Antitrust Litig., MDL No. 2817, Case No. 18-cv-00864 (N.D. Ill.)

Dear Attorneys General:

I write on behalf of CDK Global, LLC (“CDK”) in the matter of *In re: Dealer Management Systems Antitrust Litig.*, MDL No. 2817, No. 18-cv-00864 (N.D. Ill.), pending in the United States District Court for the Northern District of Illinois before the Honorable Rebecca R. Pallmeyer.

In compliance with the Class Action Fairness Act of 2005, 28 U.S.C. § 1715 (“CAFA”), CDK hereby serves upon you notice that a proposed class action settlement between CDK and the Dealership Plaintiffs has been filed with the Court. Pursuant to CAFA, please find on the enclosed CD copies of the materials referenced below relating to this proposed settlement:

1. Copy of the complaint, all materials filed with the complaint, and any amended complaints (28 U.S.C. § 1715(b)(1)).

Dealership Plaintiffs’ Consolidated Class Action Complaint, No. 1:18-cv-00864, ECF No. 184 (filed June 4, 2018) (the “Complaint”). Redacted portions of the Complaint were filed under seal pursuant to the Court’s Confidentiality Order. ECF Nos. 187, 104.

2. Notice of any scheduled judicial hearings (28 U.S.C. § 1715(b)(2)).

The Dealership Class Plaintiffs’ Motion for Preliminary Approval of Settlement Between Dealership Class Plaintiffs and Defendant CDK Global, LLC and for Conditional Certification of the Proposed Settlement Class (“Motion for Preliminary Approval”) is

KIRKLAND & ELLIS LLP

Attorneys General on the Enclosed Service List
August 20, 2024
Page 2

currently set for hearing on August 22, 2024 at 9:15 a.m. *See* Minute Order, No. 1:18-cv-00864, ECF No. 1529 (Aug. 19, 2024).

3. Any proposed or final notification to class members (28 U.S.C. § 1715(b)(3)).

Copies of the proposed notifications to class members are included in the Declaration of Cameron R. Azari regarding the Settlement Notice Plan and Notices, ECF No. 1528-05 (filed Aug. 16, 2024) ("Azari Declaration"), which includes the following attachments:

- i. Attachments 2 and 3: Proposed Email and Mail Notices
- ii. Attachment 4: Proposed Publication Notice
- iii. Attachment 5: Digital Notice
- iv. Attachment 7: Proposed Long-Form Posted Notice

4. Any proposed or final class action settlement (28 U.S.C. § 1715(b)(4)).

A copy of the Settlement Agreement Between the Dealership Class and CDK is attached as Exhibit A to the Wedgworth Declaration. *See* No. 1:18-cv-00864, ECF No. 1528-02 (filed August 16, 2024).

5. Any settlement or other agreement contemporaneously made between class counsel and counsel for CDK (28 U.S.C. § 1715(b)(5)).

The Settlement Agreement Between the Dealership Class and CDK is discussed in Section 4.

Dealership Plaintiffs and CDK have also executed a Supplemental Agreement setting forth the conditions under which the proposed Settlement may be terminated by CDK if a certain number of potential class members exclude themselves from the settlement class. Pursuant to the Settlement Agreement, this agreement was not filed with the Court. *See N.Y. State Teachers' Ret. Sys. v. Gen. Motors Co.*, 315 F.R.D. 226, 240 (E.D. Mich. 2016) ("The opt-out threshold 'is typically not disclosed and is kept confidential to encourage settlement and discourage third parties from soliciting class members to opt out.'" (quoting *In re HealthSouth Corp. Sec. Litig.*, 334 Fed. Appx. 248, 250 n.4 (11th Cir. 2009)).

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Attorneys General on the Enclosed Service List
August 20, 2024
Page 3

No other agreements have been entered into between class counsel and defense counsel at this time.

6. Any final judgment or notice of dismissal (28 U.S.C. § 1715(b)(6)).

Final judgment has not yet been entered as to the Settlement Agreement Between the Dealership Class and CDK.

7. Reasonable estimate of the number of class members residing in each state and the estimated proportionate share of the claims of such members to the entire settlement (28 U.S.C. § 1715(b)(7)(B)).

CAFA requires CDK to provide, “if feasible, the names of class members who reside in each State and the estimated proportionate share of the claims of such members to the entire settlement to that State’s appropriate State official.” 28 U.S.C. §1715(b)(7)(A). If it is not feasible to provide such information, then CAFA requires CDK to provide a “reasonable estimate of the number of class members residing in each State” with the estimated proportionate share of such claims. *Id.* § 1715(b)(7)(B).

The proposed settlement is with a nationwide class of car dealerships that purchased a Dealer Management System from either CDK or its codefendant Reynolds & Reynolds. Because the class potentially includes thousands of dealerships with which CDK did not deal directly, it is not feasible for CDK to determine with certainty the identity of all class members in each State. Nor is it feasible for CDK to reasonably estimate such class members’ proportionate share of the claims.

Nevertheless, CDK has made a good faith effort to provide data for a reasonable preliminary estimate of each State’s potential class members’ proportionate share of the proposed settlement using statistics reported by IBISWorld, which provides trusted industry research on thousands of industries worldwide in **Exhibit 1** to this Correspondence.¹ The source documentation is attached to this correspondence as **Exhibits 2 and 3**. See *New Car Dealers in the US - Number of Businesses*, IBISWorld (December 2023), (accessed online at <https://www.ibisworld.com/industry-statistics/number-of-businesses/new-car-dealers-united-states/>) (attached as Exhibit 2 to this correspondence); and *Used Car Dealers in the US - Number of Businesses*,

¹ See generally *About Us*, IBISWorld, (accessed online at <https://www.ibisworld.com/company/our-story/>).

KIRKLAND & ELLIS LLP

Attorneys General on the Enclosed Service List
August 20, 2024
Page 4

IBISWorld (May 2024), (accessed online at <https://www.ibisworld.com/industry-statistics/number-of-businesses/used-car-dealers-united-states/>) (attached as Exhibit 3).

Pages 42-44 of the New Car Dealers report lists the number and percentage of new car dealerships by State, counted by "establishments,"² as of 2023.³ Pages 40-42 of the Used Car Dealers report lists the number and percentage of old dealerships by State, counted by "establishments," as of May 2024. Also included on the enclosed CD is a standalone chart summing these IBISWorld rooftop figures together by State. These figures are provided as reasonable, preliminary estimates only and are not, and do not purport to be, a final determination of the validity of the identities and claims of the class members or of the amounts that may ultimately be paid to them from the settlement fund.

8. Any Written Judicial Opinion Relating to the Settlement (28 U.S.C. § 1715(b)(8)).

None.

* * * * *

CDK submits this notice in a good faith effort to comply with any obligations it may have pursuant to 28 U.S.C. § 1715. In accordance with 28 U.S.C. § 1715(d), the Court will not finally approve the class action settlement until at least 90 days after service of this notice. If you have any questions or believe that additional information is required regarding this class action settlement, please contact the undersigned counsel with your specific questions or requests.

² "Establishment" is defined as "[t]he smallest type of accounting unit within an enterprise, an establishment, is a single physical location where business is conducted or where services or industrial operations are performed. Multiple establishments under common control make up an enterprise." See *Glossary*, IBISWorld, (accessed online at <https://help.ibisworld.com/en/articles/8156094-glossary>).

³ The IBISWorld figures do not reflect new vehicle dealerships in the U.S. territories. CDK estimates that dealerships in the U.S. territories collectively make up less than 1% of the potential class.

KIRKLAND & ELLIS LLP

Attorneys General on the Enclosed Service List
August 20, 2024
Page 5

Sincerely,

/s/ Katherine R. Katz

Katherine R. Katz, P.C.
KIRKLAND & ELLIS LLP

Counsel for Defendant CDK Global, LLC

Enclosures

KIRKLAND & ELLIS LLP

Attorneys General on the Enclosed Service List

August 20, 2024

Page 6

Service List

Appropriate Official	FullName	Address1	Address2	City	State	Zip
US Department of Justice	Merrick B Garland	950 Pennsylvania Ave NW		Washington	DC	20530
Office of the Attorney General	Treg Taylor	1031 W 4th Ave	Suite 200	Anchorage	AK	99501
Office of the Attorney General	Steve Marshall	501 Washington Ave		Montgomery	AL	36104
Office of the Attorney General	Tim Griffin	323 Center St	Suite 200	Little Rock	AR	72201
Office of the Attorney General	Kris Mayes	2005 N Central Ave		Phoenix	AZ	85004
Office of the Attorney General	CAFA Coordinator	Consumer Protection Section	455 Golden Gate Ave Suite 11000	San Francisco	CA	94102
Office of the Attorney General	Phil Weiser	Ralph L Carr Colorado Judicial Center	1300 Broadway Fl 10	Denver	CO	80203
Office of the Attorney General for Connecticut	All documents sent to CTAG at their dedicated CAFA email inbox.				CT	
Office of the Attorney General	Brian Schwalb	400 6th St NW		Washington	DC	20001
Office of the Attorney General	Kathy Jennings	Carvel State Bldg	820 N French St	Wilmington	DE	19801
Office of the Attorney General	Ashley Moody	State of Florida	The Capitol PL-01	Tallahassee	FL	32399
Office of the Attorney General	Chris Carr	40 Capitol Square SW		Atlanta	GA	30334
Department of the Attorney General	Anne E Lopez	425 Queen St		Honolulu	HI	96813
Iowa Attorney General	Brenna Bird	Hoover State Office Building	1305 E Walnut St	Des Moines	IA	50319
Office of the Attorney General	Raul Labrador	700 W Jefferson St Ste 210	PO Box 83720	Boise	ID	83720
Office of the Attorney General	Kwame Raoul	100 W Randolph St		Chicago	IL	60601
Office of the Indiana Attorney General	Todd Rokita	Indiana Government Center South	302 W Washington St Rm 5	Indianapolis	IN	46204
Office of the Attorney General	Kris Kobach	120 SW 10th Ave 2nd Fl		Topeka	KS	66612
Office of the Attorney General	Russell Coleman	700 Capitol Ave Suite 118		Frankfort	KY	40601
Office of the Attorney General	Liz Murrill	PO Box 94005		Baton Rouge	LA	70804
Office of the Attorney General	Andrea Campbell	1 Ashburton Pl 20th Fl		Boston	MA	02108
Office of the Attorney General	Anthony G Brown	200 St Paul Pl		Baltimore	MD	21202
Office of the Attorney General	Aaron Frey	6 State House Station		Augusta	ME	04333
Department of Attorney General	Dana Nessel	PO BOX 30212		Lansing	MI	48909
Office of the Attorney General	Keith Ellison	445 Minnesota St Ste 1400		St Paul	MN	55101
Missouri Attorney General's Office	Andrew Bailey	207 West High Street	PO Box 899	Jefferson City	MO	65102
Mississippi Attorney General	Lynn Fitch	PO Box 220		Jackson	MS	39205
Office of the Attorney General	Austin Knudsen	215 N Sanders 3rd Fl	PO Box 201401	Helena	MT	59620
Attorney General's Office	Josh Stein	9001 Mail Service Ctr		Raleigh	NC	27699
Office of the Attorney General	Drew H Wrigley	600 E Boulevard Ave Dept 125		Bismarck	ND	58505
Nebraska Attorney General	Mike Hilgers	2115 State Capitol	PO Box 98920	Lincoln	NE	68509
Office of the Attorney General	John Formella	NH Department of Justice	33 Capitol St	Concord	NH	03301
Office of the Attorney General	Matthew J Platkin	25 Market Street	PO Box 080	Trenton	NJ	08625
Office of the Attorney General	Raul Torrez	408 Galisteo St	Villagra Bldg	Santa Fe	NM	87501
Office of the Attorney General for Nevada	All documents sent to NV AG at their dedicated CAFA email inbox.				NV	
Office of the Attorney General	CAFA Coordinator	28 Liberty Street 15th Floor		New York	NY	10005
Office of the Attorney General	Dave Yost	30 E Broad St Fl 14		Columbus	OH	43215
Office of the Attorney General	Gentner Drummond	313 NE 21st St		Oklahoma City	OK	73105
Office of the Attorney General	Ellen F Rosenblum	Oregon Department of Justice	1162 Court St NE	Salem	OR	97301
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Office of the Attorney General	Ken Paxton	PO Box 12548		Austin	TX	78711
Office of the Attorney General	Sean D Reyes	PO Box 142320		Salt Lake City	UT	84114
Office of the Attorney General	Jason S Miyares	202 N 9th St		Richmond	VA	23219
Office of the Attorney General	Charity R Clark	109 State St		Montpelier	VT	05609
Office of the Attorney General	Bob Ferguson	800 5th Ave Ste 2000		Seattle	WA	98104
Office of the Attorney General	Josh Kaul	PO Box 7857		Madison	WI	53707
Office of the Attorney General	Patrick Morrisey	State Capitol Complex Bldg 1 Room E 26	1900 Kanawha Blvd E	Charleston	WV	25305
Office of the Attorney General	Bridget Hill	109 State Capital		Cheyenne	WY	82002
Department of Legal Affairs	Fainu'ulei Falefatu Ala'ilima-Utu	American Samoa Gov't Exec Ofc Bldg Utulei	Territory of American Samoa	Pago Pago	AS	96799
Attorney General Office of Guam	Douglas Moylan	Administrative Division	590 S Marine Corps Dr Ste 901	Tamuning	GU	96913
Office of the Attorney General	Edward Manibusan	Administration Bldg	PO Box 10007	Saipan	MP	96950
PR Department of Justice	Domingo Emanuelli Hernández	PO Box 9020192		San Juan	PR	00902
Department of Justice	Gordon C Rhea	3438 Kronprindsens Gade Ste 2	GERs BLDG	St Thomas	VI	00802

Attachment 2

[Click here](#) to view this message in a browser window.

If you are a U.S.-based retail auto dealership that bought a CDK or Reynolds Dealer Management System (“DMS”) from September 1, 2013, through August 15, 2024, you could benefit from a class action settlement.

A settlement with CDK Global, LLC (“CDK”) was reached in *In re Dealership Management Systems Antitrust Litigation*, MDL No. 2817 (N.D. Ill.), an antitrust class action lawsuit concerning DMS services purchased from CDK and/or The Reynolds and Reynolds Company (“Reynolds”), including related vendor integration services.

Click [Here](#) to File a Claim for a Cash Payment Using Your Unique ID and PIN. **NOTE: if you have multiple rooftops with this email address, this information is listed at the end of this email.**

What Is the Purpose of This Notice? The purpose of this Notice is to inform you of (1) your rights related to the CDK Settlement; (2) the proposed distribution of the funds from the 2019 settlement with Reynolds; and (3) the fee and expense application to be filed by Class Counsel with respect to the CDK and Reynolds settlements (“Settlement Funds”).

What Is This Lawsuit About? This lawsuit alleges CDK and Reynolds unlawfully colluded to force dealerships to pay more for DMS integration than they should have. CDK denies any wrongdoing, and the Court has not ruled it did anything wrong. The CDK Settlement, as well as a 2019 settlement with Reynolds for \$29.5 million (“Reynolds Settlement”), resolves all litigation in this matter on behalf of a nationwide class of auto dealerships.

Who Is Included in This Settlement? The “CDK Settlement Class” means all persons and entities located in the United States engaged in the business of the retail sale of automobiles who purchased DMS from CDK and/or Reynolds, or any predecessor, successor, subsidiary, joint venture or affiliate, during the period September 1, 2013, through August 15, 2024.

What Does the CDK Settlement Provide? If approved by the Court, as part of the Settlement, CDK has agreed to pay \$100 million plus up to \$250,000 for notice and administration costs. The CDK Settlement Agreement is available [here](#).

How Do You Get a Payment? Submit a Claim Form [here](#) to be eligible to receive a payment from the Settlement Funds. Claim Forms and supporting documentation must be submitted on the website or postmarked by **January 9, 2025**. If you do not submit a claim, you will remain a member of the CDK Settlement Class but will not receive any payment from the CDK Settlement (and/or the Reynolds Settlement if you are a member of the Reynolds Class). At this time, the exact payment each Settlement Class Member will receive is unknown; however, if approved by the Court, Settlement Funds will be distributed to CDK and Reynolds Settlement Class Members under the Allocation Plan available [here](#).

What Are Your Other Options? You may exclude yourself from the CDK Settlement Class by submitting a valid request for exclusion by **November 7, 2024**. If you exclude yourself, you cannot get a settlement payment but you keep any rights you may have to sue CDK over the claims in this case. CDK Settlement Class Members may also object to the CDK Settlement by **November 7, 2024**, and the Fee and Expense Application and/or Allocation Plan, by submitting an objection by **December 12, 2024**. The time to exclude yourself or object to the Reynolds Settlement has passed, but Reynolds Settlement Class Members may object to the Fee and Expense Application and/or Allocation Plan. Specific information and instructions are available on the website. The Court will hold a Fairness Hearing at **10:00 a.m. CT on February 25, 2025**.

How Will the Lawyers Be Paid? Class Counsel will ask the Court for (1) attorneys’ fees, based on their services to date, not to exceed 33.3% of the Settlement Funds plus; (2)

unreimbursed litigation expenses to date not to exceed \$7.5 million; and (3) service awards of up to \$10,000 each for twenty-three (23) Class Representatives in this case. Any payment to the attorneys and Class Representatives will be subject to Court approval. The Fee and Expense Application will be filed by **November 27, 2024**, and a copy will be available on the website. Class Counsel may also seek reimbursement of additional limited expenses related to this Settlement and settlement administration. Notwithstanding the foregoing, CDK is not liable for any amount above the \$100 million plus up to \$250,000 for notice and administration costs as described above.

Where Can You Get More Information? Visit [here](#), call 888-842-3161, write to Settlement Administrator, P.O. Box 6727, Portland, OR 97228-6727 or contact Class Counsel Peggy Wedgworth, Milberg Coleman Bryson Phillips Grossman, PLLC at pwedgworth@milberg.com or 646-515-1269 or Leonard A. Bellavia, Bellavia Blatt, PC at lbellavia@dealerlaw.com or 516-873-3000. You do not need to sign up with a Claims Recovery Service. **Claims assistance is available from Class Counsel and the Settlement Administrator AT NO COST.**



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Our address is {{Account.BIZ_ADDRESS}}

If you do not wish to receive future email, [click here](#).
(You can also send your request to **Customer Care** at the street address above.)

Attachment 3

Dealership Class Settlement
CDK Settlement—DMS Antitrust Litigation
P.O. Box 6727
Portland, OR 97228-6727

Unique ID: [REDACTED]
PIN: [REDACTED]

If you are a U.S.-based retail auto dealership that bought a CDK or Reynolds Dealer Management System (“DMS”) from September 1, 2013, through August 15, 2024, you could benefit from a class action settlement.

A settlement with CDK Global, LLC (“CDK”) was reached in *In re Dealership Management Systems Antitrust Litigation*, MDL No. 2817 (N.D. Ill.), an antitrust class action lawsuit concerning DMS services purchased from CDK and/or The Reynolds and Reynolds Company (“Reynolds”), including related vendor integration services.

www.DealershipClassDMSSettlement.com



What Is The Purpose Of This Notice? The purpose of this notice is to inform you of (1) your rights related to the CDK Settlement; (2) the proposed distribution of the funds from the 2019 settlement with Reynolds; and (3) the fee and expense application to be filed by Class Counsel with respect to the CDK and Reynolds settlements (“Settlement Funds”).

What Is This Lawsuit About? This lawsuit alleges CDK and Reynolds unlawfully colluded to force dealerships to pay more for DMS integration than they should have. CDK denies any wrongdoing and the Court has not ruled it did anything wrong. The CDK Settlement, as well as a 2019 settlement with Reynolds for \$29.5 million (“Reynolds Settlement”), resolves all litigation in this matter on behalf of a nationwide class of auto dealerships.

Who Is Included In This Settlement? The “CDK Settlement Class” means all persons and entities located in the United States engaged in the business of the retail sale of automobiles who purchased DMS from CDK and/or Reynolds, or any predecessor, successor, subsidiary, joint venture or affiliate, during the period September 1, 2013, through August 15, 2024.

What Does the CDK Settlement Provide? If approved by the Court, as part of the Settlement, CDK has agreed to pay \$100 million plus \$250,000 for notice and administration costs. The CDK Settlement Agreement is available at www.DealershipClassDMSSettlement.com.

How Do You Get a Payment? Submitting a Claim Form available at www.DealershipClassDMSSettlement.com is the only way to be eligible to receive a payment from the Settlement Funds. Claim Forms and supporting documentation must be submitted on the website or postmarked by **January 9, 2025**. If you do not submit a claim, you will remain a member of the CDK Settlement Class but will not receive any payment from the CDK Settlement (and/or the Reynolds Settlement if you are a member of the Reynolds Class). At this time, the exact payment each Settlement Class Member will receive is unknown; however, if approved by the Court, Settlement Funds will be distributed to CDK and Reynolds Settlement Class Members under the Allocation Plan at www.DealershipClassDMSSettlement.com.

What Are Your Other Options? You may exclude yourself from the CDK Settlement Class by submitting a valid request for exclusion by **November 7, 2024**. If you exclude yourself, you cannot get a settlement payment, but you keep any rights you may have to sue CDK over the claims in this case. CDK Settlement Class Members may also object to the CDK Settlement by **November 7, 2024**, and the Fee and Expense Application and/or Allocation Plan by **December 12, 2024**. The time to exclude yourself or object to the Reynolds Settlement has passed, but Reynolds Settlement Class Members may object to the Fee and Expense Application and/or Allocation Plan. Specific information and instructions are available on the website. The Court will hold a Fairness Hearing at **10:00 a.m. CT on February 25, 2025**.

How Will The Lawyers Be Paid? Class Counsel will ask the Court for (1) attorneys’ fees, based on their services to date, not to exceed 33.3% of the Settlement Funds plus (2) unreimbursed litigation expenses to date not to exceed \$7.5 million; and (3) service awards of up to \$10,000 each for twenty-three (23) Class Representatives in this case. Any payment to the attorneys and Class Representatives will be subject to Court approval. The Fee and Expense Application will be filed by **November 27, 2024** and a copy will be available on the website. Class Counsel may also seek reimbursement of additional limited expenses related to this Settlement and settlement administration. Notwithstanding the foregoing, CDK is not liable for any amount above the \$100 million plus up to \$250,000 for notice and administration costs as described above.

Where Can You Get More Information? Visit www.DealershipClassDMSSettlement.com, call 888-842-3161, write to Settlement Administrator, P.O. Box 6727, Portland, OR 97228-6727 or contact Class Counsel Peggy Wedgworth, Milberg Coleman Bryson Phillips Grossman, PLLC at pwedgworth@milberg.com or 646-515-1269 or Leonard A. Bellavia, Bellavia Blatt, PC at lbellavia@dealerlaw.com or 516-873-3000. You do not need to sign up with a Claims Recovery Service. **Claims assistance is available from Class Counsel and Settlement Administrator AT NO COST.**

Attachment 4

If You Are a U.S.-Based Retail Auto Dealership that Bought a CDK or Reynolds Dealer Management System (“DMS”) from September 1, 2013 through August 15, 2024, You Could Benefit from a Class Action Settlement.

*A federal court authorized this notice which summarizes your legal rights and options.
This is not a solicitation from a lawyer.*

- The purpose of this notice is to inform you of (1) your rights related to a proposed class action settlement with CDK Global, LLC (“CDK Settlement”) in the class action lawsuit, In re Dealer Management Systems Antitrust Litigation, MDL 2817, 18-cv-00864 (N.D. Ill.); (2) the proposed distribution of the funds from the 2019 settlement with The Reynolds and Reynolds Company (“Reynolds”); and (3) the fee and expense application that will be filed by Dealership Class Counsel with respect to the CDK and Reynolds settlement funds. Please read this notice and the settlement documents carefully, including the CDK Settlement Agreement, available at www.dealershipclassDMSsettlement.com. Your legal rights may be affected whether or not you act.
- If you are in the business of the retail sale of automobiles in the United States and purchased DMS from CDK and/or Reynolds (or any predecessor, successor, subsidiary, joint venture or affiliate) during the period from September 1, 2013 through August 15, 2024, you are a member of the CDK settlement class (“CDK Settlement Class”). Unless you exclude yourself from the CDK Settlement Class (as detailed below), you may be entitled to money back as part of the CDK Settlement.
- If approved by the Court, the CDK Settlement will resolve claims involving an alleged conspiracy by CDK and Reynolds to charge unlawful prices in the markets for DMS Services and Data Integration Services (“DIS”). CDK denies any wrongdoing and the Court has not ruled that CDK did anything wrong or violated any law.
- As part of the Settlement, CDK has agreed to pay \$100 million plus \$250,000 for notice and administration costs. The full text of the CDK Settlement Agreement is available for review at www.dealershipclassDMSsettlement.com. In the event of any inconsistency between this notice and the terms of the CDK Settlement Agreement, the terms of the Agreement control.
- A prior settlement with Reynolds in the amount of \$29.5 million was previously approved by the Court (“Reynolds Settlement”). If you are a member of the Reynolds Settlement Class, you may also be entitled to money back as part of that settlement.
- The funds from the Settlements with CDK and Reynolds are collectively referred to as the “Settlement Funds.” The claims submission process discussed below in **Question 9** includes **both** the CDK and Reynolds Settlements. **The time to exclude yourself or object to the Reynolds Settlement has passed.**
- If the CDK Settlement is approved by the Court, the Settlement Funds will be distributed according to the Allocation Plan available at www.dealershipclassDMSsettlement.com.
- Dealership Class Counsel will seek (1) an award of attorneys’ fees not to exceed 33.3% of the Settlement Funds plus (2) payment of unreimbursed litigation expenses (including expert fees and deposition costs) (“Litigation Expenses”) not to exceed \$7.5 million; and (3) service awards of up to \$10,000 for each of the twenty-three (23) Class Representatives in this case (“Fee and Expense Application”). Any payment will be subject to Court approval. The Fee and Expense Application will be available on the Settlement website after it is filed on **November 27, 2024**. Dealership Class Counsel may also seek reimbursement of additional limited expenses related to this Settlement and settlement administration. Notwithstanding the foregoing, CDK is not liable for any amount above the \$100 million plus up to \$250,000 for notice and administration costs as described above.
- The CDK Settlement does not affect any claims arising out of any data breach, cyberattack, and/or security incident publicly reported in June 2024 involving CDK’s DMS, or defenses to those claims, and does not affect or release any claims, defenses, or counterclaims asserted as of the Effective Date, in the action entitled *Asbury Automotive Group, Inc. v. CDK Global, LLC*, Civ. No. 24-A-04939-3 (Superior Court of Gwinnett County, State of Georgia).
- If you have any questions about the lawsuit, the CDK Settlement, the Claim Form filing process or other issues, you may contact: Peggy J. Wedgworth, Milberg Coleman Bryson Phillips Grossman, PLLC, 405 East 50th Street, New York, NY 10022, Tel: (646) 515-1269, pwedgworth@milberg.com; or Leonard A. Bellavia, Bellavia Blatt, PC, 200 Old Country Road, Suite 400, Mineola, NY 11501, Tel: (516) 873-3000, lbellavia@dealerlaw.com.

QUESTIONS? VISIT www.DealershipClassDMSsettlement.com OR CALL 1-888-842-3161.

YOUR LEGAL RIGHTS AND OPTIONS		DUE DATE
SUBMIT A CLAIM FORM(S)	The only way to be eligible to receive a payment from the Settlement Funds	January 9, 2025
EXCLUDE YOURSELF	You must submit a valid request for exclusion to remove yourself from the CDK Settlement Class. You will receive no benefits from the CDK Settlement, but you will keep any rights you currently have to sue CDK about the claims in this lawsuit. The deadline for exclusion from the Reynolds Settlement has passed.	Postmarked on or before November 7, 2024
Do NOTHING	If you do not exclude yourself from the CDK Settlement Class, you will remain a member of that Class and you will give up your right to sue CDK about the claims in this lawsuit. If you do not submit a Claim Form, you will not receive any payment from the Settlement Funds.	--
OBJECT TO THE CDK SETTLEMENT, FEE & EXPENSE APPLICATION AND/OR THE ALLOCATION PLAN	If you do not exclude yourself, you can write to the Court explaining why you object to the CDK Settlement. The deadline for objecting to the Reynolds Settlement has passed , but Reynolds and CDK Settlement Class Members may object to the Fee and Expense Application and/or the Allocation Plan.	For objections to CDK Settlement: filed with the Court and postmarked on or before November 7, 2024 For objections to Fee & Expense Application and/or the Allocation Plan: filed with the Court and postmarked on or before December 12, 2024
ATTEND THE HEARING	The Court will consider whether the CDK Settlement and the Fee and Expense Application is fair, reasonable, and adequate.	February 25, 2025 at 10:00AM CT

QUESTIONS? VISIT www.DealershipClassDMSSettlement.com OR CALL 1-888-842-3161.

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QUESTIONS? VISIT www.DealershipClassDMSSettlement.com OR CALL 1-888-842-3161.

BASIC INFORMATION

1. Do I Need to Sign Up with a Claims Recovery Service to Get a Payment or Maximize My Recovery?

No. Filing assistance is available from Class Counsel and the Settlement Administrator AT NO COST.

You will recover the maximum amount you are entitled to by directly filing your own claim with the Settlement Administrator. If you are approached by or see advertisements from a non-party claims settlement service offering to register you or submit your claims for recovery from the Settlement Fund, know that entities other than Class Counsel or the Settlement Administrator, Epiq, **are not approved by the Court in this lawsuit.** Non-party claims settlement services are not necessary in order for class members to submit claims – the claim submission process is streamlined and minimal documentation is required.

2. What is this Lawsuit About?

This lawsuit is a class action formally known as *In re Dealer Management Systems Antitrust Litigation*, MDL 2817, 18-cv-00864 (N.D. Ill.) and is pending in the United States District Court for the Northern District of Illinois before Judge Rebecca R. Pallmeyer (the “Court”).

A group of U.S. auto dealerships (“Dealership Plaintiffs”) sued CDK and Reynolds (“Defendants”) alleging that they conspired, in violation of federal antitrust laws and certain state antitrust and consumer protection laws, to restrain and/or eliminate competition by charging Dealership Plaintiffs more than they should have in the markets for DMS and DIS. CDK and Reynolds deny the claims in the lawsuit. The Court has not decided which side is right. A copy of the complaint and other important court filings are available at www.dealershipclassDMSsettlement.com.

The Court previously approved a class action settlement with Reynolds in 2019. Dealership Plaintiffs continued to litigate this case against CDK until this settlement. A trial was scheduled to begin in September 2024. Dealership Plaintiffs and CDK agreed to settle the lawsuit prior to the trial.

3. Why is there a Settlement?

The Court did not decide in favor of the Dealership Plaintiffs or CDK. The parties agreed to settle the case, allowing them to avoid the cost and risk of trial, concluding the lawsuit and establishing a fair and final resolution for all involved. If the Court approves the CDK Settlement, members of the CDK Settlement Class will be eligible to receive a payment from that Settlement. The lawyers representing CDK and the lawyers representing the Dealership Class (“Class Counsel”) have engaged in extensive negotiations regarding the issues presented in the lawsuit and the terms of a settlement. Dealership Plaintiffs and Class Counsel believe the CDK Settlement is fair, reasonable, adequate, and in the best interests of the Dealership Class.

4. Why am I Receiving this Notice?

The Court has directed this notice be sent to the CDK and Reynolds Settlement Classes to advise you of the CDK Settlement, the claims process for the Settlement Funds and the Fee and Expense Application Class Counsel will make with respect to the Settlement Funds. The Court has directed this notice be sent as it may affect your rights. This notice explains the lawsuit, the CDK Settlement, your legal rights in relation to the CDK Settlement, and the Claim Form filing process for the CDK and Reynolds Settlements.

This notice also provides information regarding your ability to exclude yourself from the CDK Settlement Class and the effect of doing so, as well as your ability to object to the CDK Settlement, the Fee and Expense Application and/or the Allocation Plan. **You cannot exclude yourself or object to the Reynolds Settlement as that deadline passed years ago.** Any member of the CDK Settlement Class or the Reynolds Settlement Class Members may object to the Fee and Expense Application and/or the Allocation Plan.

5. What is a Class Action and Who is Involved?

In a class action, one or more people called “Class Representatives” sue on behalf of those who have similar claims. The individuals together are a “Class” or “Class Members.” Class Members do not have to file a lawsuit to participate in the class action settlement or be bound by the judgment in the class action. One court resolves the issues for

QUESTIONS? VISIT www.DealershipClassDMSSettlement.com OR CALL 1-888-842-3161.

everyone in the Class, except for those who properly exclude themselves from the Class (see **Question 13**). Because Dealership Plaintiffs and CDK seek to resolve this lawsuit on behalf of a Class through settlement, that class is referred to as a “Settlement Class.”

6. Am I Part of the CDK Settlement Class?

The Court directed, for the purposes of the proposed CDK Settlement only, that everyone who fits the following description is a CDK Settlement Class Member:

All persons and entities located in the United States engaged in the business of the retail sale of automobiles **who purchased DMS from CDK and/or Reynolds**, or any predecessor, successor, subsidiary, joint venture or affiliate, during the period from September 1, 2013 through August 15, 2024.

If you meet the above definition, unless you exclude yourself, you are a member of the CDK Settlement Class and will be included in the CDK Settlement.

The CDK Settlement Class does not include:

The Defendants in this litigation (CDK and Reynolds), including any entity or division in which any Defendant has a controlling interest, as well as Defendants’ joint ventures, subsidiaries, affiliates, assigns and successors.

THE BENEFITS OF THE SETTLEMENT WITH CDK

7. What Does the CDK Settlement Provide?

If the CDK Settlement is approved, as part of the Settlement, CDK will pay \$100 million for the benefit of CDK Settlement Class Members, plus notice and administration costs up to \$250,000. The CDK Settlement resolves all CDK Settlement Class Members’ claims against CDK for the released claims (as described in the CDK Settlement Agreement). The CDK Settlement also resolves all of CDK’s claims against certain Dealership Named Plaintiffs alleging breach of contract, and violations of the Computer Fraud and Abuse Act and Digital Millennium Copyright Act. A copy of the CDK Settlement Agreement, including a description of the released claims, can be found at www.dealershipclassDMSsettlement.com.

8. What Did the Prior Settlement with Reynolds Provide?

A settlement was previously reached with Reynolds for \$29.5 million plus payment of notice to Reynolds Settlement Class Members (“Reynolds Settlement”). There was no claims process at the time of the Reynolds Settlement. The Reynolds Settlement will be distributed with the CDK Settlement to valid Class Members of each Settlement.

If the CDK Settlement is approved by the Court, the Settlement Funds (representing settlements with both CDK and Reynolds) will be \$129.5 million, plus interest.

HOW TO GET A PAYMENT FROM THE SETTLEMENT FUND

9. How Can I File a Claim to Get a Payment from the Settlement Funds?

Claim Forms are available at www.dealershipclassDMSsettlement.com where an online claim submission portal is available. Claim Forms and supporting documentation must be submitted on the settlement website or postmarked by **January 9, 2025** and sent to the following address for you to be eligible to receive payment:

Dealership Class—DMS Antitrust Litigation
ATTN: CLAIMS
P.O. Box 6727
Portland, OR 97228-6727

QUESTIONS? VISIT www.DealershipClassDMSSettlement.com OR CALL 1-888-842-3161.

If you previously excluded yourself from the Reynolds Settlement and exclude yourself from the CDK Settlement, you are not part of any Settlement Class and you should not file a Claim Form. Dealers who are not members of the Reynolds Settlement Class or who excluded themselves from the Reynolds Settlement Class may still be members of the CDK Settlement Class and may still submit a claim in the CDK Settlement.

If you do not submit a valid Claim Form by the deadline, you will not receive a payment from the Settlement Funds, but you will be bound by the Court's judgment in these actions.

Payments from the Settlement Funds will not be distributed until the Court grants final approval of the CDK Settlement, the Fee and Expense Application, and allocation and distribution of the Settlement Funds. Any objections or appeals must also be resolved. Settlement updates will be provided on the Settlement website at www.dealershipclassDMSsettlement.com or may be obtained through contacting the Settlement Administrator.

10. How Much Will I Receive in Payment from the Settlement Funds?

At this time, the exact payment each Settlement Class Member will receive is unknown; however, if approved by the Court, Settlement Funds will be distributed to CDK and/or Reynolds Settlement Class Members pursuant to the Allocation Plan available at www.dealershipclassDMSsettlement.com. Please note that the Court has the authority to modify the proposed Allocation Plan as part of the approval process, so the method of calculating your payment may change.

Your settlement payment will be affected by how many valid claims are filed, whether you are a member of the CDK Settlement Class, the Reynolds Settlement Class, or both, and the duration of your DMS usage during the Settlement Class Periods.

YOUR RIGHTS AND OPTIONS

11. What am I Giving Up by Staying in the CDK Settlement Class?

Unless you exclude yourself from the CDK Settlement Class you will remain in the CDK Settlement Class, which means you will give up your right to sue CDK on your own for the claims described in the CDK Settlement Agreement. You also will be bound by any decisions by the Court relating to the CDK Settlement. If you have any questions, you can speak with Class Counsel for free, or you can speak with your own lawyer (at your own expense) if you have questions about what this means. The CDK Settlement Agreement, including the specific releases that are excerpted in part below, is available at www.dealershipclassDMSsettlement.com. If you remain in the CDK Settlement Class, that means that, upon the "Effective Date," you will release all "Dealership Released Claims" (as defined below) against the "CDK Releasees" (as defined below) with the exception of those claims which are bolded.

"Dealership Released Claims" means any and all claims and causes of action (whether class, representative, individual or otherwise), existing as of or prior to the Effective Date whether asserted or unasserted, known or unknown, suspected or unsuspected, foreseen or unforeseen, actual or contingent, liquidated or unliquidated, that CDK Settlement Class members ("CDK Settlement Class Releasees") have against CDK Releasees (i) that were asserted in Dealership Class Plaintiffs' complaints previously filed in MDL Litigation 2817 (including the Complaint), or (ii) that arise out of or relate to the facts, agreements, conspiracies, communications, or announcements alleged in such complaints under any antitrust, unjust enrichment, unfair competition, unfair practices, trade practices, price discrimination, unitary pricing, racketeering, contract, civil conspiracy or consumer protection law, whether under federal, state, local or foreign law, including claims for damages (whether actual, punitive, treble, compensatory, or otherwise), costs, fees, expenses, penalties, and attorneys' fees; provided, however, that nothing herein shall release any claim involving any negligence, personal injury, breach of contract, bailment, failure to deliver lost goods, damaged or delayed goods, product defect, securities, or other claims relating to CDK's DMS. **For clarity, Dealership Released Claims do not include any and all claims, demands, and causes of action that CDK Settlement Class Releasees have against CDK Releasees, whether known or unknown, foreseen or unforeseen, suspected or unsuspected, actual or contingent, liquidated or unliquidated, that relate in any way to any data breach, cyberattack, or cybersecurity incident, including but not limited to any data breach, cyberattack, and/or security incident publicly reported in June 2024 involving CDK's DMS.**

The Settlement Agreement (a) does not affect, release, or alter any contractual obligation between CDK and any Dealership Settlement Class Member including (i) for CDK, any obligation to provide products or services to any Dealership Settlement Class Member, and (ii) for the Dealership Settlement Class Member, any obligation to pay for those products or services; and (b) does not affect or release any claims or counterclaims asserted as of the Effective Date, in the action entitled *Asbury Automotive Group, Inc. v. CDK Global, LLC*, Civ. No. 24-A-04939-3 (Superior Court of Gwinnett County, State of Georgia).

QUESTIONS? VISIT www.DealershipClassDMSSettlement.com OR CALL 1-888-842-3161.

“**CDK Releasees**” and “**CDK Releasers**” mean CDK, and all of their respective current and former, direct and indirect parents, owners, subsidiaries, affiliates, divisions, predecessors, successors, assigns, insurers, and shareholders; and all respective current and former officers, directors, principals, partners, members, heirs, attorneys, representatives, agents, and employees of each of the foregoing entities.

“**Effective Date**” is August 15, 2024.

12. What Happens if I Do Nothing at All?

If you do nothing, you will automatically remain a member of the CDK Settlement Class. You will be legally bound by the CDK Settlement if it is approved, even if you do not submit a Claim Form by the **January 9, 2025** deadline.

If the CDK Settlement is approved, the claims against CDK will be completely released and you will never be able to sue CDK concerning the claims in this lawsuit. In order to receive any of the Settlement Funds, you will have to submit a Claim Form as described in **Question 9**.

13. How Do I Exclude Myself from the CDK Settlement Class?

If you do not want to remain a member of the CDK Settlement Class and you do not want to be legally bound by the terms of the CDK Settlement, you must exclude yourself by submitting a written request to the Settlement Administrator stating your intent to exclude yourself from the Settlement Class (an “Exclusion Request”), even if you previously excluded yourself from the Reynolds Settlement. This is sometimes referred to as “opting out” of a class. CDK may withdraw from and terminate the Settlement if a certain number of Class Members exclude themselves.

If you exclude yourself from the CDK Settlement, you will not be eligible to receive a payment from the CDK Settlement, and you cannot object to the CDK Settlement. You will not be legally bound by the CDK Settlement.

You cannot ask to exclude yourself by telephone, email or on the Settlement website. **You may opt out of the CDK Settlement Class only for yourself or your business.**

For an Exclusion Request to be considered by the Court, and to validly exclude yourself from the CDK Settlement Class, you must send a letter that includes **all** of the following:

- a) The specific statement that you or your business are a member of the CDK Settlement Class and want to be excluded from the Settlement with CDK in the Dealership Class Action, *In re Dealer Management Systems Antitrust Litigation*, MDL No. 2817, 18-cv-00864 (N.D. Ill.);
- b) Your or your business’s full name, address, email address and telephone number;
- c) All trade names or business names and addresses used by you or your business;
- d) The number of and physical address in the state or U.S. territory for each of the rooftops requesting exclusion;
- e) The identity of your or your business’s counsel for each rooftop, if represented;
- f) The date(s) from September 1, 2013 to August 15, 2024 you entered into a contract for DMS services for each rooftop and with whom (*i.e.*, CDK and/or Reynolds) you entered into the contract;
- g) Your request to be excluded from the CDK Settlement must be personally signed by you (with title) under penalty of perjury or personally signed by a person (with title) under penalty of perjury with the authority to bind you or your business; and
- h) the date on which the request was signed.

When submitting your Exclusion Request, if possible, please also include your Unique ID, which is located on the email or postcard notice you received.

In order to have a valid Exclusion Request, you must send a letter by U.S. mail, postmarked by **November 7, 2024**, to:

Dealership Class—DMS Antitrust Litigation
ATTN: EXCLUSIONS
P.O. Box 6727
Portland, OR 97228-6727

QUESTIONS? VISIT www.DealershipClassDMSSettlement.com OR CALL 1-888-842-3161.

Counsel for Dealership Plaintiffs and CDK have the right to challenge the timeliness and validity of any Request for Exclusion. The Court shall determine whether any contested exclusion request is valid.

14. If I Don't Exclude Myself, Can I Sue CDK for the Same Thing Later?

No. Unless you exclude yourself as described in **Question 13**, you give up any right to sue CDK for the claims being released in this litigation, as described in **Question 11**. If you have a pending lawsuit against CDK, speak to your lawyer in that case immediately to determine whether you must exclude yourself from the CDK Settlement Class to continue your own lawsuit against CDK. Remember, the exclusion deadline is **November 7, 2024**.

15. If I Exclude Myself, Can I Get Money from the CDK Settlement?

No. If you exclude yourself, you will not be eligible to receive a payment from the CDK Settlement.

OBJECTING TO THE SETTLEMENT, THE FEE AND EXPENSE APPLICATION AND/OR THE ALLOCATION PLAN

16. How Do I Object to the CDK Settlement, the Fee and Expense Application and/or the Allocation Plan?

If you are a CDK Settlement Class Member (and have not excluded yourself), you can object to the CDK Settlement, the Fee and Expense Application and/or the Allocation Plan. If you are a Reynolds Settlement Class Member (and have not excluded yourself), you cannot object to the Reynolds Settlement as the deadline has passed, but you may object to the Fee and Expense Application and/or the Allocation Plan.

You may write to the Court setting out your objection. You may give reasons why you think the Court should not approve any or all of the CDK Settlement terms or arrangements or any or all of the Fee and Expense Application or any or all of the Allocation Plan. The Court will consider your views if you file a proper objection within the deadline identified, and according to the following procedures.

To object, you must send a signed letter stating that you object to the proposed settlement with CDK, the Fee and Expense Application and/or the Allocation Plan in the Dealership Class Action, *In re Dealer Management Systems Antitrust Litigation*. The written objection must include the following:

- a) the objector's complete name, address, and telephone number, along with any trade names or business names used by the objector;
- b) a statement signed under penalty of perjury that the objector is a member of the Dealership Class and objects to the Settlement with CDK, the Fee and Expense Application and/or the Allocation Plan in the Dealership Class Action, *In re Dealer Management Systems Antitrust Litigation*, MDL No. 2817, 18-cv-00864 (N.D. Ill.);
- c) all grounds for the objection and any supporting papers the objector wishes the Court to consider;
- d) the identity of all counsel who represent the objector;
- e) a statement confirming whether the objector or any counsel representing the objector intends to personally appear and/or testify at the Fairness Hearing; and
- f) the number of times in which the objector or the objector's counsel (if any) has objected to a class settlement within the three years preceding the date that the objector files the objection and the caption of each case in which such objection was made.

When submitting your objection, if possible, please also include your Unique ID, which is located on the email or postcard notice you received.

QUESTIONS? VISIT www.DealershipClassDMSSettlement.com OR CALL 1-888-842-3161.

Your objection to the CDK Settlement must be filed with the Court on or before November 7, 2024, and your objection to the Fee and Expense Application and/or the Allocation Plan must be filed with the Court on or before December 12, 2024 and served on all the following counsel:

Court	Dealership Class Lead Counsel	Settling Defendant CDK's Counsel
Clerk of the Court United States District Court for the Northern District of Illinois, Eastern Division Everett McKinley Dirksen United States Courthouse 219 South Dearborn Street Chicago, IL 60604	Peggy J. Wedgworth Milberg Coleman Bryson Phillips Grossman, PLLC 405 East 50 th Street New York, NY 10022	Katherine Katz Kirkland & Ellis LLP 1301 Pennsylvania Ave., NW Washington, DC 20004

You do not need to go to the Fairness Hearing to have your written objection considered by the Court. At the hearing, members of the CDK Settlement Class may object to the CDK Settlement, and members of the CDK Settlement Class and/or the Reynolds Settlement Class may object to the Fee and Expense Application and/or the Allocation Plan. Any objector may appear in person or arrange, at that objector's expense, for a lawyer to represent the objector at the hearing. If you or your attorney want to appear at the hearing, your objection must include your Notice of Intention to Appear (see **Question 22**).

17. What is the Difference between Excluding Myself and Objecting?

If you exclude yourself from the CDK Settlement, you are telling the Court that you do not want to participate in the CDK Settlement. Therefore, you will not be eligible to receive any benefits from the CDK Settlement and you will not be able to object to the CDK Settlement.

Objecting simply means telling the Court that you do not like something about the CDK Settlement, the Fee and Expense Application and/or the Allocation Plan. You can object to the CDK Settlement only if you do not exclude yourself from the CDK Settlement Class. You can object to the Fee and Expense Application and/or the Allocation Plan only if you did not exclude yourself from both the Reynolds Settlement and the CDK Settlement.

THE LAWYERS REPRESENTING YOU

18. Do I Have a Lawyer Representing Me in this Case?

Yes. The Court has appointed Milberg Coleman Bryson Phillips Grossman, PLLC as Lead Counsel for the CDK Settlement Class and Bellavia Blatt, P.C., Gustafson Gluek PLLC, Robbins Geller Rudman & Dowd LLP and Clifford Law Offices, P.C. as Class Counsel. If you wish to remain a member of the CDK Settlement Class, you do not need to hire your own lawyer because Class Counsel is working on your behalf. See **Question 23** for specific contact information for Class Counsel. You will not be charged for contacting Class Counsel. However, if you wish to pursue your own case against CDK separate from this one, or if you exclude yourself from the CDK Settlement Class, these firms will no longer represent you. You will need to hire your own lawyer if you wish to pursue your own lawsuit against CDK.

19. How Will the Lawyers be Paid?

Class Counsel will ask the Court for (1) attorneys' fees, based on their services in this litigation, not to exceed 33.3% of the Settlement Funds plus (2) Litigation Expenses (including expert fees and deposition costs) not to exceed \$7.5 million; and (3) service awards of up to \$10,000 for each of the twenty-three (23) Class Representatives in this case. Any payment to the attorneys and Class Representatives will be subject to Court approval, and the Court may award less than the requested amount. Of the total Litigation Expenses and service awards to Class Representatives, 5% will be paid from the Reynolds Settlement, and 95% will be paid from the CDK Settlement. When the Fee and Expense Application is filed by **November 27, 2024**, a copy will be available on the Settlement website at www.dealershipclassDMSsettlement.com. You will not be responsible for paying Class Counsel directly. Dealership Class Counsel may also seek reimbursement of additional limited expenses related to this Settlement and settlement administration. Notwithstanding the foregoing, CDK is not liable for any amount above the \$100 million plus up to \$250,000 for notice and administration costs as described above.

QUESTIONS? VISIT www.DealershipClassDMSSettlement.com OR CALL 1-888-842-3161.

THE COURT'S FAIRNESS HEARING

20. When and Where Will the Court Decide Whether to Approve the CDK Settlement and the Fee and Expense Application?

The Court will hold a "Fairness Hearing" to decide whether to approve the CDK Settlement, the Fee and Expense Application, and the Allocation Plan at **10:00 a.m. CT on February 25, 2025** at the United States District Court for the Northern District of Illinois, 219 South Dearborn Street, Chicago, IL 60604. If there are objections, the Court will consider them. You may attend and you may ask to speak if you make a request as instructed in **Question 22**, but you do not have to. The Court may hear from those who have asked to speak at the hearing.

At or after the hearing, the Court will decide whether to approve the CDK Settlement, Fee and Expense Application, and the Allocation Plan. We do not know how long this decision will take. The Fairness Hearing may take place remotely, including via telephone or video conference. The Court may also move the Fairness Hearing to a later date without providing additional notice to the CDK and Reynolds Settlement Classes. Updates will be posted to the Settlement website at www.dealershipclassDMSsettlement.com regarding any changes to the hearing date or conduct of the Fairness Hearing.

21. Do I Have to Attend the Hearing?

No. Class Counsel will answer any questions the Court may have at the Fairness Hearing. However, you are welcome to come at your own expense. If you send an objection, you do not have to come to Court to talk about it. As long as you filed or mailed your written objection on time, the Court will consider it. You may also hire your own lawyer at your own expense to attend the hearing on your behalf, but you are not required to do so.

22. May I Speak at the Hearing?

You may ask to speak at the Fairness Hearing. To do so, you must send a letter saying that it is your "Notice of Intention to Appear in *In re: Dealership Management Systems Antitrust Litigation (Dealership Class Action)*." Be sure to include your name, current mailing address, email address, telephone number, and signature. Your Notice of Intention to Appear must be postmarked no later than **November 7, 2024**, and it must be sent to the Clerk of the Court, Dealership Class Counsel, and CDK's counsel at the addresses provided in **Question 16**. You cannot ask to speak at the hearing regarding the CDK Settlement if you excluded yourself from the CDK Settlement Class. You cannot ask to speak at the hearing regarding the Fee and Expense Application and/or Allocation Plan if you have excluded yourself from both the CDK and Reynolds Settlements.

GETTING MORE INFORMATION

23. How Do I Get More Information?

This notice is intended to provide information to the Class about the CDK Settlement, the Fee and Expense Application, and your legal rights and options, including claims submission and the Allocation Plan applicable to both the CDK and Reynolds Settlements. This notice is only a summary of the CDK Settlement and is qualified in its entirety by the terms of the CDK Settlement Agreement. You can find the Settlement Agreement with CDK, other important documents, and information about the current status of the litigation by visiting www.dealershipclassDMSsettlement.com.

**PLEASE DO NOT CONTACT THE COURT REGARDING THIS NOTICE. INSTEAD,
PLEASE DIRECT ANY INQUIRIES TO THE COUNSEL LISTED BELOW OR TO
SETTLEMENT ADMINISTRATOR, EPIQ, AT 1-888-842-3161.**

Peggy J. Wedgworth
Milberg Coleman Bryson Phillips Grossman, PLLC
405 East 50th Street
New York, NY 10022
Tel: 1-646-515-1269
✉ pwedgworth@milberg.com

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200 Old Country Road, Suite 400
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QUESTIONS? VISIT www.DealershipClassDMSSettlement.com OR CALL 1-888-842-3161.

Attachment 5

In re Dealer Management Systems Antitrust Litigation, MDL No. 2817, 18-cv-00864 (N.D. Ill.)
c/o Epiq, Settlement Administrator
P.O. Box 6727
Portland, OR 97228-6727
www.dealershipclassDMSsettlement.com

DEALERSHIP CLASS CLAIM FORM

If you did not opt out of the Reynolds Settlement (the deadline has passed) and do not opt out of the current CDK Settlement, in order to receive any settlement payment, you must submit this Claim Form, with supporting documentation, at the official settlement website: www.dealershipclassDMSsettlement.com or mail your completed form, with supporting documentation, to the address listed above. The Claim Form and documentation must be received or postmarked by **January 9, 2025**, to be eligible to receive payment. You need to submit only ONE claim form per rooftop, which will be applicable to your participation in both the CDK and Reynolds Settlements.

Filing assistance is available from Class Counsel and the Settlement Administrator AT NO COST. If you are approached by or see advertisements from a non-party claims settlement service offering to register you or submit your claims for recovery from the Settlement Fund, know that these entities are **not necessary in order for class members to submit claims.**

If you opted out of the Reynolds Settlement and opt out of the CDK Settlement, you are not part of either Settlement Class, and you should not file this Claim Form.

YOU MUST submit a separate Claim Form for each dealership rooftop. This is true if you are part of a multiple rooftop group, or if from 2013 to present, you have changed the name of your dealership without changing ownership.

If you sell automobiles from multiple OEMs at the same physical location, that is considered a single rooftop.

STEP 1: ENTER CLAIMANT INFORMATION

Contact Name:

First Name

MI

Last Name

Title

Dealership Name (Dealership Name must match the name on the DMS contracts you submit):

Current Mailing Address:

City:

State:

ZIP Code:

Contact Email Address:

Contact Telephone Number:

 - -

Questions? Call the Settlement Administrator toll-free at 1-888-842-3161 or visit www.dealershipclassDMSsettlement.com

In re Dealer Management Systems Antitrust Litigation, MDL No. 2817, 18-cv-00864 (N.D. Ill.)
c/o Epiq, Settlement Administrator
P.O. Box 6727
Portland, OR 97228-6727
www.dealershipclassDMSsettlement.com

STEP 2: ESTABLISH YOUR DMS PROVIDER

For the time period September 1, 2013, through August 15, 2024, when did the dealership rooftop identified in Step 1 use **Reynolds' DMS**? If you did not use Reynolds' DMS during this time period, please leave blank.

From - To -

From - To -

For the time period September 1, 2013, through August 15, 2024, when did the dealership rooftop identified in Step 1 use **CDK's DMS**? If you did not use CDK's DMS during this time period, please leave blank.

From - To -

From - To -

Documentation Requirement: To demonstrate the time periods you were using Reynolds' and/or CDK's DMS, you must attach your signed DMS contract documents with Reynolds or CDK establishing your DMS usage.

For rooftops who used Reynolds, you must submit signed "exhibit(s)" to your Master Agreements that lay out the term or length of the contract(s) for the entire time you were on Reynolds's DMS. For rooftops who used CDK, you must submit signed Schedule(s) to the MSAs where the term or length of the contract is specified for the entire time you were on CDK's DMS.

These contract documents must include the name of the rooftop submitting the claim, contract date, and term of the agreement. **Dealership Rooftop Name above must match the name on the DMS contract documents you submit.**

Please submit legible copies. *Do not send originals. You should retain the originals in your records.* **Failure to submit required documentation may result in your claim being denied.**

I have included required DMS contract documents with Reynolds and/or CDK: Yes: No:

Settlement Funds will be distributed to CDK and/or Reynolds Class Members under the **Plan of Allocation** available at www.dealershipclassDMSsettlement.com.

Questions? Call the Settlement Administrator toll-free at 1-888-842-3161 or visit www.dealershipclassDMSsettlement.com

In re Dealer Management Systems Antitrust Litigation, MDL No. 2817, 18-cv-00864 (N.D. Ill.)
c/o Epiq, Settlement Administrator
P.O. Box 6727
Portland, OR 97228-6727
www.dealershipclassDMSsettlement.com

STEP 3: SIGN AND SUBMIT

By signing below, I certify that (1) the above and foregoing information, including any supporting documentation submitted, is true and correct; (2) I am duly authorized and have the legal capacity to sign this Claim Form on behalf of the dealership entity; (3) I am not excluded from the settlement class (i.e. Defendants, including any entity or division in which any Defendant has a controlling interest, as well as Defendants' joint ventures, subsidiaries, affiliates, assigns, and successors); and (4) I agree to submit additional information, if requested, in order for the Settlement Administrator to process my/our claim.

Signature:

Date: - -

Printed Name:

First Name

MI

Last Name

Title

Please submit your completed Claim Form, along with supporting documentation, to the Settlement Administrator by **January 9, 2025** (postmarked to the address above or preferably submitted online at www.dealershipclassDMSsettlement.com).

Questions? Call the Settlement Administrator toll-free at 1-888-842-3161 or visit www.dealershipclassDMSsettlement.com

Attachment 6

If you are a U.S.-based retail auto dealership that bought a CDK or Reynolds Dealer Management System (“DMS”) from September 1, 2013 through August 15, 2024, you could benefit from a class action settlement.

A settlement with CDK Global, LLC (“CDK”) was reached in *In re Dealership Management Systems Antitrust Litigation*, MDL No. 2817 (N.D. Ill.), an antitrust class action lawsuit concerning DMS services purchased from CDK and/or The Reynolds and Reynolds Company (“Reynolds”), including related vendor integration services.

What Is The Purpose Of This Notice?

The purpose of this notice is to inform you of (1) your rights related to the CDK Settlement; (2) the proposed distribution of the funds from the 2019 settlement with Reynolds; and (3) the fee and expense application to be filed by Class Counsel with respect to the CDK and Reynolds settlements (“Settlement Funds”).

What Is This Lawsuit About?

This lawsuit alleges CDK and Reynolds unlawfully colluded to force dealerships to pay more for DMS integration than they should have. CDK denies any wrongdoing and the Court has not ruled it did anything wrong. The CDK Settlement, as well as a 2019 settlement with Reynolds for \$29.5 million (“Reynolds Settlement”), resolves all litigation in this matter on behalf of a nationwide class of auto dealerships.

Who Is Included In This Settlement?

The “CDK Settlement Class” means all persons and entities located in the United States engaged in the business of the retail sale of automobiles who purchased DMS from CDK and/or Reynolds, or any predecessor, successor, subsidiary, joint venture or affiliate, during the period September 1, 2013 through August 15, 2024.

What Does the CDK Settlement Provide?

If approved by the Court, as part of the Settlement, CDK has agreed to pay \$100 million plus up to \$250,000 for notice and administration costs. The CDK Settlement Agreement is available at www.dealershipclassDMSsettlement.com.

How Do You Get a Payment?

You do not need to sign up with a Claims Recovery Service. Claims assistance is available from Class Counsel and the Settlement Administrator AT NO COST. Submitting a Claim Form available at www.dealershipclassDMSsettlement.com is the only way to be eligible to receive a payment from the Settlement Funds. Claim Forms and supporting documentation must be submitted on the website or postmarked by **January 9, 2025**. If you do not submit a claim, you will remain a member of the CDK Settlement Class but will not receive any payment from the CDK Settlement (and/or the Reynolds Settlement if you are a member of the Reynolds Class). At this time, the exact payment each Settlement Class Member will receive is unknown; however, if approved by the Court, Settlement Funds will be distributed to CDK and Reynolds Settlement Class Members under the Allocation Plan at www.dealershipclassDMSsettlement.com.

What Are Your Other Options?

You may exclude yourself from the CDK Settlement Class by submitting a valid request for exclusion by **November 7, 2024**. If you exclude yourself, you cannot get a settlement payment but you keep any rights you may have to sue CDK over the claims in this case. CDK Settlement Class Members may also object to the CDK Settlement by **November 7, 2024**, and the Fee and Expense Application and/or Allocation Plan by **December 12, 2024**. The time to exclude yourself or object to the Reynolds Settlement has passed, but Reynolds Settlement Class Members may object to the Fee and Expense Application and/or Allocation Plan. Specific information and instructions are available on the website. The Court will hold a Fairness Hearing at **10:00 a.m. CT on February 25, 2025**.

How Will The Lawyers Be Paid?

Class Counsel will ask the Court for (1) attorneys’ fees, based on their services to date, not to exceed 33.3% of the Settlement Funds plus (2) unreimbursed litigation expenses to date not to exceed \$7.5 million; and (3) service awards of up to \$10,000 each for twenty-three (23) Class Representatives in this case. Any payment to the attorneys and Class Representatives will be subject to Court approval. The Fee and Expense Application will be filed by **November 27, 2024** and a copy will be available on the website. Class Counsel may also seek reimbursement of additional limited expenses related to this Settlement and settlement administration. Notwithstanding the foregoing, CDK is not liable for any amount above the \$100 million plus up to \$250,000 for notice and administration costs as described above.

Where Can You Get More Information?

Visit www.dealershipclassDMSsettlement.com, call 888-842-3161, write to Settlement Administrator, P.O. Box 6727, Portland, OR 97228-6727 or contact Class Counsel Peggy Wedgworth, Milberg Coleman Bryson Phillips Grossman, PLLC at pwedgworth@milberg.com or 646-515-1269 or Leonard A. Bellavia, Bellavia Blatt, PC at lbellavia@dealerlaw.com or 516-873-3000.

Attachment 7

GM, Piston plot a hydrogen fuel cell factory

Automaker sees standalone plant as new revenue source

Kurt Nagl
knagl@crain.com

General Motors and supplier Piston Automotive are planning a hydrogen fuel cell manufacturing plant in Detroit.

The project, in its beginning stages, would be GM's first standalone facility for the production of fuel cells — a technology it has embraced as a potential new revenue stream in a variety of applications.

Piston, a contract manufacturer owned by former Detroit Pistons guard Vinnie Johnson, is leasing the 292,550-square-foot building in Detroit.

The automaker and Piston finalized an agreement in September, said David Massaron, chief economic development and real estate officer for GM.

"It's great to have a new technology in the city we're from," Massaron told Crain's Detroit Business, an affiliate of Automotive News. "To us, it's a really exciting investment not only to the future

of our company but also an investment in the city, and we're really proud of it."

Piston will be making the investment and operating the plant. Financial details and terms of the agreement were not disclosed.

Piston declined to comment.

The plant is expected to have around 50 assembly jobs to start, plus other supporting positions. Plans are still being ironed out for the factory, which is a "few years" away from production, Massaron said, adding: "It takes a while to build these things. It's got to all come together."

Operators are seeking a special land use permit from the city to establish "high/medium-impact" auto accessory manufacturing in a "general business" zoning district, according to the city's Buildings, Safety Engineering, and Environmental Department.

GM declined to say where exactly the fuel cells would go after assembly and for what specific uses, but it is likely they would be used in nonautomotive applications before going into trucks.

Rather than do the fuel cell manufacturing under its own roof, "the low volume of the project at



KURT NAGL

A 292,550-square-foot building in Detroit will be home to a hydrogen fuel cell plant.

this stage afforded us the opportunity to use Piston," GM spokesman Kevin Kelly said.

The Detroit automaker has various investments tied to hydrogen, including in Michigan. A GM-Honda joint venture launched production of

fuel cell systems this year at a 70,000-square-foot plant in Brownstown Township, about 20 miles south of Detroit. Unlike the planned Piston plant, the one in Brownstown produces components in addition to fuel cells.

BMW

continued from previous page

fuel cell, using hydrogen from a tank and oxygen to create electricity, which either directly drives the motor or charges the battery. Because they carry a fuel source on board, the vehicles can use smaller batteries. The only emissions are water vapor. Like BEVs, fuel cell vehicles benefit from regenerative braking.

Little infrastructure

Hydrogen fuel cell powertrains have a number of advantages over BEVs, Rath said. They offer all the advantages of electric driving with quick refueling time, especially important for high-mileage users or those who need to tow trailers. In addition, heating and cooling don't affect the range as much as they do in a BEV.

Fuel cell vehicles "are ideal for customers who don't have convenient charging at home or work or those who travel a lot and can't plan their lives around charging. These are not competing technologies," Rath said.

The main difference is that the energy is stored in hydrogen, while in a BEV, it is stored in the battery, he said.

Still, fuel cell vehicles face hurdles to wider adoption. There are just 55 public hydrogen filling stations in the U.S., all in California, according to the Department of Energy. And consumers complain that many are broken or out of fuel. Indeed, there are only about 1,000 hydrogen pumps worldwide.

Moreover, hydrogen-powered vehicles are only beneficial to the environment when they run on green hydrogen, which is made with renewable energy rather than fossil fuel energy such as natural gas. But almost no green hydrogen is available, and analysts say it will take years and massive investment to create a supply chain.

Efficiency challenge

Another challenge is the relative inefficiency of using hydrogen versus electricity as EV energy.



BMW

BMW is working with Toyota to develop a "next-generation" powertrain. BMW has not said which vehicle will get hydrogen fuel cell technology, but it has been testing iX5 crossovers with fuel cells.

Sustainably made hydrogen is likely to be produced near wind or solar sources in sunny and windy climates, such as coastal regions, that are far from developed areas where the vehicles will be used. Electricity is first converted into hydrogen, which is then transported and then converted back into electricity to power a vehicle, resulting in energy losses. But BEVs use electricity directly, with one best-case scenario being a car charged directly from a home that is powered by solar panels.

Rath said that on an individual "well-to-wheel" basis, "it's a fact that BEVs are more efficient." But, he argues, a wider view of an EV's life cycle that accounts for raw materials, production and even recycling shows that fuel cells and BEVs have "comparable footprints."

And, because hydrogen is an ideal carrier for sustainable energy, he said, it can be used to maximize solar and wind energy production. Instead of surplus energy being wasted, Rath said, it can be used to generate green hydrogen, which can then be transported elsewhere.

"A lot of industries around the world will need to import renewables from regions far away, with hydrogen as the transport medium," he said.

such as Purdue and Georgia Tech, according to the report.

Another potential solution is to upskill workers in machine learning and AI.

Pacesetters

Josh Bersin Co. identifies "pacesetter companies" that work to balance technological advances with workplace culture. It points to BMW, which improved productivity by 7 percent and reduced absenteeism to near zero by investing \$50,000 in redesigned workspaces for older workers, including more comfortable seating.

Zellner said companies can inspire change by making strategic hires from tech and software backgrounds instead of traditional automotive roles. For instance, Ford appointed Doug Field as chief EV, digital and design officer in 2021; he previously worked at Apple.

Field has been pivotal to Ford's success with its second-generation EVs, Ford CEO Jim Farley told Automotive News.

Field has adjusted Ford's EV engineering strategy to account for expensive batteries, Farley said.

"You have to radically reengineer the vehicle for simplicity," he said.

TALENT

continued from previous page

considered a burgeoning field, the allure of working with EVs has diminished in recent years, he said.

Josh Bersin Co. found this problem affects auto manufacturers worldwide. U.S. carmakers face the most significant workforce shortages, with 187,000 job openings, followed by Germany with 63,000 and the U.K. with 15,000. The most in-demand roles include robotics and machine learning engineers, data scientists and cybersecurity experts, the firm said.

Part of the problem stems from an outdated hiring and promotion structure: Manufacturers are used to a system based on tenure rather than skill.

"If there's something that's an anchor to the auto industry, it's that there still is a very slow pace around hiring, bringing in external talent and developing internal talent," Zellner said.

Companies should partner with universities that teach graduates the right skills, Ioannidou said. In 2022, 1,022 U.S. schools graduated students in fields relevant to automotive engineering, including universities with specific programs

Legal Notice

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Attachment 8

SUBSCRIPTION REQUIRED

FINAL ASSEMBLY | 7 HOURS AGO

Man who fell in hole at dealership while walking dog can pursue lawsuit, appeals court rules

The Mississippi Court of Appeals has reinstated a negligence suit by a service customer who fell into a hole while walking his dog on the grass alongside a Toyota store's driveway.



SUBSCRIPTION REQUIRED

SEPTEMBER U.S. SALES | UPDATED 20 MINUTES AGO

Q3 sales slip at GM; September volume off at Toyota, Honda, Hyundai, Kia

U.S. new-vehicle sales are expected to drop in September and the third quarter, with analysts expecting volatility the rest of the year as affordability



SUBSCRIPTION REQUIRED

DEALERS | UPDATED 21 HOURS AGO

Daily 5 report for Sept. 30: CDK wins key deal after cyberattack

The news reinforces CDK's reputation in the DMS business and, presumably, will help the company land more extensions and new business.



SUBSCRIPTION REQUIRED

DEALERS | UPDATED 21 HOURS AGO

Southeast dealers work to help employees, assess damage after Helene

Some dealerships in Southeast states devastated by Hurricane Helene remained closed Sept. 30 as they worked to figure out the full extent of the damage.

U.S.-based retail auto dealerships that bought a CDK or Reynolds Dealer Management System ("DMS") from September 1, 2013 through August 15, 2024 could benefit from a class action settlement.

Learn More



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Daily Summary (weekdays)

Weekly Summary (Sundays)

he store performed "multiple repairs over the course of a few days, originally to replace a couple of tires and then due to an airbag recall."

Fox's wife let him out on the driveway to walk his Queensland heeler, Kate, the decision said.

U.S.-based retail auto dealerships that bought a CDK or Reynolds Dealer Management System ("DMS") from September 1, 2013 through August 15, 2024



Allen stepped into a hole that was several feet deep, although its opening was only 8 inches by 8 inches. His leg went into the hole almost to his groin, causing serious injury, the suit alleged, and McCullough said Fox underwent several surgeries.

The suit contended the dealership breached its duty to keep the premises reasonably safe and to

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Fox's wife let him out on the driveway to walk his Queensland heeler, Kate, the decision said.

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[Learn More](#)



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U.S.-based retail auto dealerships that bought a CDK or Reynolds Dealer Management System ("DMS") from September 1, 2013 through August 15, 2024 could benefit from a class action settlement.

[Learn More](#)



Attachment 9

DEALERSHIP CLASS COUNSEL SETTLES WITH CDK FOR \$100 MILLION

NEWS PROVIDED BY

Milberg Coleman Bryson Phillips Grossman, PLLC and Bellavia Blatt, PC →

Sep 23, 2024, 09:00 ET

CHICAGO, Sept. 23, 2024 /PRNewswire/ --

On August 23, 2024, an Illinois federal court preliminarily approved a settlement between a class of Dealership Plaintiffs and Defendant, CDK Global, LLC in the lawsuit, *In re: Dealer Management Systems Antitrust Litigation*, MDL No. 2817, 18-cv-00864 (N.D. Ill.). The CDK Settlement will resolve all remaining claims on behalf of dealerships involving an alleged conspiracy by CDK and Reynolds to charge unlawful prices in the markets for Dealer Management System Services and Data Integration Services.

As part of the Settlement, CDK has agreed to pay \$100 million for the benefit of U.S.-based retail automotive dealerships that bought a Reynolds and/or CDK DMS from September 1, 2013 through August 15, 2024. CDK will also pay up to \$250,000 for notice and claims administration costs. This Settlement does not constitute any admission of wrongdoing or liability by any party, and was entered solely to avoid the further inconvenience, distraction and disruption of burdensome litigation and to reach certain and final resolution between CDK and dealerships. The CDK Settlement Agreement, Preliminary Approval Order, as well as other important documents related to the CDK Settlement, are available for review on the website www.dealershipclassDMSsettlement.com.

Beginning this week, Dealerships will receive notice of the CDK Settlement and can log onto the website www.dealershipclassDMSsettlement.com to file a claim. Dealership Counsel and the Settlement Administrator are providing **NO COST assistance to dealerships to file their claim forms – no additional**



assistance from third parties is needed. Information about the claim submission process is available on the website.

A prior settlement with Reynolds in the amount of \$29.5 million was previously approved by the Court and finalized in 2019, and that money is currently in an escrow account. If any Dealer bought a CDK and/or Reynolds DMS from September 1, 2013 through August 15, 2024, that Dealer may be entitled to money back from one or both of the settlements. If the Court gives final approval to the CDK Settlement, the allocation of the funds from both the settlements will be determined based upon several factors, including the number of claims filed. Once the Court has approved the distribution of the settlement funds, the settlement proceeds will be distributed as approved by the Court.

For more information, please contact Class Counsel: **Peggy J. Wedgworth** or **Leonard A. Bellavia**.

URL: **www.dealershipclassDMSsettlement.com**

SOURCE Milberg Coleman Bryson Phillips Grossman, PLLC and Bellavia Blatt, PC

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