

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

**ALL PERSONS OR ENTITIES WHO HAVE PURCHASED A 2012 HONDA ACCORD WITH AN L4 ENGINE, A 2012-2014 HONDA CR-V WITH A 2.4 LITER ENGINE, OR A 2012-2015 HONDA CROSSTOUR WITH AN L4 ENGINE FROM AN AUTHORIZED HONDA DEALER IN CALIFORNIA OR ILLINOIS (“CLASS VEHICLES”)**

**You Could Be a Member of a Class Action**

- This Notice is to inform you of a Class Action styled *Mary Quackenbush, et al. v. American Honda Motor Company, Inc., et al.*, Civil Case No. 3:20-cv-05599-WHA (United States District Court, Northern District of California) (the “Class Action”).
- The United States District Court for the Northern District of California has authorized this Notice, but it is not an expression of an opinion by the Court as to the merits of any of the claims or defenses asserted by any party in the Class Action.
- In this Class Action, Plaintiffs allege American Honda Motor Co., Inc. and Honda Motor Co., Ltd. (“Defendants” or “Honda”) manufactured Class Vehicles with a variable valve timing control (“VTC”) actuator prone to rattle briefly at cold startup. Plaintiffs further allege Defendants were aware of the alleged defect at the time of sale and that the alleged defect poses a safety hazard.
- The Court has not decided whether Honda did anything wrong, and Honda denies Plaintiffs’ allegations and specifically denies any Class Vehicle is defective or subject to a potential safety hazard. The case is continuing. To date, there has been no recovery for the Class, and there is no guarantee there will be.
- A Class has been certified by the Court in this action, which means the claims of multiple people, known as Class Members, can be resolved in a single lawsuit. If you are receiving this Notice, you have been identified as a potential Class Member.
- The Court has defined the certified Classes as follows:
  - **Illinois New and Used Purchaser Class**: Current owners of both new and used Class Vehicles (defined above) who purchased their Class Vehicles equipped with VTC actuator 14310-R44-A01 from an authorized Honda dealer in Illinois and former owners of the same who resold (or traded it in) to an authorized Honda dealer in Illinois. No member of a repair Class (described below) shall be a member of this Class. This Class also excludes any purchaser who has received a Model R5A replacement actuator free of charge.

- **Illinois Repair Class:** All persons who purchased a new or used Class Vehicle equipped with VTC actuator 14310-R44-A01 from an authorized Honda dealer in Illinois and who paid to have the VTC actuator repaired by an authorized Honda dealer in Illinois.
- **California Repair Class:** All persons who purchased a new or used Class Vehicle equipped with VTC actuator 14310-R44-A01 from an authorized Honda dealer in California and who paid to have the VTC actuator repaired by an authorized Honda dealer in California.

**Exclusions:** Excluded from the Classes are: (1) defendants, any entity or division in which defendants have a controlling interest, and its legal representatives, officers, directors, assigns, and successors; (2) the judge to whom this case is assigned and the judge’s staff; and (3) those persons who have suffered personal injuries as a result of the facts alleged by Plaintiffs.

- If you fall within one of the three Class definitions but do not wish to be considered a Class Member, you must sign and date the enclosed “Request to be Excluded” form and mail it to the Notice Administrator, post-marked no later than November 17, 2022 (56 days after the date of this Notice).
- Further information regarding the Classes, the Class Action, and this Notice may be obtained by contacting Class Counsel at the contact information listed in Section 10 below; visiting the website created and maintained by the Notice Administrator—[www.VTCactuatoreclassaction.com](http://www.VTCactuatoreclassaction.com)—and dedicated to this Class Action; or calling the following toll-free number maintained by the Notice Administrator and dedicated to this Class Action: 1-(844)-753-7137.
- **If you are a Class Member, your legal rights are affected whether you act or do not act, so please read this Notice carefully.**

<b>YOUR LEGAL RIGHTS AND OPTIONS IF YOU ARE A CLASS MEMBER</b>	
<b>Do Nothing And Automatically Be Part of the Class</b>	You are automatically part of the Class if you satisfy any of the three Class definitions set forth in Section 5 below.

**Exclude Yourself by  
November 17, 2022**

You may request to be excluded from the Class. This is also referred to as “opting out.” If you request to be excluded, you will not be part of the case and you will not be entitled to share in the proceeds of any potential settlement or judgment. If you wish to be excluded, you must send the enclosed “Request to be Excluded” form by November 17, 2022 to the address listed below:

VTC Class Action Notice Administrator  
c/o Postlethwaite & Netterville  
P.O. Box 3336  
Baton Rouge, LA 70821

If you decide you do not want to participate in the Class Action and you do not make a timely request for exclusion as described above, you will still be bound by any judgment.

- These rights and options—and the deadlines to exercise them—are explained in this Notice.

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## BASIC INFORMATION

### 1. Why is there a Notice?

This Notice is intended to advise Class Members of the pendency of the Class Action and of their rights and options with respect to the Class Action, **including their right to exclude themselves from the Class and from further proceedings in this action should they wish to do so.** Judge William Alsup of the United States District Court for the Northern District of California is overseeing this lawsuit. The lawsuit is known as *Quackenbush, et al. v. American Honda Motor Co., Inc., et al.*, and the case number is 3:20-cv-05599-WHA. The California and Illinois residents who brought the suit, Mary Quackenbush, Anne Pelletieri, and Marissa Feeney, have been appointed Class Representatives, and the law firms of Greenstone Law APC and Glancy Prongay & Murray LLP have been appointed Class Counsel.

If you received this notice in the mail, records collected by Honda show that you may have purchased a Class Vehicle in California or Illinois. The Class Vehicles are: 2012 Honda Accords with an L4 engine, 2012-2014 Honda CR-Vs with a 2.4-liter engine, and 2012-2015 Honda Crosstours with an L4 engine. In an abundance of caution, this Notice has been sent to individuals records collected by Honda show may have purchased a Class Vehicle from an authorized Honda dealer, so that as many Class Members as possible receive this Notice. But the fact that you have received this Notice does not necessarily mean you are a Class Member. Please refer to the Class definitions in Section 5 below to determine whether you are a Class Member.

### 2. What is the lawsuit about?

Plaintiffs allege Honda manufactured the Class Vehicles with a defective internal engine component called a VTC actuator that is part of the vehicle's timing drive system, part no. 14310-R44-A01 (the "R44"). Plaintiffs allege Honda was aware at the time of sale that the R44 actuator was defective and prone to rattle briefly on cold startup. According to Plaintiffs, the R44 rattle exerts forces on other timing components such as the timing chain and timing chain tensioner that they were not designed to withstand and can damage those components and lead to engine failure. Plaintiffs allege the defect therefore constitutes a safety hazard and that Honda's failure to disclose it has damaged Plaintiffs and Class Members.

Honda denies the Class Vehicles are defective in any way, that the Class Vehicles are subject to any safety hazard, or that it has done anything wrong.

The Court has not decided whether Honda did anything wrong. The case is continuing. There has been no recovery for the Class, and there is no guarantee there will be.

### 3. Why is this a class action?

In a class action, one or more persons called class representatives sue on behalf of persons who may have the same claim. All of the people who have the same claim collectively make up the "class" and are referred to individually as "class members." One lawsuit before one judge and jury resolves certain of the issues and claims for all class members together, regardless of whether the outcome is either favorable or unfavorable. Because Plaintiffs believe the conduct alleged in this case affected a large number of consumers who were economically injured in a similar way, Plaintiffs filed this case as a class action.

#### **4. How do I get more information?**

This Notice does not fully describe all of the claims, contentions, and defenses of the parties. The pleadings and other papers filed in the Class Action are available from Class Counsel; online for a fee through the Court's Public Access to Court Electronic Records (PACER) system at <http://ecf.cand.uscourts.gov>; or by visiting the office of the Clerk of the Court for the United States District Court for the Northern District of California, 450 Golden Gate Avenue, San Francisco, CA 94102, between 9:00 a.m. and 4:00 p.m. In addition, you may obtain more information by contacting Class Counsel, whose names, addresses, and telephone numbers are listed below, or the Notice Administrator.

#### **5. I am still not sure if I am included, what is the class definition?**

As noted above, the Court has certified the following three Classes:

- **Illinois New and Used Purchaser Class**: Current owners of both new and used Class Vehicles who purchased their Class Vehicles equipped with VTC actuator 14310-R44-A01 from an authorized Honda dealer in Illinois and former owners of the same who resold (or traded it in) to an authorized Honda dealer in Illinois. No member of a repair Class (described below) shall be a member of this Class. This Class also excludes any purchaser who has received a Model R5A replacement actuator free of charge. Plaintiff Anne Pelletieri has been appointed to represent this Class.
- **Illinois Repair Class**: All persons who purchased a new or used Class Vehicle equipped with VTC actuator 14310-R44-A01 from an authorized Honda dealer in Illinois and who paid to have the VTC actuator repaired by an authorized Honda dealer in Illinois. Plaintiff Marissa Feeney has been appointed to represent this Class.
- **California Repair Class**: All persons who purchased a new or used Class Vehicle equipped with VTC actuator 14310-R44-A01 from an authorized Honda dealer in California and who paid to have their VTC actuator repaired by an authorized Honda dealer in California. Plaintiff Mary Quackenbush has been appointed to represent this Class.
- **Exclusions**: Excluded from the Classes are: (1) defendants, any entity or division in which defendants have a controlling interest, and its legal representatives, officers, directors, assigns, and successors; (2) the judge to whom this case is assigned and the judge's staff; and (3) those persons who have suffered personal injuries as a result of the facts alleged by Plaintiffs.

If you are still not sure whether you are included in the Class, you may ask for help. Please contact the attorneys listed in Section 9 below or call the toll-free dedicated helpline at 1-(844)-753-7137.

**THE STATUS OF THE LAWSUIT**

**6. What has happened so far in the case?**

After the Class Action was filed, Honda answered Plaintiffs’ complaint, denying all allegations of wrongdoing asserted against it and asserting affirmative defenses. Thereafter, the parties engaged in fact discovery, expert analysis, and legal research. The parties presented briefing to the Court on Plaintiffs’ Motion for Class Certification, as well as oral argument. On April 27, 2022, the Court certified the above California and Illinois Classes and appointed Plaintiffs Anne Pelletieri, Marissa Feeney and Mary Quackenbush as Class Representatives and the law firms of Greenstone Law APC and Glancy Prongay & Murray LLP as Class Counsel. The certification order means the Court has allowed the Classes to proceed to a trial for a determination on the merits with respect to Plaintiffs’ specific claims listed below. The trial has not been scheduled.

<b>CERTIFIED STATE</b>	<b>CLAIMS CERTIFIED</b>
California	Violation of the California Consumers Legal Remedies Act, Cal. Civ. Code § 1750, <i>et seq.</i>  Violation of the California Unfair Competition Law, Cal. Bus. & Prof. Code § 17200, <i>et seq.</i>  Common law fraudulent omission
Illinois	Violation of the Illinois Consumer Fraud and Deceptive Business Practices Act, 815 ILCS 505/1, <i>et seq.</i>  Common law fraudulent omission

**REMAINING IN THE CLASS**

**7. What happens if I do nothing at all?**

If you fall within one of the three Class definitions and you do nothing, you will stay in the lawsuit. If you stay in the lawsuit and the Plaintiffs win, you will be notified about how to seek money or other benefits from the lawsuit. If the Plaintiffs lose the lawsuit, you will not receive any compensation. If you do nothing now, regardless of whether Plaintiffs win or lose, you will not be able to sue, or continue to sue Honda as part of any other lawsuit about the same legal claims that are the subject of this lawsuit after the conclusion of this lawsuit. You will be legally bound by the orders the Court issues and judgments the Court enters in this Class Action.

Please advise the Notice Administrator of any changes to your postal address so that a claim form can be mailed to you in the event that there is judgment or settlement in the lawsuit. If the address

at which you received this Notice has not been changed, then you need not update your postal address with the Notice Administrator. Contact information for the Notice Administrator is listed in Sections 8 and 10 below.

## EXCLUDING YOURSELF FROM THE CLASS

### 8. How do I exclude myself from the Class?

You may request to be excluded from the Class and from the case by signing, dating, and mailing the “Request to be Excluded” form enclosed with this Notice to the Notice Administrator, postmarked by November 17, 2022, to the following address:

VTC Actuator Class Action Notice Administrator  
c/o Postlethwaite & Netterville  
P.O. Box 3336  
Baton Rouge, LA 70821

Requesting exclusion is sometimes referred to as “opting out” of the Class. If you request to be excluded, you will not be part of the case. This means that if the Court awards money damages to the Class Members after trial or if there is a settlement of this action, you will not be entitled to share in the proceeds. This also means that if there is a judgment adverse to the Class Members you will not be bound by that result. In either instance, you would retain the right to file your own lawsuit, assuming such a lawsuit is brought within the time required by the applicable statute of limitations.

**To be effective, your “Request to be Excluded” must be postmarked no later than November 17, 2022 (56 days after the date of this Notice).** If you do not request exclusion from the Class on or before November 17, 2022 (56 days after the date of this Notice) and you fall within the definition of any one of the three Classes listed in Section 5 above, you will be bound by any final judgment or settlement in this Class Action.

If you fall within the definition of any one of the Classes and you wish to remain a Class Member, you are not required to do anything at this time. You will be bound by any judgment in the Class Action, whether it is favorable or unfavorable. If there is a recovery, you may be entitled to a share in the proceeds, less such costs, expenses, class representative service awards, and attorneys’ fees as the Court may allow from any such recovery. If you do not exclude yourself and Honda prevails in the Class Action, you will be bound by that judgment and prohibited from pursuing a lawsuit on your own with regard to any of the claims decided in the Class Action. Further, if you do not exclude yourself, in the event a settlement is negotiated regarding the Class Action, you will be given an opportunity to object to the settlement and ask the Court not to approve the settlement or certain parts of the settlement.

## THE LAWYERS REPRESENTING CLASS MEMBERS

### 9. Do Class Members have a lawyer in this case?

The Court has appointed the law firms of Greenstone Law APC and Glancy Prongay & Murray LLP as Class Counsel to represent Class Members who do not exclude themselves (or opt out) from the Class. Class Members will not be personally charged for these lawyers. Any fees or costs ultimately allowed by the Court to be paid to Class Counsel will be paid out of any funds available to the Class as a result of a settlement or recovery in the Class Action, or by Honda. If you are a Class Member and do not wish to be represented by the Class Representatives and Class Counsel, you may enter an appearance in this litigation through an attorney of your own choosing, at your expense.

### OBTAINING MORE INFORMATION

### 10. Where do I obtain more information?

You may address written questions to the attorneys listed below:

Mark S. Greenstone  
Greenstone Law APC  
1925 Century Park East  
Suite 2100  
Los Angeles, CA 90067  
(310) 201-9156  
mgreenstone@greenstonelaw.com

Marc L. Godino  
Glancy Prongay & Murray LLP  
1925 Century Park East  
Suite 2100  
Los Angeles, CA 90067  
(310) 201-9150  
mgodino@glancylaw.com

Additionally, you can visit the website [www.VTCActuatorclassaction.com](http://www.VTCActuatorclassaction.com), which is dedicated to the litigation, or call the following toll-free number, 1-(844)-753-7137, maintained by the Notice Administrator and dedicated to the litigation.

**Please do not contact the Court. Any questions regarding the Class Action or this Notice should be directed to the Class Counsel listed above or the Notice Administrator.**