

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Notice of Honda and Acura Rear Brake Pad Settlement

If you received this Notice by mail, *or* if you are a current or former owner or lessee of one of the Honda or Acura vehicles listed in section 6 below, you could get cash reimbursements for brake pad replacements **up to:**

\$125 for replacements using original Honda Rear Brake Pads,

and

\$150 for a replacement using improved Honda Rear Brake Pads.

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

- Your legal rights are affected whether you act or don't act. Read this Notice carefully.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT	
SUBMIT A CLAIM FORM	The only way to get cash payment. If you <u>timely</u> submit a valid Claim Form (enclosed) with a receipt, repair order or similar documentation evidencing the payment for a qualified Rear Brake Pad replacement .
ASK TO BE EXCLUDED	Receive <u>no</u> payment. Get out of this lawsuit. Keep rights. If you ask to be excluded you are not eligible to receive a cash payment from this lawsuit, but you will maintain the right to sue Honda for the same or similar legal claims in this lawsuit.
COMMENT OR OBJECT	Write the Court about why you like or don't like the Settlement. You may write the Court indicating why you like or dislike the Settlement. You must remain a member of the lawsuit (<i>i.e.</i> , you cannot ask to be excluded) in order to object to the Settlement.
DO NOTHING	Get <u>no</u> payment. Give up rights. By doing nothing, you will not recover money from the class action Settlement. You will also give up any rights to sue Honda separately about the same or similar legal claims in this lawsuit.

- These rights and options—and the deadlines to exercise them—are explained in this Notice.
- The Court in charge of this case still has to decide whether to approve the Settlement. Payments will be made if the Court approves the Settlement and after appeals, if any, are resolved.
- **Attached at the end of this Notice is a Glove Box Insert that can be torn off and placed in your glove box as a reminder that Honda may reimburse you for future Rear Brake Pad replacements.**

For assistance completing the Claim Form or for answers to your questions, you can contact the Settlement Administrator toll-free at 1-888-398-8211 or visit the settlement websites, www.accordsettlement.com or www.GirardGibbs.com/HondaBrakes.asp.

CONTENTS

Basic Information

1. What is the purpose of this Notice?
2. What is this class action lawsuit about?
3. What is a class action lawsuit and who is involved?
4. Why is there a Settlement?
5. Is this a safety issue?

Who Is In The Settlement?

6. Am I part of this Class?
7. I'm still not sure if I am included.

Settlement Benefits—What You Get

8. Who gets paid?
9. How much will I get?
10. How do I get paid?
11. What if I don't timely mail a completed Claim Form and documentation?
12. When do I get my payment?
13. What am I giving up to get a payment and stay in the Class?

Excluding Yourself From The Settlement

14. How do I get out of this Settlement?
15. If I don't exclude myself, can I sue Honda later?
16. If I exclude myself, can I get money from this Settlement?

The Lawyers Representing You

17. Do I have a lawyer in this case?
18. Should I get my own lawyer?
19. How will the lawyers be paid and will there be incentive payments?

Supporting Or Objecting To The Settlement

20. How do I tell the Court that I like or do not like the Settlement?
21. What is the difference between objecting and excluding?

Fairness Hearing

22. When and where will the Court decide to approve the Settlement?
23. Do I have to come to the hearing?
24. May I speak at the hearing?

If You Do Nothing

25. What happens if I do nothing at all?

Additional Information

26. Are there more details available?
27. FOR YOUR GLOVE BOX

BASIC INFORMATION

1. What is the purpose of this Notice?

You have, or someone in your family has, been identified as a current or former owner or lessee of a 2008-2010 Honda Accord or a 2009-2010 Acura TSX.

A class action lawsuit is pending in the United States District Court for the Central District of California known as *Browne et al. v. American Honda Motor Co., Inc.*, Case No. CV 09-06750 MMM (DTBx). Judge Margaret Morrow, who is overseeing this case, authorized this Notice. You have a right to know about the class action lawsuit and proposed Settlement. As a Class Member you have various options that you may exercise before the Court decides whether to approve the Settlement. If the Court approves the Settlement, and after appeals are resolved, if any, Honda will make payments pursuant to the Settlement to Class Members that submit timely and valid Claims.

This Notice explains the lawsuit, the Settlement, your legal rights, the available benefits, who is eligible for them, and how to get them.

2. What is this class action lawsuit about?

This lawsuit is about the Rear Braking System in the “Class Vehicles,” namely, the 2008-2009 Honda Accords and 2009 Acura TSXs, as well as a small number of the 2010 model year Accords and some Acura TSXs listed by the last six numbers of the VIN number at www.accordsettlement.com and www.GirardGibbs.com/HondaBrakes.asp.

The Plaintiffs allege the Rear Brake Pads in the Class Vehicles wear out prematurely. The Plaintiffs argue the premature Rear Brake Pad wear is due to a defect and that Honda should have covered premature Rear Brake Pad wear and should have disclosed the defect in the Rear Braking System at the time of sale. Honda denies there is a defect or that it did anything wrong.

You can read the Class Action Complaint at www.GirardGibbs.com/HondaBrakes.asp.

3. What is a class action lawsuit and who is involved?

In a class action lawsuit, one or more persons called “Class Representatives” sue on behalf of other people who have similar claims. All of these people together are called a “Class” or “Class Members.” The Class Representatives - and all Class Members like them - are called the Plaintiffs. The company they sued (in this case American Honda

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Motor Co., Inc. (“Honda”)) is called the Defendant. The lawyers who represent the Class are called “Class Counsel.” In a class action lawsuit, all factual questions and legal issues are resolved for everyone in the Class - except for those people who choose to exclude themselves from the Class.

4. Why is there a Settlement?

The Court did not decide in favor of Plaintiffs or Defendant. Instead, both sides agreed to a Settlement. That way, they avoid the cost of a trial, and the people affected will get compensation quickly. The Class Representatives and Class Counsel think the Settlement is best for everyone who has owned or leased a Class Vehicle.

5. Is this a safety issue?

Honda’s investigation and research concerning the cause of premature Rear Brake Pad wear has not identified any safety concern. Similarly, Class Counsel’s investigation and research of the premature Rear Brake Pad wear issue has not identified a safety concern.

WHO IS IN THE SETTLEMENT?

6. Am I part of this Class?

The Class includes all residents of the United States, including the Commonwealth of Puerto Rico, U.S. Virgin Islands, and Guam, who are current or former owners or lessees of a Class Vehicle. Class Vehicles include the following:

- 2008 Honda Accord;
- 2009 Honda Accord;
- 2009 Acura TSX; and
- a small number of 2010 Honda Accords and some Acura TSXs, listed by the last six digits of the VIN number at www.GirardGibbs.com/HondaBrakes.asp or www.accordsettlement.com.

7. I’m still not sure if I am included.

If you are still not sure whether you are included, you can get free help at www.GirardGibbs.com/HondaBrakes.asp, or by writing Class Counsel at the addresses listed in question 20, below.

SETTLEMENT BENEFITS – WHAT YOU GET

8. Who gets paid?

All Class Members are eligible to get **CASH REIMBURSEMENTS** if:

- **The Class Member has to pay for Rear Brake Pad repair(s) or replacement(s) on a Class Vehicle within 3 years of when the car was first sold or leased as a new car, or first used as a demonstrator or company vehicle, or within 90 days of the Final Approval Date, whichever is later;**
- The repair(s) or replacement(s) were not necessitated by a collision or material modifications to the vehicle;
- The Class Member has not been fully reimbursed for the repair; and
- The Class Member follows each of the four steps listed under question 10.

9. How much will I get?

Class Members can get **cash reimbursements** for two types of Rear Brake Pad repairs/replacements.

(1) New Material Honda Rear Brake Pad Replacements.

- Any purchase of, or repair using, the New Material Brake Pads (part #43022-TA0-A40) qualifies for a one-time reimbursement of \$150 or the amount paid (whichever is less).

(2) Original Honda Rear Brake Pads.

- Any purchase of, or repair using, the Original Rear Brake Pads (part #43022-TA0-A00, #43022-TA0-A51 or #43022-TA0-A70) qualifies for a reimbursement equal to \$125 or 50% of the amount paid (whichever is less).
- **There is no limit** to how many repairs using the Original Honda Rear Brake Pads you can get reimbursed for; you can submit multiple Claims or place all reimbursable repairs on a single Claim Form.

10. How do I get paid?

To get paid, you have to do 4 things:

- (1) Complete the Claim Form;
- (2) Along with the Claim Form, **enclose a receipt or repair order** (or other documentation) **for each** Rear Brake Pad repair or replacement. The receipt, repair order or other documentation **MUST** show the part number of the brake pads used in the repair;
- (3) On the Claim Form, **sign and date** at the bottom; and
- (4) **Timely Mail the Claim Form:** Claims Forms must be mailed within **90 days** of the **Effective Date** (see below) OR for new material rear brake pad replacements mailed within **90 days** of the repair (if the repair is later than the Effective Date).

The Claim Form is enclosed with this Notice. The **Effective Date**, along with additional Claim Forms will be posted at www.GirardGibbs.com/HondaBrakes.asp or www.accordsettlement.com.

Your receipt (or other documentation) **must show** (1) the amount paid by you or on your behalf; (2) the date on which the repair was obtained (or the date the repair was paid for); (3) that rear brake parts were repaired and/or replaced; (4) the VIN of the vehicle repaired; and (5) the part number of the brake pads used in the repair. To ensure the validity of your Claim(s), it is best to submit your original repair receipts.

11. What if I don't timely mail a completed Claim Form and documentation?

If you fail to mail in the Claim Form and supporting documents by the required deadline(s), you will not get paid. Sending in a Claim Form late or without documentation will be the same as doing nothing (see question 25).

12. When do I get my payment?

The Court will hold a fairness hearing on July 26, 2010 to decide whether to approve the Settlement as fair, reasonable, and adequate. If Judge Morrow approves the Settlement, there may be appeals which may delay the conclusion of the case. It is always uncertain whether these appeals can be resolved, and resolving them can take time, perhaps more than a year. Information about the progress of the case will be available at: www.GirardGibbs.com/HondaBrakes.asp or www.accordsettlement.com.

For assistance completing the Claim Form or for answers to your questions, you can contact the Settlement Administrator toll-free at 1-888-398-8211 or visit the settlement websites, www.accordsettlement.com or www.GirardGibbs.com/HondaBrakes.asp.

13. What am I giving up to get a payment and stay in the Class?

Unless you exclude yourself, you are staying in the Class, and that means that you can't sue, continue to sue, or be part of any other lawsuit against Honda about the same legal issues in this case. It also means that all of the Court's orders will apply to you and legally bind you.

EXCLUDING YOURSELF FROM THE SETTLEMENT

14. How do I get out of this Settlement?

To exclude yourself from the Settlement, you must send a letter by U.S. mail saying that you want to be excluded from *Browne et al. v. American Honda Motor Co., Inc.*, Case No. CV 09-06750 MMM (DTBx). Be sure to include your full name, address, telephone number, signature, model year and VIN of your Class Vehicle(s), and the approximate date(s) of purchase or lease. You must mail your exclusion request postmarked no later than July 5, 2010, to:

HONDA REAR BRAKE PAD SETTLEMENT ADMINISTRATOR
c/o Exclusion Request
P.O. Box 2322
Faribault, MN 55021-9022

You cannot exclude yourself on the phone or by e-mail. If you submit your request to be excluded by U.S. mail, you will not get any Settlement payment and you cannot object to the Settlement. You will not be legally bound by anything that happens in this lawsuit.

15. If I don't exclude myself, can I sue Honda later?

No, not for the same legal claims at issue here.

16. If I exclude myself, can I get money from this Settlement?

No. If you exclude yourself from the Class you won't get any money or benefits from this Settlement. If you exclude yourself, you should not submit a Claim Form to ask for money from the class action Settlement. You cannot do both.

THE LAWYERS REPRESENTING YOU

17. Do I have a lawyer in this case?

The Court has decided that the law firms Girard Gibbs LLP of San Francisco, California, and Berk Law PLLC of Washington, D.C. are qualified to represent you

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and all Class Members. Together these law firms are called “Class Counsel.” They are experienced in handling similar cases against other automotive manufacturers. More information about these law firms, their practices, and their lawyers’ experience is available at www.GirardGibbs.com and www.berklawdc.com.

18. Should I get my own lawyer?

You do not need to hire your own lawyer because Class Counsel is working on your behalf. If you want your own lawyer, you may hire one at your own cost.

19. How will the lawyers be paid and will there be incentive payments?

Class Counsel has not received any fees or reimbursement for any of the expenses associated with this case and will ask the Court for an award of attorneys’ fees and expenses that does not exceed \$2 million. In addition, Class Counsel will ask that the Court award each of the Class Representatives a \$1,000 service award in recognition of their efforts on behalf of the Class. Any fees, expenses or incentive awards that Class Counsel request must be approved by the Court. Class Counsel will request that their fees and expenses, and the incentive awards, be paid directly by Honda, which means they will not reduce the recovery to you and other members of the Class.

SUPPORTING OR OBJECTING TO THE SETTLEMENT

20. How do I tell the Court that I like or do not like the Settlement?

If you are a Class Member, you can tell the Court you like the Settlement and it should be approved, **or** that you object to the Settlement if you do not like a part of it. The Court will consider all comments from Class Members.

To object, you must send a letter saying that you are commenting on the Settlement in *Browne et al. v. American Honda Motor Co., Inc.*, Case No. CV 09-06750 MMM (DTBx), and you must include your full name, current address, telephone number, model year and VIN of your Class Vehicle(s), your factual and legal grounds for objecting, any documents supporting your objection, and your signature. Any Class Member objecting to the Settlement must provide a detailed list of any other objections submitted by the objector, or the objector’s counsel, to any class action settlements submitted in any court in the previous five (5) years. If the Class Member or his or her counsel has not objected to any other class action settlement in any court in the United States in the previous five (5) years, he, she or it shall affirmatively so state in the written materials provided with the objection. If you intend to appear at

the fairness hearing through counsel, your comment must also state the identity of all attorneys representing you who will appear at the fairness hearing. Be sure to send your objection to the three different places set forth below such that it is *received* no later than July 5, 2010:

No. 1: Court	No. 2: Class Counsel	No. 3: Defense Counsel
Clerk of the Court Roybal Federal Building United States District Court for the Central District of California 255 East Temple Street Los Angeles, CA 90012	GIRARD GIBBS LLP c/o Eric H. Gibbs 601 California Street, 14th Floor San Francisco, CA 94108 OR BERK LAW PLLC c/o Steven N. Berk 1225 Fifteenth St. NW Washington, DC 20005	LEWIS BRISBOIS BISGAARD & SMITH LLP c/o Roy Morse Brisbois 221 North Figueroa St. Suite 1200 Los Angeles, CA 90012- 2601

If you file an objection, Class Counsel or Counsel for Honda are allowed to notice and take your deposition consistent with the Federal Rules of Civil Procedure at an agreed-upon location before the fairness hearing, and to seek any documentary evidence or other tangible things that are relevant to the objection. Failure by an objector to comply with discovery requests may result in the Court striking said objector's objection and otherwise denying that person the opportunity to make an objection or be further heard. The Court reserves the right to tax the costs of any such discovery to the objector or the objector's counsel should the Court determine that the objection is frivolous or is made for an improper purpose.

If you do not submit a written comment on the proposed Settlement or the application of Class Counsel for Incentive Awards, attorneys' fees and expenses in accordance with the deadline and procedure set forth above, you will waive your right to be heard at the fairness hearing and to appeal from any order or judgment of the Court concerning the matter.

21. What is the difference between objecting and excluding?

Objecting is simply telling the Court that you do not like something about the Settlement. You can object only if you stay in the Class. Excluding yourself is telling the Court that you do not want to be part of the Class. If you exclude yourself, you have no basis to object because the case no longer affects you.

For assistance completing the Claim Form or for answers to your questions, you can contact the Settlement Administrator toll-free at 1-888-398-8211 or visit the settlement websites, www.accordsettlement.com or www.GirardGibbs.com/HondaBrakes.asp.

FAIRNESS HEARING

22. When and where will the Court decide to approve the Settlement?

The Court will hold a fairness hearing at 10:00 a.m. on July 26, 2010, in Courtroom 780, Western Division, Roybal Federal Building, United States District Court for the Central District of California, 255 East Temple Street, Los Angeles, California 90012. At this hearing the Court will consider whether the Settlement is fair, reasonable, and adequate. If there are objections, the Court will consider them. Judge Morrow may listen to people who have asked to speak at the hearing. The Court may also decide how much to pay Class Counsel or whether to approve incentive awards. After the hearing, the Court will decide whether to approve the Settlement. We do not know how long it will take for the Court to make its decision.

23. Do I have to come to the hearing?

No; Class Counsel will answer questions Judge Morrow may have, but 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 sent your written objection such that it is received on time, the Court will consider it. You may also pay your own lawyer to attend, but it is not necessary.

24. May I speak at the hearing?

If you do not exclude yourself, you may ask the Court's permission to speak at the hearing concerning the proposed Settlement or the application of Class Counsel for attorneys' fees and expenses. To do so, you must send in a letter saying that it is your notice of your intention to appear at the fairness hearing in *Browne et al. v. American Honda Motor Co., Inc.*, Case No. CV 09-06750 MMM (DTBx). The letter must state the position you intend to present at the hearing, state the identities of all attorneys who will represent you (if any), and must include your full name, current address, telephone number, model year and VIN of your Class Vehicle(s), and your signature. You must send your notice to the Clerk of the Court, Class Counsel, and defense counsel at the three addresses listed under question 20 above, such that it is *received* no later than July 5, 2010. You may combine this notice and your comment (described under question 20) in a single letter. You cannot speak at the hearing if you excluded yourself.

IF YOU DO NOTHING

25. What happens if I do nothing at all?

If you do nothing, you'll get no money from this Settlement. But, unless you exclude yourself, you won't be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against Honda about the legal issues in this case, ever again.

ADDITIONAL INFORMATION

26. Are there more details available?

Visit the website www.GirardGibbs.com/HondaBrakes.asp or www.accordsettlement.com, where you can find extra Claim Forms, information on the litigation and Settlement, and documents such as the [Class Action Complaint](#) filed by the Plaintiffs.

Updates regarding the case will be available at:

www.GirardGibbs.com/HondaBrakes.asp.

You may also call Class Counsel at 1-866-981-4800 or write them at:

GIRARD GIBBS LLP
c/o Honda Accord Litigation
601 California Street, 14th Floor
San Francisco, CA 94108

BERK LAW PLLC
c/o Honda Accord Litigation
1225 Fifteenth St. NW
Washington, DC 20005

27. GLOVE BOX INSERT: PLACE THIS PAGE IN YOUR GLOVE BOX

2008-2010 HONDA ACCORD & 2009-2010 ACURA TSX CLASS ACTION

You may be eligible for reimbursement for your next rear brake repair.

- **\$150 or the cost of the repair** (whichever is less) for New Material Honda Brake Pads if you have not previously made a Claim for repairs using the New Material Brake Pads.

TO OBTAIN REIMBURSEMENT:

- (1) Pay for the installation of New Material Honda Brake Pads** within the later of three years of when the car was first sold, leased, or used as a demonstrator or company vehicle; OR 90 days of the Final Approval Date (to be posted at www.accordsettlement.com);
- (2) Obtain and complete a Claim Form** (use either the Claim Form sent with this Notice or print a new one at www.accordsettlement.com);
- (3) Include the replacement receipt or repair order** (or other documentation) which MUST show the part number of the rear Honda brake pads used in the repair;
- (4) Sign and date** the Claim Form;
- (5) Mail** the Claim Form and enclosed receipt (or documentation) within the later of 90 days of the Effective Date (to be posted at www.accordsettlement.com), OR 90 days of the repair, to:

HONDA REAR BRAKE PAD SETTLEMENT ADMINISTRATOR

P.O. Box 2322

Faribault, MN 55021-9022