

**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS**

**If American Honda Finance Corporation repossessed your car, the amount you owe after repossession could be reduced to zero. And if you made payments after your car was repossessed and sold, you may get a payment from a class action settlement.**

**A federal court ordered this notice — it is not a solicitation from a lawyer.**

- Honda’s records identify you as a Settlement Class Member.
- A proposed settlement requires Honda to eliminate the debt (also called the “deficiency balance”) of each Massachusetts Settlement Class Member whose car was repossessed and sold during certain time periods. Honda will also ask credit reporting agencies to delete the loan account from Settlement Class Members’ credit reports. The total amount of deficiency balances to be eliminated is approximately \$19 million.
- In addition, Settlement Class Members who made payments after repossession may get a cash payment based on how much they paid after their cars were repossessed.

<b>Your Legal Rights And Options In This Settlement</b>	
<b>Do Nothing, Accept The Settlement Benefits, Release Claims</b>	If you do nothing, and the Court approves the proposed settlement, you will automatically receive the settlement benefits, and you will be bound by the Court’s final judgment and the release of the claims as explained in the Settlement Agreement.
<b>Opt Out Of The Class</b>	Get no settlement benefits. This is the only option that allows you to ever be part of any other lawsuit against Honda about the legal claims that were or could have been asserted based on the allegations in this case.
<b>Object</b>	Write to the Court and explain what you don’t like about the settlement. You may also ask to speak in Court about the fairness of the settlement, but you do not have to appear in Court to object.

- These rights and options – **and the deadlines to exercise them** – are explained in this notice.

Questions? Call 1-844-455-8054 Toll Free, Or Visit [www.AHFCMassachusettsSettlement.com](http://www.AHFCMassachusettsSettlement.com)

## **Basic Information**

A class action lawsuit entitled *Williams v. American Honda Finance Corp.* is pending in the U.S. District Court for the District of Massachusetts, No. 14-cv-12859 (the “Action”). The complaint in the Action claims that notices Honda sent to certain Massachusetts customers after repossessing their cars did not comply with parts of the Uniform Commercial Code, the Motor Vehicle Retail Installment Sales Act, and the Massachusetts Consumer Protection Statute, because the notices stated that you would get credit for the proceeds of the sale, rather than stating you would get credit for the car’s “fair market value” when calculating your deficiency balance. Honda denies the claims and contends that its notices complied with Massachusetts law and resulted in no harm to consumers.

The Court has not decided who is right or wrong in this lawsuit. Although no decision has been made about who is right and who is wrong, both sides have agreed to a proposed settlement. A settlement avoids the expense and delay of a trial and provides relief to Settlement Class Members quickly. The Class Representative and the attorneys for the class think the settlement is best for all Settlement Class Members.

The Action is called a “class action” because the Class Representative is suing on behalf of other people with similar claims, called “class members.” The parties have agreed to treat the Action as a class action for settlement purposes only.

## **Who Is In the Settlement Class?**

You are a Settlement Class Member if you are a Massachusetts resident who, between April 4, 2010, and July 26, 2018:

- (a) had a retail installment sales contract held by Honda;
- (b) had your motor vehicle repossessed by Honda or its agents and were sent one or more Massachusetts Repossession Notices;
- (c) you have not obtained a discharge in bankruptcy applicable to your sales contract with Honda; and
- (d) Honda has not obtained a deficiency judgment against you.

Honda reviewed its records and identified 4,183 Settlement Class Members, whose deficiency balances currently total approximately \$19.8 million. Honda’s records indicate that you are a Settlement Class Member.

## **The Settlement Benefits – What You Can Get**

If the proposed settlement is approved, then all Settlement Class Members will receive certain benefits. In addition, some Settlement Class Members will be eligible to receive partial cash refunds, as described below. If the settlement is not approved, then Settlement Class Members will not get any benefits of the settlement and the parties will go back to Court for further proceedings, possibly including a trial.

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**Benefits For All Settlement Class Members.** Honda will eliminate the deficiency balance of each Settlement Class Member, setting it to zero. The deficiency balance is the amount Honda claims is still owed after the car was repossessed and sold. The deficiency balances are disputed debts, and they are being eliminated to resolve disputed claims in this litigation, including claims for statutory damages and for violations of the Massachusetts Motor Vehicle Retail Installment Sales Act. More than \$19.8 million in claimed deficiency balances will be eliminated, and Honda will request the deletion of these loan accounts from Settlement Class Members' credit reports.

**Cash Benefits for Settlement Class Members Who Made Payments After Their Car Was Sold.** Honda will create a Settlement Fund of \$1.9 million. If you paid more than \$5 on your account after your repossessed car was sold, then you will get a cash payment from the Settlement Fund. Your payment will be calculated by comparing what you paid Honda after your car was sold to the total of such payments Settlement Class Members made to Honda. It will also depend on how much money remains in the Settlement Fund after the payment of Court-approved attorneys' fees and expenses and any incentive payment.

**How Do I Know Whether Honda's Records Show I Made Payments After My Car Was Sold?** If the box below is checked, then Honda's records indicate that you made a payment of more than \$5 after your repossessed car was sold.

**You do NOT need to do anything to receive these benefits.**

**Attorneys' Fees and Incentive Payment.** Lawyers for the Settlement Class will seek attorneys' fees and expenses from the Settlement Fund of up to \$950,000, and an incentive payment for the Class Representative of up to \$5,000, subject to approval by the Court at the final approval hearing described below. If the Court approves the request, the fees and expenses and incentive payment will be paid from the Settlement Fund of \$1.9 million.

**Tax Consequences of Settlement.** Any benefits you receive may or may not be the subject of state or federal taxation, depending on your circumstances. Class Counsel are not tax attorneys and you are advised to seek separate advice on matters of taxation.

**Who Represents Me?**

The Court has appointed the following lawyers and firms as Class Counsel to represent the interests of all Settlement Class Members:

Elizabeth Ryan  
John Roddy  
Bailey & Glasser LLP  
99 High Street, Suite 304  
Boston, MA 02110

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Steven R. Striffler  
Law Offices of Steven R. Striffler  
21 McGrath Highway, Suite 301  
Quincy, MA 02169

These lawyers are called Class Counsel. You will not be charged for these lawyers; they will seek to be paid out of the Settlement Fund. If you want to be represented by your own lawyer, you may hire one at your own expense.

### **The Settlement Release —What You Will Give Up**

In exchange for the benefits described in this Notice, Settlement Class Members will give Honda a release and will agree to be bound by all court orders in the Action. You will be bound by the terms of the settlement, once it is final, unless you exclude yourself. **A release means you can't sue or be part of any other lawsuit against Honda (or the other "Released Persons" as defined in the Settlement Agreement) for claims related to the repossession of your car or the collection of a deficiency balance (including any repossession and/or deficiency notices you received from Honda), the reporting of a deficiency balance to a credit bureau, or any other claims that were or could have been brought based upon the facts alleged in the Action.** For more information about the terms of the release, you may consult the Settlement Agreement, which is on file with the Court and can also be viewed at [AHFCMassachusettsSettlement.com](http://AHFCMassachusettsSettlement.com).

### **Your Rights —Exclude Yourself**

If you are a Settlement Class Member, then you are included in the settlement unless you ask to be excluded. If you stay in the Settlement Class and the settlement is approved by the Court, then you will be eligible to receive the benefits described above. If you do not want to participate in the settlement, you can exclude yourself or "opt out." If you do that, you will not receive any benefits from the settlement, but you also will not be bound by any judgment or release in this Action, and will keep your right to sue Honda on your own if you want. If you exclude yourself, you may not object to the settlement.

To exclude yourself from the settlement, send a request for exclusion to the administrator at the address listed at the end of this Notice. Your request for exclusion must be postmarked no later than **July 15, 2019**, and contain all of the following information: (1) the name of the Action, ***Williams v. American Honda Finance Corp.***, (2) your full name, current address, and telephone number, (3) a statement that you want to exclude yourself from the settlement, (4) your signature and the date you signed it, and (5) the full name, address, and signature of any co-borrower on your account. If you do not follow these procedures, your rights will be determined in this Action if this settlement receives final judicial approval.

### **Your Rights —Object to the Settlement**

If you do not ask to be excluded, you may object to the settlement. You may not do both. To object, you must send a letter saying that you object to the settlement of ***Williams v. American Honda Finance Corp.*** to Settlement Class Counsel, Honda's Counsel, and the Court at the addresses provided at the end of this Notice. Be sure to include your name, address,

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telephone number, signature, and the specific reasons you object to the settlement, and whether the objection applies only to you, to a specific subset of the class, or to the entire class. Mail the objection to these three different places, postmarked no later than **July 15, 2019**.

**The Final Approval Hearing**

The proposed settlement is subject to approval by the Court. The Court has set the Final Approval Hearing for 2:15 p.m. on September 25, 2019 (subject to change by the Court without further notice), in the U.S. District Court for the District of Massachusetts, John Joseph Moakley Courthouse, Courtroom 13, 1 Courthouse Way, Boston, Massachusetts, to determine whether the proposed settlement should be approved as fair, reasonable, and adequate, whether certification of the Settlement Class is proper, and whether the settlement and the attorneys’ fees request should be approved.

You do not need to hire a lawyer, but may do so if you want to. You and the Settlement Class are already represented by Class Counsel listed below, at no out-of-pocket cost to you. The settlement will not take effect unless and until: (1) the Court approves the settlement, and (2) a Final Order and Judgment is entered by the Court and no longer subject to any appellate challenge. If the Court does not approve the settlement, then Settlement Class Members will not receive any benefits described in this Notice and the settlement will become void. It will be as if no settlement had been reached and no class established.

**Further Information**

This Notice, which has been approved by the Court, is only a summary. **You may visit the settlement website at [www.AHFCMassachusettsSettlement.com](http://www.AHFCMassachusettsSettlement.com) for updates about hearing dates and the complete Settlement Agreement.** If you have additional questions, you may contact Class Counsel at the address below. All of the records and other papers filed in the Action, including the Settlement Agreement, are on file with the Court and available to be inspected during regular business hours at the Clerk’s Office. The Clerk of the Court is located at 1 Courthouse Way, Suite 2300, Boston, Massachusetts 02210. **Please do not contact the Judge about this case.**

**IMPORTANT ADDRESSES:**

<p><b>Administrator:</b> Settlement Administrator P.O. Box 2718 Torrance, CA 90509  (844) 455-8054</p>	<p><b>Class Counsel:</b> Elizabeth Ryan John Roddy Bailey &amp; Glasser LLP 99 High Street, Suite 304 Boston, MA 02110 617-439-6730  Steven R. Striffler Law Offices of Steven R. Striffler 21 McGrath Highway, Suite 301 Quincy, MA 02169</p>	<p><b>Honda’s Counsel:</b> Eric S. Mattson Sidley Austin LLP One South Dearborn Street Chicago, IL 60603  Tracy Waugh Wilson Elser Moskowitz Edelman &amp; Dicker, LLP 260 Franklin Street 14th Floor Boston, MA 02110-3112</p>
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**Court**

U.S. District Court for the District of Massachusetts  
1 Courthouse Way  
Boston, MA 02210