

**THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

In re: PARKING HEATERS ANTITRUST
LITIGATION,

Case No. 1:15-mc-00940-DLI-RER

THIS DOCUMENT RELATES TO:

HON. DORA L. IRIZARRY

All Direct Purchaser Class Actions

**NOTICE OF MOTION OF DIRECT PURCHASER
PLAINTIFFS FOR SECOND DISTRIBUTION OF SETTLEMENT FUNDS**

PLEASE TAKE NOTICE that, upon the Memorandum of Law in Support of the Motion of Direct Purchaser Plaintiffs for the Second Distribution of Settlement Funds and the related Declaration and exhibit thereto, Plaintiffs Triple Cities Acquisition LLC d/b/a Cook Brothers Truck Parts, National Trucking Financial Reclamation Services, LLC, TrailerCraft Inc., and Myers Equipment Corporation (collectively, “Direct Purchaser Plaintiffs” or “DPPs”) will move this Court as soon as is convenient for the Court, before the Honorable Dora L. Irizarry, United States District Court Judge, at the United States Courthouse, 225 Cadman Plaza East, Courtroom 11D South, Brooklyn, New York, for entry of an order granting DPPs’ motion for a second distribution of funds obtained as a result of settlements with Webasto Products North America, Inc., Webasto Thermo & Comfort North America, Inc., and Webasto Thermo & Comfort SE (collectively, “Webasto”) and Eberspaecher Climate Control Systems GmbH & Co. KG, Espar, Inc., and Espar Products Inc. (collectively, “Espar”) to Eligible Class Members in the amounts listed in Exhibit A to the Declaration of Peter T. Sperry Regarding Second Distribution, dated March 22, 2022.

A proposed order is attached hereto as Exhibit 1.

Dated: March 24, 2022.

Respectfully submitted,

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On behalf of Direct Purchaser Plaintiffs and the Settlement Class

CERTIFICATE OF SERVICE

I hereby certify that on March 24, 2022, I caused a true and correct copy of the foregoing document to be served upon counsel of record via the Court's ECF filing system.

/s/ Seth R. Gassman
Seth R. Gassman

**THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

In re: PARKING HEATERS ANTITRUST
LITIGATION,

Case No. 1:15-mc-00940-DLI-RER

THIS DOCUMENT RELATES TO:

HON. DORA L. IRIZARRY

All Direct Purchaser Class Actions

**MEMORANDUM OF LAW IN SUPPORT OF DIRECT PURCHASER
PLAINTIFFS' MOTION FOR SECOND DISTRIBUTION OF SETTLEMENT FUNDS**

I. INTRODUCTION

On September 30, 2019, following an August 15, 2019 Report and Recommendation, the Court granted final approval of the Settlements between Direct Purchaser Plaintiffs (“DPPs”)¹ and Defendants Webasto² and Espar.³

Pursuant to the Court’s October 30, 2020 Order, which was effective *nunc pro tunc* to February 5, 2020, DPPs, through their claims administrator Epiq Class Action & Claims Solutions, Inc. (“Epiq”), distributed funds to eligible Class Members. Following extensive efforts, including payment of \$7,699,274.22 to 231 Eligible Class Members, \$259,319.52 in payments to 62 eligible Class Members have gone uncashed and have been voided. Declaration of Peter T. Sperry

¹ Triple Cities Acquisition LLC d/b/a Cook Brothers Truck Parts, National Trucking Financial Reclamation Services, LLC, TrailerCraft Inc., and Myers Equipment Corporation (collectively, “Direct Purchaser Plaintiffs” or “DPPs”).

² Webasto Products North America, Inc., Webasto Thermo & Comfort North America, Inc., and Webasto Thermo & Comfort SE (collectively, “Webasto”).

³ Eberspaecher Climate Control Systems GmbH & Co. KG, Espar, Inc., and Espar Products Inc. (collectively, “Espar,” and with Webasto, “Defendants”).

Regarding Second Distribution (“Sperry Decl.”), March 22, 2022, ¶¶ 6-12. Pursuant to the settlement agreements with Espar and Webasto, those funds are now eligible for distribution to the other Eligible Class Members.

DPPs thus request that the Court authorize a second distribution of the remaining settlement funds to Eligible Class Members.

II. FIRST DISTRIBUTION

Defendants agreed to pay a \$12.2 million to Class Members, with Webasto agreeing to pay \$7 million and Espar agreeing to pay \$5.2 million. *See* Sperry Decl. ¶ 3. Following revisions to those totals, including increases for interest received and reductions for attorney fees and administrative costs, \$3,391,739.40 was available to eligible Class Members from the Espar Settlement Fund and \$4,566,855.78 from the Webasto Settlement Fund. *See id.* ¶¶ 3-4. On March 18, 2020, 293 eligible Class Members were issued approved monetary awards totaling \$7,958,593.74. *See id.* ¶ 6.

Most eligible Class Members cashed their distributions soon thereafter, with checks valued at \$5,954,286.29 having been cashed by June 2020. *See* Sperry Decl. ¶ 7. Seventy-two eligible Class Members failed to cash checks, however, requiring extensive outreach from Epiq in an attempt have the remaining eligible Class Members cash their checks. *See* Sperry Decl. ¶ 8. Despite these efforts, including additional reminder letters in 2021 and direct outreach from Class Co-Lead Counsel to the five highest value awards issued that remained outstanding, 62 eligible Class Member payments totaling \$259,319.52 have gone uncashed and have now been voided. *See* Sperry Decl. ¶¶ 9-12.

III. PROPOSED SECOND DISTRIBUTION

The Webasto and Espar Settlement Agreements both provide for a second distribution in the event there is a remaining balance in the Net Settlement Fund following distribution. *See* Sperry Decl. ¶ 13. \$143,048.63 from the Webasto settlement and \$148,005.83 from the Espar settlement are available for redistribution to Class Members. *See id.* ¶ 16. Epiq has proposed an allocation of these funds to allow for additional payments to eligible Class Members who cashed their initial checks. *See id.* at ¶ 14. In order to increase the likelihood that eligible Class Members will cash the checks, Epiq's calculation included a \$25 floor on compensation. *See id.* at ¶ 15. A distribution chart of the estimated monetary awards available for each eligible Class Member, with identification numbers but without Class Member names, is attached to the Sperry Declaration as Exhibit A. *See id.* at ¶ 17.

DPPs now respectfully request that the second distribution, in the amount Epiq has calculated, be permitted to proceed.

IV. CONCLUSION

For the foregoing reasons, DPPs respectfully request that the Court authorize a second distribution of the remaining net Settlement Funds to Eligible Class Members in the amounts listed in Exhibit A to the Sperry Declaration.

Dated: March 24, 2022

Respectfully submitted,

HAUSFELD LLP

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On behalf of Direct Purchaser Plaintiffs and the Settlement Class

**THE UNITED STATES DISTRICT COURT
FOR EASTERN DISTRICT OF NEW YORK**

CASE NO. 1:15-MC-0940 (DLI) (JO)

In Re: Parking Heaters Antitrust Litigation

This document relates to:

All Direct Purchaser Class Actions

DECLARATION OF PETER T. SPERRY REGARDING SECOND DISTRIBUTION

I, Peter T. Sperry, hereby declare as follows:

1. I am a Project Manager for Epiq Class Action & Claims Solutions, Inc. (“Epiq”). I have over seven years of experience handling all aspects of settlement administrations. The following statements are based on my personal knowledge and information provided by other Epiq employees working under my supervision, and if called on to do so, I could and would testify competently about these issues.

2. Epiq was appointed as the Settlement Administrator in the above-captioned litigation in accordance with terms outlined in the Settlement Agreement between Direct Purchaser Plaintiffs and Espar Defendants (“Espar Settlement”) and the Settlement Agreement between Direct Purchaser Plaintiffs and Webasto Defendants (“Webasto Settlement”).

I. First Class Distribution

3. The Defendants agreed to pay a total of \$12.2 million to the Class Members. The terms of the Webasto Settlement provided a Settlement Amount of \$7 million. The terms of the Espar Settlement provided a Settlement Amount of \$5.2 million.¹ The Settlement Funds were then

¹ Espar originally agreed to a Settlement Amount of \$8 million, which was eventually reduced in accordance with Section X of the Settlement Agreement Between Direct Purchaser Plaintiffs and Espar Defendants (Dkt. 146-2).

revised in the following manner to determine funding available for eligible Settlement Class Members:

- a. Funding was first increased by anticipated earned interest on each Settlement Fund.
 - b. The total Settlement Funds were then reduced by the approved Attorneys' Fees, in the amount of \$4,066,667.00, the approved litigation expenses in the amount of \$155,275.52, and the approved incentive awards for the four (4) Class Representatives, totaling \$60,000.00.²
 - c. Finally, funds were further reduced by deducting outstanding administration fees and costs, totaling \$159,903.96.
4. Following the reduction of the approved Attorneys' fees and expenses, approved incentive awards, and incurred and anticipated administrative fees and costs, Epiq estimated that \$3,391,739.40 would be available to eligible Class Members from the Espar Settlement Fund and \$4,566,855.78 from the Webasto Settlement Fund.
5. To determine the eligible Class Member awards, the following criteria was applied:
- a. Espar Settlement – (1) Pursuant to the Settlement Agreement Between Direct Purchaser Plaintiffs and Espar Defendants, paragraph 36, Epiq first identified those eligible Class Members that had reached a private settlement with Espar; (2) Epiq then applied the criteria established for determining payment eligibility to those Class Members impacted by paragraph 36 whose private settlements did not exceed the potential settlement payment to determine the eligibility for payment; (3) Once the eligible Class Member population was identified, Epiq then combined the Webasto and Espar settlement purchases for each eligible Class Member and then

² These amounts were approved in the Court's August 15, 2019, Report and Recommendation, which Judge Irizarry then adopted on September 30, 2019.

divided the available Espar Settlement Fund by the resulting combined purchase total; (4) Finally, the resulting ratio was then multiplied by the total amount of Parking Heater sales for each individual eligible Class Member. Those Class Members that had entered into a private settlement with Espar, and were eligible for payment from the Espar Settlement Fund, had their Class Member award reduced by the private settlement amount and other, non-private settlement funds, were adjusted appropriately.

- b. Webasto Settlement – (1) Dividing the combined Webasto Settlement Fund by the combined total dollar amount of valid Parking Heater sales by eligible Class Members identified in the both Espar and Webasto’s purchase data during the Class Period and then (2) multiplying the resulting ratio by the amount of each total eligible Class Member’s Parking Heater sales from Espar and/or Webasto.
 - c. Once an eligible Class Member’s compensation was determined according to the above Paragraphs, the two amounts were summed to arrive at one total payment per eligible Class Member.
6. On March 18, 2020, 293 eligible Class Members were issued approved monetary awards totaling \$7,958,593.74.
 7. By June 2020, eligible Class Members cashed checks valued at \$5,954,286.29, but 72 checks remained outstanding.
 8. Following extensive outreach to eligible Class Members who had not yet cashed their checks, mostly via known telephone numbers, a reminder letter was issued to the 72 eligible Class Members whose payment remained outstanding in June 2020.
 9. By May 2021, 63 Class Members’ payments, valued at \$481,600.60, still remained

outstanding

10. Additional reminder letters were issued to these eligible Class Members whose payment remained outstanding in May 2021.

11. In January and February 2022, Class Co-Lead Counsel commenced a focused outreach campaign to the five highest value awards issued to Class Members whose payment remained outstanding. Following outreach, Class Co-Lead Counsel was successful in contacting one (1) Class Member, which resulted in a reissued award payment totaling \$222,281.08. The reissued check was presented for payment in February 2022.

12. As of March 17, 2022, 231 eligible Class Members have presented their award, totaling \$7,699,274.22, but 62 eligible Class Member award payments totaling \$259,319.52 have gone uncashed and have now been voided.

II. Second Class Distribution

13. Both the Espar Settlement (paragraph 50.) and Webasto Settlement (paragraph 46.) established that if there is a balance remaining in the Net Settlement Funds following distribution of the Net Settlement Funds, Epiq shall reallocate balances among eligible Class Members in a similar manner as described in Paragraph 5 above.

14. Following discussions with Class Co-Lead Counsel, Epiq was directed to reallocate funds to eligible Class Members whose original check was presented for payment. The following criteria were applied:

- a. Espar Settlement – (1) Removing eligible Class Member records whose original payment was cashed that did not receive a payment from Espar Settlement Funds during the First Distribution³, (2) Dividing the remaining Espar Settlement Funds

³ The First Class Distribution from Espar Settlement Funds required that those eligible Class Members who had entered into a private settlement with Espar where the private settlement value exceeded their calculated Espar

by the combined total dollar amount of valid Parking Heater sales by eligible Class Members whose original check was cashed and was not removed in first step, and then (3) multiplying the resulting ratio by the amount of each total eligible Class Member's Parking Heater sales from Espar and/or Webasto who were eligible to be paid from the remaining Espar Settlement Funds.

- b. Webasto Settlement – (1) Dividing the remaining Webasto Settlement Funds by the combined total dollar amount of valid Parking Heater sales by eligible Class Members whose First Distribution payment was cashed and then (2) multiplying the resulting ratio by the amount of each total eligible Class Member's Parking Heater sales from Espar and/or Webasto.
- c. Once an eligible Class Member's compensation was determined according to the above Paragraphs, the two amounts were summed to arrive at one total payment per eligible Class Member.

15. Following allocation, Class Co-Lead Counsel and Epiq determined that where a Class Member's combined monetary award is less than \$25, the combined award would then be adjusted to a \$25 base award. Instituting a base award will only impact the Webasto and Espar Settlement Funds by a combined \$1,070.44 (0.37% of the total funding available). Without a \$25 base award, eligible Class Members would receive as little as \$0.15.

16. Epiq estimates that the following funding totals will be available for distribution to eligible Class Members:

Settlement payment were ineligible for payment from the Espar Settlement Funds. Those eligible Class Members whose private settlement value did not exceed the estimated Espar Settlement payment were paid, with a reduction of their calculated Espar Settlement payment by the total value of their private settlement. Due to the value of remaining Espar Settlement funds, Epiq was unable to apply the same calculation method as any eligible Class Member with a private settlement with Espar would be ineligible for Second Distribution from remaining Espar Settlement Funds. In consultation with Class Co-Lead Counsel, it was determined that any eligible Class Member that received payment from Espar Settlement Funds during the First Distribution would receive fund from the Second Distribution.

- a. Espar Settlement – \$134,525.38 in uncashed Settlement Funds and \$13,480.45 in unallocated interest and tax refunds, totaling \$148,005.83.
 - b. Webasto Settlement – \$124,794.14 in uncashed Settlement Funds and \$18,254.49 in unallocated interest and tax refunds, totaling \$143,048.63.
17. A distribution chart of the estimated monetary awards available for each eligible Class Member, with identification numbers but without Class Member names, is attached hereto as **Exhibit A**.

I declare under penalty of perjury that the foregoing is true and correct. Executed on March 22, 2022, in Kent, Washington.



Peter Sperry
Senior Project Manager
Epiq Class Action & Claims Solutions

Exhibit A

Record #	Secondary Espar Payment Following Adjustment for \$25 Floor	Secondary Webasto Payment Following Adjustment for \$25 Floor	Total Secondary Combined Payment
98	\$ 18,946.37	\$ 13,847.73	\$ 32,794.10
104	\$ 13,878.46	\$ 10,143.64	\$ 24,022.10
50	\$ 13,655.54	\$ 9,980.71	\$ 23,636.25
128	\$ -	\$ 23,564.44	\$ 23,564.44
105	\$ 8,503.74	\$ 6,215.30	\$ 14,719.04
77	\$ 7,597.68	\$ 5,553.07	\$ 13,150.75
131	\$ 6,497.88	\$ 4,749.24	\$ 11,247.12
122	\$ 4,698.24	\$ 3,433.90	\$ 8,132.14
315	\$ 4,587.63	\$ 3,353.05	\$ 7,940.68
281	\$ 4,548.89	\$ 3,324.74	\$ 7,873.63
234	\$ 3,781.98	\$ 2,764.21	\$ 6,546.19
62	\$ 3,431.18	\$ 2,507.81	\$ 5,938.99
76	\$ 3,362.38	\$ 2,457.53	\$ 5,819.91
79	\$ 2,697.49	\$ 1,971.57	\$ 4,669.06
78	\$ 2,516.96	\$ 1,839.62	\$ 4,356.58
299	\$ 2,357.78	\$ 1,723.28	\$ 4,081.06
138	\$ 2,347.43	\$ 1,715.71	\$ 4,063.14
233	\$ 2,314.40	\$ 1,691.57	\$ 4,005.97
117	\$ 2,203.11	\$ 1,610.23	\$ 3,813.34
141	\$ 2,171.74	\$ 1,587.30	\$ 3,759.04
124	\$ 2,052.48	\$ 1,500.14	\$ 3,552.62
88	\$ 1,964.82	\$ 1,436.07	\$ 3,400.89
111	\$ -	\$ 3,382.77	\$ 3,382.77
9	\$ 1,912.88	\$ 1,398.10	\$ 3,310.98
235	\$ 1,625.46	\$ 1,188.03	\$ 2,813.49
278	\$ 1,618.17	\$ 1,182.70	\$ 2,800.87
39	\$ 1,286.01	\$ 939.93	\$ 2,225.94
34	\$ -	\$ 2,088.09	\$ 2,088.09
256	\$ 1,185.37	\$ 866.37	\$ 2,051.74
21	\$ 1,079.22	\$ 788.79	\$ 1,868.01
23	\$ 895.79	\$ 654.72	\$ 1,550.51
51	\$ 873.71	\$ 638.59	\$ 1,512.30
52	\$ 858.61	\$ 627.55	\$ 1,486.16
142	\$ 798.54	\$ 583.65	\$ 1,382.19
178	\$ 748.58	\$ 547.13	\$ 1,295.71
96	\$ -	\$ 1,286.94	\$ 1,286.94
197	\$ 731.42	\$ 534.59	\$ 1,266.01
91	\$ 694.14	\$ 507.34	\$ 1,201.48
30	\$ -	\$ 1,144.21	\$ 1,144.21
73	\$ 658.58	\$ 481.35	\$ 1,139.93
127	\$ 655.02	\$ 478.75	\$ 1,133.77
5	\$ 640.91	\$ 468.43	\$ 1,109.34
133	\$ 623.46	\$ 455.68	\$ 1,079.14

Record #	Secondary Espar Payment Following Adjustment for \$25 Floor	Secondary Webasto Payment Following Adjustment for \$25 Floor	Total Secondary Combined Payment
328	\$ 621.10	\$ 453.96	\$ 1,075.06
116	\$ 616.64	\$ 450.70	\$ 1,067.34
41	\$ 613.09	\$ 448.10	\$ 1,061.19
82	\$ 571.59	\$ 417.77	\$ 989.36
38	\$ 546.97	\$ 399.78	\$ 946.75
134	\$ 546.11	\$ 399.14	\$ 945.25
46	\$ 545.04	\$ 398.37	\$ 943.41
103	\$ 520.67	\$ 380.55	\$ 901.21
89	\$ -	\$ 836.31	\$ 836.31
110	\$ -	\$ 835.39	\$ 835.39
275	\$ 475.16	\$ 347.29	\$ 822.45
2	\$ 438.22	\$ 320.29	\$ 758.51
1	\$ 421.94	\$ 308.39	\$ 730.33
286	\$ 412.71	\$ 301.64	\$ 714.35
319	\$ 376.14	\$ 274.92	\$ 651.06
67	\$ 357.19	\$ 261.07	\$ 618.26
53	\$ 349.60	\$ 255.52	\$ 605.12
13	\$ 348.05	\$ 254.39	\$ 602.44
35	\$ -	\$ 597.21	\$ 597.21
1767	\$ 307.01	\$ 224.39	\$ 531.40
217	\$ 285.04	\$ 208.33	\$ 493.37
103	\$ 250.47	\$ 183.06	\$ 433.53
29	\$ 247.62	\$ 180.98	\$ 428.60
314	\$ 226.19	\$ 165.32	\$ 391.51
32	\$ 222.32	\$ 162.49	\$ 384.81
92	\$ 221.54	\$ 161.92	\$ 383.46
37	\$ -	\$ 373.74	\$ 373.74
7	\$ 213.58	\$ 156.10	\$ 369.68
42	\$ 205.24	\$ 150.01	\$ 355.25
196	\$ 193.95	\$ 141.75	\$ 335.70
113	\$ 190.33	\$ 139.11	\$ 329.44
269	\$ 190.27	\$ 139.07	\$ 329.34
115	\$ 169.11	\$ 123.60	\$ 292.71
155	\$ 159.48	\$ 116.56	\$ 276.04
126	\$ -	\$ 264.55	\$ 264.55
123	\$ 150.68	\$ 110.13	\$ 260.81
74	\$ -	\$ 257.53	\$ 257.53
99	\$ 144.50	\$ 105.61	\$ 250.11
212	\$ 143.83	\$ 105.13	\$ 248.96
59	\$ -	\$ 243.89	\$ 243.89
202	\$ 136.96	\$ 100.10	\$ 237.06
8	\$ 134.36	\$ 98.20	\$ 232.56
120	\$ 129.58	\$ 94.70	\$ 224.28

Record #	Secondary Espar Payment Following Adjustment for \$25 Floor	Secondary Webasto Payment Following Adjustment for \$25 Floor	Total Secondary Combined Payment
142	\$ 129.07	\$ 94.33	\$ 223.40
100	\$ 121.34	\$ 88.68	\$ 210.02
118	\$ 116.33	\$ 85.02	\$ 201.35
66	\$ 115.50	\$ 84.42	\$ 199.92
289	\$ 113.18	\$ 82.72	\$ 195.90
137	\$ 111.75	\$ 81.68	\$ 193.43
33	\$ 109.22	\$ 79.82	\$ 189.04
247	\$ 106.93	\$ 78.15	\$ 185.08
258	\$ 106.18	\$ 77.61	\$ 183.79
172	\$ 101.33	\$ 74.06	\$ 175.39
47	\$ 100.75	\$ 73.63	\$ 174.38
108	\$ 98.40	\$ 71.92	\$ 170.32
84	\$ 89.88	\$ 65.69	\$ 155.57
283	\$ 88.84	\$ 64.93	\$ 153.77
43	\$ 88.22	\$ 64.48	\$ 152.70
27	\$ 87.47	\$ 63.93	\$ 151.40
61	\$ 86.57	\$ 63.28	\$ 149.85
20	\$ 86.57	\$ 63.27	\$ 149.84
87	\$ 83.79	\$ 61.24	\$ 145.03
265	\$ 83.70	\$ 61.17	\$ 144.87
270	\$ 82.73	\$ 60.46	\$ 143.19
69	\$ 82.66	\$ 60.41	\$ 143.07
121	\$ 81.60	\$ 59.64	\$ 141.24
282	\$ 80.82	\$ 59.07	\$ 139.89
323	\$ 80.76	\$ 59.02	\$ 139.78
80	\$ 72.33	\$ 52.87	\$ 125.20
301	\$ 70.97	\$ 51.87	\$ 122.84
119	\$ 67.61	\$ 49.41	\$ 117.02
199	\$ 67.47	\$ 49.31	\$ 116.78
144	\$ 62.82	\$ 45.91	\$ 108.73
195	\$ 60.97	\$ 44.56	\$ 105.53
153	\$ 59.80	\$ 43.70	\$ 103.50
36	\$ 54.76	\$ 40.02	\$ 94.78
253	\$ 54.50	\$ 39.83	\$ 94.33
164	\$ 54.40	\$ 39.76	\$ 94.16
103	\$ 54.31	\$ 39.69	\$ 94.00
56	\$ 50.42	\$ 36.85	\$ 87.27
63	\$ 49.78	\$ 36.38	\$ 86.16
109	\$ 49.00	\$ 35.81	\$ 84.81
327	\$ 48.96	\$ 35.79	\$ 84.75
231	\$ 48.78	\$ 35.65	\$ 84.43
136	\$ 47.82	\$ 34.95	\$ 82.77
220	\$ 43.10	\$ 31.50	\$ 74.60

Record #	Secondary Espar Payment Following Adjustment for \$25 Floor	Secondary Webasto Payment Following Adjustment for \$25 Floor	Total Secondary Combined Payment
266	\$ 42.45	\$ 31.03	\$ 73.48
225	\$ 41.46	\$ 30.30	\$ 71.76
181	\$ 38.13	\$ 27.87	\$ 66.00
102	\$ 36.96	\$ 27.01	\$ 63.97
129	\$ 36.24	\$ 26.48	\$ 62.72
31	\$ 34.33	\$ 25.09	\$ 59.42
160	\$ 33.82	\$ 24.72	\$ 58.54
249	\$ 30.81	\$ 22.52	\$ 53.33
228	\$ 30.79	\$ 22.50	\$ 53.29
81	\$ 29.68	\$ 21.69	\$ 51.37
125	\$ 28.87	\$ 21.10	\$ 49.97
139	\$ 28.56	\$ 20.87	\$ 49.43
290	\$ 28.51	\$ 20.84	\$ 49.35
274	\$ 28.30	\$ 20.69	\$ 48.99
19	\$ 29.22	\$ 18.22	\$ 47.44
141	\$ 26.84	\$ 19.62	\$ 46.46
320	\$ 26.57	\$ 19.42	\$ 45.99
151	\$ 25.55	\$ 18.67	\$ 44.22
71	\$ 24.88	\$ 18.18	\$ 43.06
156	\$ 24.71	\$ 18.06	\$ 42.77
135	\$ 24.33	\$ 17.78	\$ 42.11
237	\$ 23.82	\$ 17.41	\$ 41.23
193	\$ 21.33	\$ 15.59	\$ 36.92
330	\$ 20.62	\$ 15.07	\$ 35.69
11	\$ 20.22	\$ 14.78	\$ 35.00
95	\$ 20.19	\$ 14.75	\$ 34.94
168	\$ 18.07	\$ 13.21	\$ 31.28
210	\$ 17.90	\$ 13.08	\$ 30.98
251	\$ 17.74	\$ 12.97	\$ 30.71
273	\$ 17.05	\$ 12.46	\$ 29.51
171	\$ 15.42	\$ 11.27	\$ 26.69
90	\$ 14.78	\$ 10.80	\$ 25.58
19	\$ 14.36	\$ 11.19	\$ 25.55
64	\$ 14.61	\$ 10.67	\$ 25.28
1768	\$ 14.45	\$ 10.55	\$ 25.00
331	\$ 14.49	\$ 10.51	\$ 25.00
329	\$ 14.29	\$ 10.71	\$ 25.00
326	\$ 14.45	\$ 10.55	\$ 25.00
318	\$ 14.58	\$ 10.42	\$ 25.00
313	\$ 14.45	\$ 10.55	\$ 25.00
310	\$ 14.45	\$ 10.55	\$ 25.00
307	\$ 14.49	\$ 10.51	\$ 25.00
302	\$ 14.45	\$ 10.55	\$ 25.00

Record #	Secondary Espar Payment Following Adjustment for \$25 Floor	Secondary Webasto Payment Following Adjustment for \$25 Floor	Total Secondary Combined Payment
300	\$ 14.47	\$ 10.53	\$ 25.00
298	\$ 14.43	\$ 10.57	\$ 25.00
294	\$ 14.45	\$ 10.55	\$ 25.00
293	\$ 14.46	\$ 10.54	\$ 25.00
291	\$ 14.47	\$ 10.53	\$ 25.00
288	\$ 14.45	\$ 10.55	\$ 25.00
287	\$ 14.48	\$ 10.52	\$ 25.00
279	\$ 14.41	\$ 10.59	\$ 25.00
272	\$ 14.46	\$ 10.54	\$ 25.00
263	\$ 14.45	\$ 10.55	\$ 25.00
260	\$ 14.56	\$ 10.44	\$ 25.00
259	\$ 14.44	\$ 10.56	\$ 25.00
257	\$ 14.45	\$ 10.55	\$ 25.00
254	\$ 14.44	\$ 10.56	\$ 25.00
248	\$ 14.45	\$ 10.55	\$ 25.00
244	\$ 14.46	\$ 10.54	\$ 25.00
238	\$ 14.45	\$ 10.55	\$ 25.00
226	\$ 14.45	\$ 10.55	\$ 25.00
218	\$ 14.46	\$ 10.54	\$ 25.00
215	\$ 14.45	\$ 10.55	\$ 25.00
214	\$ 14.47	\$ 10.53	\$ 25.00
213	\$ 14.45	\$ 10.55	\$ 25.00
207	\$ 14.45	\$ 10.55	\$ 25.00
206	\$ 14.44	\$ 10.56	\$ 25.00
204	\$ 14.52	\$ 10.48	\$ 25.00
201	\$ 14.46	\$ 10.54	\$ 25.00
198	\$ 14.46	\$ 10.54	\$ 25.00
191	\$ 14.45	\$ 10.55	\$ 25.00
189	\$ 14.47	\$ 10.53	\$ 25.00
188	\$ 14.45	\$ 10.55	\$ 25.00
187	\$ 14.44	\$ 10.56	\$ 25.00
182	\$ 14.45	\$ 10.55	\$ 25.00
174	\$ 14.45	\$ 10.55	\$ 25.00
165	\$ 14.45	\$ 10.55	\$ 25.00
158	\$ 14.45	\$ 10.55	\$ 25.00
157	\$ 14.45	\$ 10.55	\$ 25.00
154	\$ 14.45	\$ 10.55	\$ 25.00
147	\$ 14.45	\$ 10.55	\$ 25.00
146	\$ 14.43	\$ 10.57	\$ 25.00
143	\$ 14.47	\$ 10.53	\$ 25.00
130	\$ 14.45	\$ 10.55	\$ 25.00
112	\$ 14.45	\$ 10.55	\$ 25.00
101	\$ 14.45	\$ 10.55	\$ 25.00

Record #	Secondary Espar Payment Following Adjustment for \$25 Floor	Secondary Webasto Payment Following Adjustment for \$25 Floor	Total Secondary Combined Payment
97	\$ 14.43	\$ 10.57	\$ 25.00
83	\$ 14.44	\$ 10.56	\$ 25.00
72	\$ 14.45	\$ 10.55	\$ 25.00
70	\$ 14.46	\$ 10.54	\$ 25.00
68	\$ 14.45	\$ 10.55	\$ 25.00
55	\$ 14.45	\$ 10.55	\$ 25.00
54	\$ 14.45	\$ 10.55	\$ 25.00
40	\$ 14.66	\$ 10.34	\$ 25.00
28	\$ 14.46	\$ 10.54	\$ 25.00
24	\$ 14.46	\$ 10.54	\$ 25.00
18	\$ 14.44	\$ 10.56	\$ 25.00
16	\$ 14.46	\$ 10.54	\$ 25.00
14	\$ 14.46	\$ 10.54	\$ 25.00
12	\$ 14.44	\$ 10.56	\$ 25.00
6	\$ 15.00	\$ 10.00	\$ 25.00
3	\$ 14.45	\$ 10.55	\$ 25.00

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

In re: PARKING HEATERS ANTITRUST
LITIGATION,

Case No. 1:15-mc-00940-DLI-RER

THIS DOCUMENT RELATES TO:

HON. DORA L. IRIZARRY

All Direct Purchaser Class Actions

**[PROPOSED] ORDER GRANTING DIRECT PURCHASER
PLAINTIFFS' MOTION FOR SECOND DISTRIBUTION OF SETTLEMENT FUNDS**

On September 30, 2019, following an August 15, 2019 Report and Recommendation, the Court granted final approval of the Settlements between Direct Purchaser Plaintiffs (“DPPs”)¹ and Defendants Espar, Inc., Espar Products, Inc., and Eberspaecher Climate Control Systems GmbH & Co. KG (together, “Espar”) and Webasto Products North America, Inc., Webasto Thermo & Comfort North America, Inc., and Webasto Thermo & Comfort SE (collectively, “Webasto,” and with Espar, “Defendants”) and certified the below Settlement Class:

All persons or entities (but excluding federal and state government entities and Defendants, their officers, directors, and employees, as well as Defendants’ parents, predecessors, successors, subsidiaries, affiliates) that purchased Parking Heaters in the United States, its territories or possessions, directly from any Defendant, or from any of their parents, predecessors, successors, subsidiaries, or affiliates, at any time during the period from and including October 1, 2007 up to and including December 31, 2012

Pursuant to the Court’s October 30, 2020 Order, which was effective *nunc pro tunc* to

¹ Triple Cities Acquisition LLC d/b/a Cook Brothers Truck Parts, National Trucking Financial Reclamation Services, LLC, TrailerCraft Inc., and Myers Equipment Corporation (collectively, “Direct Purchaser Plaintiffs” or “DPPs” or Representative Plaintiffs).

February 5, 2020, DPPs, through their claims administrator Epiq Class Action & Claims Solutions, Inc. (“Epiq”) distributed funds to eligible Class Members. Following extensive efforts, including payment of \$7,699,274.22 to 231 Eligible Class Members, \$259,319.52 in payments to 62 eligible Class Members have gone uncashed and have been voided. Pursuant to the settlement agreements with Espar and Webasto, those funds are now eligible for distribution to the other Eligible Class Members.

NOW, upon consideration of DPPs’ Motion for Second Distribution of Settlement Funds (“Motion”), it is hereby **ORDERED** as follows:

1. The Motion is hereby **GRANTED**.
2. The remaining settlement funds are hereby authorized to be distributed to eligible Class Members in the amounts listed in Exhibit A to the Declaration of Peter T. Sperry Regarding Second Distribution, dated March 22, 2022.

IT IS SO ORDERED

Dated: _____

HON. DORA L. IRIZARRY
UNITED STATES DISTRICT COURT JUDGE