

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

CHAD UDEEN, MARY JANE  
JEFFERY, LYDIA RUNKEL,  
MICHAEL BOLICK, GARY GILPIN,  
ALICIA SMITH, and SUSAN  
WILLIAMS, on behalf of themselves  
and all others similarly situated,

Plaintiffs,

v.

SUBARU OF AMERICA, INC., and  
SUBARU CORPORATION,

Defendants.

No. 1:18-cv-17334-RBK-JS

~~PROPOSED~~ FINAL ORDER  
AND JUDGMENT

This matter came before the Court for hearing pursuant to the Order Granting Plaintiffs' Motion for Preliminary Approval of Class Action Settlement, dated October 4, 2019 ("Preliminary Approval Order"), on the motion of Plaintiffs for approval of proposed class action settlement with Defendants Subaru of America, Inc. and Subaru Corporation (collectively, "Defendants") and approval of attorneys' fees and expenses and incentive awards. Due and adequate notice having been given of the Settlement as required by the Preliminary Approval Order, the Court having considered all papers filed and proceedings conducted herein, and good cause

appearing therefor, it is hereby ORDERED, ADJUDGED and DECREED as follows:

1. This Final Order and Judgment incorporates by reference the definitions in the Settlement Agreement with Defendants dated April August 30, 2019 (the “Agreement”), and all defined terms used herein have the same meanings ascribed to them in the Agreement.

2. This Court has jurisdiction over the subject matter of the Action and over all Parties thereto.

3. The Court reaffirms and makes final its provisional findings, rendered in the Preliminary Approval Order, that, for purposes of the Settlement, all prerequisites for maintenance of a class action set forth in Federal Rules of Civil Procedure 23(a) and (b) are satisfied. The Court hereby makes final its appointments of Class Counsel and the Class Representatives and certifies the following Settlement Class: individuals who currently own or lease, or previously owned or leased, any of the following Subaru vehicles: 2017 Impreza, 2018 Impreza, 2018 Forester, 2018 Outback, 2018 Legacy, 2018 Crosstrek or a 2018 BRZ vehicles equipped with the Generation 3.0 head unit manufactured by Harmon International Industries, Inc. (“Settlement Class Vehicle”).

4. Pursuant to Federal Rule of Civil Procedure 23(e), the Court hereby grants final approval of the Settlement and finds that it is, in all respects, fair, reasonable, and adequate and in the best interests of the Settlement Class.

5. The Court finds that notice of this Settlement was given to Settlement Class Members in accordance with the Preliminary Approval Order and constituted the best notice practicable of the proceedings and matters set forth therein, including the Settlement, to all Persons entitled to such notice, and that this notice satisfied the requirements of Federal Rule of Civil Procedure 23 and of due process.

6. The Court directs the Parties and the Settlement Administrator to implement the Settlement according to its terms and conditions.

7. Upon the Effective Date, Releasing Named Plaintiffs and all Releasing Class Members shall be deemed to have, and by operation of this Judgment shall have, fully, finally, and forever released, relinquished, and discharged the Releasees from all Released Claims.

8. The Persons identified in **Exhibit 1** hereto requested exclusion from the Settlement Class as of the Exclusion Deadline. These Persons shall not share in the benefits of the Settlement, and this Final Order and Judgment does not affect their legal rights to pursue any claims they may have against Defendants. All other members of the Settlement Class are hereinafter barred and permanently enjoined

from prosecuting any Released Claims against Defendants in any court, administrative agency, arbitral forum, or other tribunal.

9. Neither the Settlement, nor any act performed or document executed pursuant to or in furtherance of the Settlement, is or may be deemed to be or may be used as an addition of, or evidence of, (a) the validity of any Released Claim, (b) any wrongdoing or liability of Defendants, or (c) any fault or omission of Defendants in any proceeding in any court, administrative agency, arbitral forum, or other tribunal.

10. Without affecting the finality of this Judgment, this Court reserves exclusive jurisdiction over all matters related to administration, consummation, enforcement, and interpretation of the Settlement, and this Final Order and Judgment, including (a) distribution or disposition of the Settlement Fund; (b) further proceedings, if necessary, on the application for attorneys' fees, reimbursement of litigation expenses, and service awards for Plaintiffs; and (c) the Parties for the purpose of construing, enforcing, and administering the Settlement. If any Party fail(s) to fulfill its or their obligations under the Settlement, the Court retains authority to vacate the provisions of this Judgment releasing, relinquishing, discharging, barring and enjoining the prosecution of, the Released Claims against the Releasees, and to reinstate the Released Claims against the Releasees.

11. If the Settlement does not become effective, then this Judgment shall be rendered null and void to the extent provided by and in accordance with the Agreement and shall be vacated and, in such event, all orders entered and releases delivered in connection herewith shall be null and void to the extent provided by and in accordance with the Agreement.

12. The Court has considered each of the objections, and finds that they are unpersuasive and therefor overrules all of them.

13. The Court grants Plaintiffs' request for attorneys' fees and expenses in the amount of \$1,500,000. The Court further grants the requested incentive award payments of \$3,500 for each of the named Plaintiffs in this case.

14. The Parties shall file quarterly reports of settlement administration progress. The quarterly report shall, at a minimum, summarize the numbers of claims for reimbursement received and pending; the numbers of claims granted in full, granted in part, and denied; the number under the Second Review Procedure; and the number of claims appealed to the Better Business Bureau appeals process, and the outcome of such appeals. The first such report shall be filed within 30 days of the date on which Defendants begin mailing reimbursement checks to Settlement Class Members, and subsequent reports are due at three-month intervals covering the experiences of the analogous three-month period. The contents and timing may be modified for good cause shown.

15. The Court hereby enters a judgment of dismissal, pursuant to Fed. R. Civ. P. 54(b), of the claims by the Settlement Class Members, with prejudice and without costs, except as specified in this order, and except as provided in the Court's order related to Plaintiffs' motion for attorneys' fees, expenses, and incentive awards. The Clerk of the Court is directed to close this docket.

**IT IS SO ORDERED.**

DATED: June 30, 2020



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HON. ROBERT B. KUGLER  
UNITED STATES DISTRICT JUDGE

# EXHIBIT 1



***Udeen, et al. v. Subaru of America, Inc., et al.***  
**Valid Requests for Exclusion (Deadline: February 17, 2020)**

	Name	City/State	Online Submission/ Postmark Date
1.	Paul Prevosto	Hackensack, NJ	01/04/2020
2.	David Petrak	Altoona, PA	01/04/2020
3.	Mary Petrak	Altoona, PA	01/04/2020
4.	Briana M Smith	Painted Post, NY	01/04/2020
5.	Richard Albright Tulowitzki	New Castle, DE	01/04/2020
6.	Chuck Mertz	Minneapolis, PA	01/05/2020
7.	Gabriel Archangelo	Wilmington, DE	01/06/2020
8.	Eve Archangelo	Wilmington, DE	01/06/2020
9.	Edna Holloway	Oakham, MA	01/06/2020
10.	Cheryl Venit	Swedesboro, NJ	01/06/2020
11.	Barbara M Wynkoop	Coopersburg, PA	01/06/2020
12.	Katherine Elizabeth Roberts	Weber City, VA	01/06/2020
13.	Denise Villani	Coconut Creek, FL	01/06/2020
14.	Nataliya Gurshman	Annandale, VA	01/06/2020
15.	Jordan Prause	New Milford, CT	01/06/2020
16.	Rickey T Miller	Inwood, WV	01/06/2020
17.	Mirela M Viditki	Dacula, GA	01/06/2020
18.	Kevin Dressler	Monroeville, PA	01/07/2020
19.	Elaine H. Burns	Rochester, NH	01/07/2020
20.	Bryan Grasso	Pennsburg, PA	01/07/2020
21.	Gary Yerkie	Front Royal, VA	01/07/2020
22.	David Lowell Fugate	Kingston, TN	01/07/2020
23.	Kyle Beckley	Ossining, NY	01/07/2020
24.	Cory Maffucci	Brooklyn, NY	01/07/2020
25.	Rose Brinker	Clark, NJ	01/07/2020
26.	Eduard Aviyants	Manchester, NH	01/07/2020
27.	Charlotte A Brunet	Rockland, MA	01/08/2020



28.	Philip Downs	Durham, NC	01/08/2020
29.	Ellen M Cox	Palm Harbor, FL	01/08/2020
30.	Brook Detterman	Arlington, MA	01/08/2020
31.	Alison Glasgow	Charlotte, NC	01/08/2020
32.	Paul J. Blank	New Kensington, PA	01/08/2020
33.	Jean-Marie Peterson	Littleton, NH	01/08/2020
34.	Evelyn T Wisselmann Petty	Winston Salem, NC	01/09/2020
35.	William M. Candless Petty, Jr.	Winston Salem, NC	01/09/2020
36.	Ralph Edward Given	Hopkinton, MA	01/09/2020
37.	Michael Angello	Manlius, NY	01/09/2020
38.	Margaret Mary Arico	Portland, CT	01/09/2020
39.	Shelley Coss	Arlington, VA	01/09/2020
40.	Charles Richard Kriesel	Montague, MI	01/09/2020
41.	Dennis Russell Fay	Columbia City, IN	01/09/2020
42.	Julianne Rachelle Melara	Moore, OK	01/10/2020
43.	Elijah Rainbolt	Hampton, TN	01/10/2020
44.	Margaret Mary Lloyd	Washington, DC	01/10/2020
45.	Charles D. Bates	Danville, IN	01/10/2020
46.	Ashley Barrett	Travelers Rest, SC	01/10/2020
47.	Gregory John Adams	Ballston Lake, NY	01/10/2020
48.	Jason Rohlfig	Castle Rock, CO	01/10/2020
49.	Cassandra Gerken	Keene, NH	01/10/2020
50.	Moya Neal	Chewelah, WA	01/10/2020
51.	Rose Coleman	Nampa, ID	01/10/2020
52.	David L. Aunkst	Carson City, NV	01/10/2020
53.	Michael Walter	Gardina, CA	01/11/2020
54.	James K Calvey	Lakewood, OH	01/11/2020
55.	Laura Munnelly	Longmont, CO	01/11/2020
56.	Norval Hermanson	Twin Peaks, CA	01/11/2020
57.	Jennifer R Davies	Westminster, CO	01/11/2020
58.	Donna Apidone	Sacramento, CA	01/11/2020
59.	James Carter	Klamath Falls, OR	01/11/2020
60.	Teresa L Walters	Los Angeles, CA	01/11/2020
61.	Jason Barney	Eugene, OR	01/11/2020
62.	Mary Ann Counsellor	Tukwila, WA	01/11/2020

63.	Donn Walter	Federal Way, WA	01/11/2020
64.	Rose Mary Morra	Sun Lakes, AZ	01/12/2020
65.	Mario Deguchi	Hanford, CA	01/12/2020
66.	Anneline Ruegg	Palm Desert, CA	01/12/2020
67.	Lawrence Jarcewski	Nottingham, MD	01/12/2020
68.	Cecile J Hawkins	Saint Peters, MO	01/12/2020
69.	Anna Kilmer	Campton, NH	01/13/2020
70.	Jeremy Momberg	Fargo, ND	01/13/2020
71.	Ronald J Wilkinson, Jr.	Sacramento, CA	01/13/2020
72.	Dennis Nickels	Chicago, IL	01/13/2020
73.	Kathryn Daniel Olson	St Joseph, MN	01/13/2020
74.	David Flowers	Spring, TX	01/13/2020
75.	Karen Anders	Kuna, ID	01/13/2020
76.	Bradley Anders	Kuna, ID	01/13/2020
77.	William J. Cook Jr.	Westminster, MD	01/13/2020
78.	Ian Patrick Hatlee	Colorado Springs, CO	01/14/2020
79.	Nicole L Allamon	Grindstone, PA	01/14/2020
80.	Candice Clark	Albany, OR	01/14/2020
81.	Wallace A Lay	Albany, OR	01/14/2020
82.	Jerold Meade	Monroe, NY	01/14/2020
83.	Dawn Davis	Frisco, TX	01/14/2020
84.	Carol Montgomery Brosnac	Long Beach, CA	01/14/2020
85.	Karyn Lyn Huryn-Selvar	Issaquah, WA	01/14/2020
86.	William Dolley	Columbia, SC	01/14/2020
87.	Vanessa Renay Weidenkeller	Evans, CO	01/15/2020
88.	Gary L Pearson	Farmington, MN	01/15/2020
89.	Caralee Detwiler	Omaha, NE	01/15/2020
90.	David R. Montgomery	Rapid City, SD	01/15/2020
91.	John Behuniak	Syracuse, NY	01/16/2020
92.	Sandra Daily	Mount Laurel, NJ	01/16/2020
93.	Shaun Gabriel Heath	Rochester, MN	01/16/2020
94.	Colleen Lynch	Champaign, IL	01/16/2020
95.	Stephen Francis Kovacs	Myrtle Beach, SC	01/16/2020
96.	Juli Ramm	Charlton, MA	01/16/2020
97.	David Reyer	Kinnelon, NJ	01/16/2020

98.	Neal E. Bossert	Quakertown, PA	01/17/2020
99.	Christian Mark Kaefer	Natick, MA	01/18/2020
100.	William Oscar Coffin	Charlottesville, VA	01/19/2020
101.	Jarred Vangelder	Orange, VA	01/20/2020
102.	Ronata Morgan	Butler, PA	01/21/2020
103.	Hugh Morgan	Butler, PA	01/21/2020
104.	Katherine Butcher	Aberdeen, WA	01/21/2020
105.	Darcy A Rollins	Hendersonville, NC	01/21/2020
106.	Elizabeth Szabo	Metuchen, NJ	01/22/2020
107.	Michael David Roach	Eau Claire, WI	01/22/2020
108.	Shane M McGrath	Wilton, NH	01/22/2020
109.	Cynthia J Hay	Hockessin, DE	01/23/2020
110.	Chih-Yuan Chang	Palo Alto, CA	01/23/2020
111.	Frances J Lacovara	Perryville, MD	01/23/2020
112.	Donna Rae Rohrbach	Topton, PA	01/24/2020
113.	Christina Bethencourt	North Hollywood, CA	01/24/2020
114.	Sharon L. Gary	Muskegon, MI	01/24/2020
115.	Stephanie Brooks	North Andover, MA	01/24/2020
116.	Marilyn F. Ayers	Owego, NY	01/25/2020
117.	James Chasey	Houston, TX	01/25/2020
118.	Barbara Jo Conn	Vanderbilt, PA	01/27/2020
119.	Eric Weisseg	Chicago, IL	01/27/2020
120.	Igor Salari	San Jose, CA	01/27/2020
121.	Deborah Edwards	Northridge, CA	01/28/2020
122.	Laura J Stearns	Colorado Springs, CO	01/28/2020
123.	Schrembeck Funeral Services LLC	Independence, OH	01/28/2020
124.	Axl Jon Dela Cruz	Irvine, CA	01/30/2020
125.	Faith Love Brightly	San Rafael, CA	01/31/2020
126.	Patricia Lynn Nielsen	Lancaster, CA	02/01/2020
127.	Keith Interrante	San Francisco, CA	02/02/2020
128.	Tommy Fredrik Magnus Fransson	Reston, VA	02/03/2020
129.	Isabelle Dehring	Cottonwood Heights, UT	02/03/2020
130.	Rose Marie Mcreynolds	Denver, CO	02/03/2020
131.	Deanna Jones	Chandler, AZ	02/03/2020
132.	Stephen E. Sullivan	Colorado Springs, CO	02/05/2020

133.	George McCrae	Staten Island, NY	02/06/2020
134.	Jean E. Sereno	Westfield, PA	02/06/2020
135.	Allan Radawitz	Hubertus, WI	02/06/2020
136.	Gerda Sternfeld	Oxford, CT	02/07/2020
137.	Jordan M Lintt	Franklinton, NC	02/09/2020
138.	Matthew P Kaminski	Belleville, NJ	02/09/2020
139.	Charles E Tyra	Noblesville, IN	02/10/2020
140.	Samantha Arce	Renton, WA	02/11/2020
141.	Alfonso A Donato	Pico Rivera, CA	02/12/2020
142.	Benjamin Carrier	Moreno Valley, CA	02/13/2020
143.	Donna Miranda	Moreno Valley, CA	02/13/2020
144.	Janette Cuevas	Pacoima, CA	02/13/2020
145.	Rafael Cuevas	Pacoima, CA	02/13/2020
146.	Susan Mcvey	East Northport, NY	02/13/2020
147.	Thomas Lyn Thompson	Tucson, AZ	02/13/2020
148.	Katy Eng Moy	Revere, MA	02/14/2020
149.	Kerry Clifford	Syracuse, NY	02/14/2020
150.	Kevin Alfred Savage	Monument, CO	02/14/2020
151.	Moli Becker	Fairfax, VA	02/15/2020
152.	Roger Boyd Wilcox	Eagle Mountain, UT	02/16/2020
153.	Joan Ann Wiese	Waterloo, IA	02/17/2020
154.	Taylor Bomely	Newington, CT	02/17/2020
155.	Matija Dreze	Princeton, NJ	02/17/2020