

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

*Ed Chan, et. al.,*  
v.  
*Porsche Cars North America, Inc.*

Case No.: 2:15-cv-02106-CCC (JBCx)  
(consolidated with Civil Action No. 2:16-cv-605-CCC  
(JBC))

*Roy Jones, et. al*  
v.  
*Porsche Cars North America, Inc.*

Notice of the Pendency of Class Action Settlement and Hearing on Final Approval Order and Judgment

**If you are a current or prior owner or lessee of a Model Year 2007-2016 Porsche Vehicle in the United States you could be affected by a class action settlement.**

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

- The purpose of this Notice is to inform you of a proposed settlement of a class action lawsuit known as *Chan, et. al., v. Porsche Cars North America, Inc.*, which was consolidated with *Roy Jones, et. al. v. Porsche Cars North America, Inc.* You are receiving this Notice because Porsche Cars North America, Inc.'s ("PCNA") records indicate that you may be entitled to claim the benefits offered by this settlement (the "Settlement").
- This lawsuit alleges that 2007-2016 Porsche vehicles equipped with certain colored dashboards are defective due to the intensity of reflected images off of the dashboard and onto the inside of the windshield ("Windshield Reflection" or "Glare"). The dashboard colors encompassed by this Settlement are Luxor Beige, Sand Beige, Cognac, Platinum Grey, and Natural Brown. The vehicles at issue are referred to as the "Class Vehicles." PCNA has not been found liable for any of the claims alleged in this lawsuit. The parties have instead reached a voluntary Settlement in order to avoid a lengthy litigation. The individuals who owned or leased Class Vehicles are known as "Class Members." Class Members may be entitled to compensation if they submit valid and timely claims that are approved pursuant to the review process described in this Notice and approved by the Court.
- Under the proposed Settlement, and subject to proof and certain limitations, PCNA will provide a benefit to Class Members in the form of reimbursement for out-pocket-costs incurred to lessen or minimize Windshield Reflection/Glare in the Class Vehicles.

- **Your legal rights are affected whether or not you act. Read this Notice carefully.**

<b>YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT ARE AS FOLLOWS</b>	
<b>MAKE A CLAIM</b>	The availability and amount of benefits under this Settlement depend on several factors, including a Class Member’s vehicle ownership status at the time out-of- pocket expenses were/are incurred to minimize or lessen Windshield Reflection/Glare. Claims under this Settlement for the reimbursement of polarized sunglasses must be made no later than September 21, 2017 and are subject to the terms of the Settlement. All other claims for reimbursement must be made no later than June 25, 2018 one (1) year from date of Notice and are subject to the terms of the Settlement.
<b>EXCLUDE YOURSELF</b>	Excluding yourself is the only way for you to pursue a Windshield Reflection/Glare claim in a separate lawsuit against PCNA. If you ask to be excluded from the Settlement, you will receive no reimbursement for out-of-pocket expenses incurred to lessen or minimize Windshield Reflection/Glare as provided for in this Settlement. If you exclude yourself from the Settlement and you are a current owner or lessee of a Class Vehicle, the claims process and assistance for seeking Settlement benefits will <i>not</i> apply to you.
<b>OBJECT</b>	In order to object to the Settlement, you must remain a member of the lawsuit— you cannot ask to be excluded. You may object to the Settlement by writing to the Court and indicating why you do not like the Settlement.
<b>GO TO A HEARING</b>	You may go to the Settlement hearing if you wish to speak in Court about the fairness of the Settlement.
<b>DO NOTHING</b>	If you do nothing, you will not have the opportunity to receive any potential benefits related to Windshield Reflection/Glare in your Class Vehicle. You will also lose your right to sue PCNA for any claims related to the Windshield Reflection/Glare in your Class Vehicle, and you will be bound by the rulings made in this case.

- 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. The reimbursements will be made if the Court approves the Settlement and after any appeals are resolved. Please be patient.

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**BASIC INFORMATION**

**1. Why did I get this Notice?**

You are receiving this Notice because a proposed Settlement has been reached, and the parties have determined that you may be a Class Member. The Court has preliminarily approved this Settlement as fair, reasonable and adequate to provide compensation to Class Members. The Court authorized this Notice because you have a right to know about the proposed Settlement of the lawsuit, and about your options, before the Court decides whether to grant final approval of the Settlement. This Notice explains the lawsuit, the Settlement, your legal rights, what benefits are available, who is eligible for them, and how to get them. The Court in charge of this case is the United States District Court for the District of New Jersey. The presiding judge as of the date of this Notice is the Honorable Claire C. Cecchi. This case is known as *Ed Chan et. al., v. Porsche Cars North America, Inc.* Case No. 2:15-cv-02106-CCC (JBCx), which was consolidated with *Roy Jones, et. al. v. Porsche Cars North America, Inc.,* Case No. 2:16-cv-605-CCC (JBC). The people who sued are called Plaintiffs and the company they sued is called the Defendant. This Settlement is entered into between Plaintiffs and Defendant PCNA.

## **2. What is this lawsuit about?**

Plaintiffs allege that the Class Vehicles are defective due to the presence of Windshield Reflection/Glare. Plaintiffs also allege that PCNA knew of this possibility and failed to disclose it to consumers, and refused to honor the warranty and repair the Class Vehicles. PCNA denies the Plaintiffs' allegations and claims asserted against it. Nevertheless, the Parties desire to settle the claims as to all Class Members.

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

In a class action, one or more people, called Class Representatives, sue on behalf of people who could have similar claims. In this case Ed Chan, Roy Jones, Alyce Rubinfeld and Brendan J. Kavanagh are the Class Representatives. The Class Representatives and all those persons who could have similar claims are referred to as Class Members. One court resolves the issues for all Class Members, except for those who exclude themselves from the Class.

## **4. Why is there a Settlement?**

The Court did not decide in favor of Plaintiffs or Defendant. PCNA was not found liable for any of the alleged claims relating to Windshield Reflection/Glare. Instead, both sides agreed to this Settlement. That way, they avoid the costs of lengthy litigation, a trial, and the people affected are potentially eligible to be compensated. The Class Representatives and their attorneys think the Settlement is fair and adequate for the Class Members.

### **WHO IS IN THE SETTLEMENT**

## **5. How do I know if I am part of the Settlement?**

Everyone who fits the following description is a Class Member: *All persons in the United States who currently own or lease, or previously owned or leased, a Class Vehicle bought or leased from an authorized Porsche dealer in the United States.* These people are referred to in this Notice as "Class Members" and the vehicles are referred to as "Class Vehicles." By receiving this Notice, the parties have determined that you may be a Class Member.

## **6. Which Porsche vehicles are included?**

All model year 2007 through 2016 Porsche vehicles equipped with Luxor Beige, Sand Beige, Cognac, Platinum Grey, and Natural Brown dashboards.

### **THE SETTLEMENT BENEFITS—WHAT YOU MAY OBTAIN**

## **7. What does the Settlement provide?**

Class members will be reimbursed up to the following amounts for out-of-pocket expenses incurred to lessen or minimize Windshield Reflection/Glare:

### **A. IF YOU ARE A CURRENT OWNER OR LESSEE OF A 2011-2016 MODEL YEAR CLASS VEHICLE**

You must make a timely and valid claim, and if approved, PCNA will reimburse you for an amount of up to \$175.00 for out-of-pocket costs incurred to lessen or minimize Windshield Reflection/Glare.

### **B. IF YOU ARE A CURRENT OWNER OR LESSEE OF A 2007-2010 MODEL YEAR CLASS VEHICLE**

You must make a timely and valid claim, and if approved, PCNA will reimburse you for an amount of up to \$75.00 for out-of-pocket costs incurred to lessen or minimize Windshield Reflection/Glare.

### **C. IF YOU ARE A FORMER OWNER OR LESSEE OF 2007-2016 MODEL YEAR CLASS VEHICLE**

You must make a timely and valid claim, and if approved, PCNA will reimburse you for an amount of up to \$50.00 for out-of-pocket costs incurred to lessen or minimize Windshield Reflection/Glare.

PCNA is also providing an important additional benefit to consumers by adding the following notice in the

QUESTIONS? CALL THE SETTLEMENT ADMINISTRATOR AT 1 (888) 371-9001 TOLL FREE OR VISIT  
[WWW.DASHBOARDGLARECLASSACTION.COM](http://WWW.DASHBOARDGLARECLASSACTION.COM)

Porsche Car Configurator (accessible through PCNA's website) AND in select vehicle model brochures:

Note: Glass is reflective. Certain lighting conditions may cause a lighter color dashboard to produce a noticeable reflection on the inside of the windshield. To make certain that you are satisfied with your selection, ask your Porsche dealer to arrange a test drive experience in a variety of conditions, including with the use of polarized sunglasses.

### **THE SETTLEMENT BENEFITS—LIMITATIONS**

#### **8. What if I previously received payment or reimbursement for costs incurred to address Windshield Reflection/Glare from another source?**

Class Members will not be paid or reimbursed for amounts paid or reimbursed by any other source including, but not limited to, the PCNA New Car Limited Warranty, the PCNA Approved Certified Pre-Owned Warranty, PCNA or dealer goodwill, dealer discounts, a third party warranty, extended warranty insurance, or any other third party source. Class Members are only entitled to reimbursement for out-of-pocket expenses as described in Question 7 above.

If you have already been reimbursed or paid by PCNA or any other entity for out-of-pocket costs in the amount provided for in Question 7, you will not be entitled to a benefit in the Settlement. If you have already been reimbursed or paid, but in an amount less than that provided in Question 7, PCNA shall reimburse you for the difference between the prior reimbursement or payment and the benefit provided in Question 7, subject to proof.

#### **9. How much time do I have to make a claim for a benefit under this Settlement?**

All claims for a reimbursement of funds paid to purchase polarized sunglasses in order to lessen/minimize Windshield Reflection/Glare under this Settlement must be made by September 21, 2017. All other claims must be made by June 25, 2018.

### **HOW YOU GET REIMBURSEMENT—MAKING A CLAIM**

#### **10. How do I make a claim?**

To make a claim for reimbursement of out-of-pocket costs incurred to lessen/minimize Windshield Reflection/Glare, complete and submit the enclosed Claim Form with the requested documents. You may also visit [www.dashboardglareclassaction.com](http://www.dashboardglareclassaction.com) to download the Claim Form or request a Claim Form by calling the toll free Telephone Support line at 1 (888) 371-9001. A properly completed Claim Form for reimbursement must be **postmarked or otherwise transmitted by no later than September 21, 2017 if you are seeking reimbursement for polarized sunglasses, or by June 25, 2018 for all other claims**, by U.S. mail, e-mail, facsimile, Federal Express or another reputable courier service to:

Porsche Windshield Settlement Administration  
c/o GCG  
PO Box 10311  
Dublin, OH 43017-5911  
Facsimile: 1 (855) 409-7131  
Email: [submission@dashboardglareclassaction.com](mailto:submission@dashboardglareclassaction.com)

Your completed Claim Form must be accompanied by: (1) a clear and legible copy of proof of ownership or lease of the Class Vehicle at the time when you incurred the expense; and (2) receipts, invoices, repair orders or other records of expenses showing that you paid out-of-pocket to lessen/minimize Windshield Reflection/Glare.

All claims will be reviewed for the purpose of approving or challenging the validity of the claim. Class Members are encouraged to submit all required documentation to support their claim, since claims not accompanied by supporting documents will be rejected if they cannot otherwise be verified.

**The Parties, their attorneys, and/or the Settlement Administrator have no responsibility for Claim Forms that are not received.** Class Members who fail to submit valid and timely claims cannot obtain reimbursement or payment pursuant to the Settlement, but they will in all other respects be subject to and bound by the provisions and releases of this Settlement Agreement and the Final Approval Order and Judgment entered by the Court.

### 11. What if my claim is found to be deficient?

If a claim is found to be deficient and is rejected during the review process by the Settlement Administrator or PCNA, the Class Member will be notified of the deficiency. The Class Member will then have an opportunity to remedy the deficiency within thirty (30) days of the notice of deficiency.

### 12. When will I get my reimbursement?

The Court will hold a fairness hearing on October 6, 2017 at 10:00 a.m., to decide whether the Settlement is fair, reasonable and adequate for the Class Members, and if so, whether the Settlement should be finally approved by the Court. If the Court approves the Settlement, there may be appeals. It is always uncertain whether these appeals (if any) can be resolved, and resolving them can take time, perhaps more than a year. Please be patient.

### **EXCLUDING YOURSELF FROM THIS SETTLEMENT**

If you do not want a benefit from this Settlement and you want to preserve your right to sue or continue to sue PCNA for Windshield Reflection/Glare related claims, you must take steps to exclude yourself from this Settlement. This is sometimes referred to as “opting out” of the Settlement Class. If you ask to be excluded from the Settlement, you will receive no reimbursement or payment for costs incurred to lessen/minimize Windshield Reflection/Glare as provided for in this Settlement, but you will preserve your right to file or maintain your own lawsuit. You should not assume that any such independent lawsuit will be brought on your behalf or be successful.

### 13. How do I get out of this Settlement?

To exclude yourself from the Settlement, you must send a request for exclusion by mail to the Settlement Administrator saying that you want to be excluded from the *Ed Chan, et. al., v. Porsche Cars North America, Inc.* Class. Be sure to include (i) your name, current address, and signature; (ii) identify the model, model year, and the approximate date of purchase or lease of your Class Vehicle; (iii) the vehicle identification number (VIN) of your Class Vehicle (iv) whether you still own or lease the Class Vehicle; and (v) specifically state your desire to be excluded from the Settlement Class. You must mail your exclusion request by First Class U.S. mail, postage paid and postmarked no later than **August 7, 2017** to:

Porsche Windshield Settlement Administration  
c/o GCG  
PO Box 10311  
Dublin, OH 43017-5911

You cannot exclude yourself on the phone or by e-mail. If you ask to be excluded, you cannot receive any benefits under this Settlement and you cannot object to the Settlement. You will not be legally bound by anything that happens in this lawsuit. You may be able to sue PCNA in the future, depending on your circumstances.

### 14. What am I giving up to stay in the Class?

If you are a Class Member and you do not exclude yourself, you will be bound by the terms of the Settlement. You will give up your rights, if any, to sue PCNA for claims related to Windshield Reflection/Glare, excluding personal injury claims. That means you cannot sue, continue to sue, or be part of any other lawsuit against PCNA for claims related to this Settlement. It also means that all of the Court’s orders will apply to you and legally bind you.

### **THE LAWYERS REPRESENTING YOU**

### 15. Do I have a lawyer in this case?

The Court asked the following attorneys and law firms to represent you and other Class Members:

Jordan L. Lurie, Tarek H. Zohdy  
**Capstone Law APC**  
1840 Century Park East, Suite 450  
Los Angeles, CA 90067

Robert L. Starr  
**The Law Office of Robert L. Starr**  
23901 Calabasas Rd, Suite 2072  
Calabasas, CA 91302

Stephen M. Harris  
**The Law Offices of Stephen M. Harris, P.C.**  
6320 Canoga Avenue, Suite 1500  
Woodland Hills, CA 91367

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[WWW.DASHBOARDGLARECLASSACTION.COM](http://WWW.DASHBOARDGLARECLASSACTION.COM)

Together, these lawyers are called Class Counsel. You will not be charged for these lawyers. They will be paid as described below in question 16. If you want to be represented by your own lawyer, you may hire one at your own expense. The contact information for Class Counsel can be found on the Settlement website, at [www.dashboardglareclassaction.com](http://www.dashboardglareclassaction.com), or by contacting the Settlement Administrator at 1 (888) 371-9001.

#### **16. How will the lawyers be paid?**

Class Counsel will ask the Court for an award of \$790,000 in attorneys' fees and \$50,000 for reimbursement of expenses as well as for service payments to the Class Representatives in the amount of \$3,750 each for their services to the class. These fees do not impact or reduce your right to reimbursement as provided for in the Settlement. PCNA will separately pay the fees and expenses that the Court awards. These amounts will not come out of the funds for benefits to Class Members. A copy of Class Counsel's papers in support of an award of attorneys' fees and expenses and request for service payments to Class Representatives will be available at [www.dashboardglareclassaction.com](http://www.dashboardglareclassaction.com) as of July 31, 2017.

PCNA will separately pay the Settlement Administrator's fees and costs to administer the Settlement. The Class Settlement does not require you to pay these fees.

### **OBJECTING TO THE SETTLEMENT**

You can tell the Court that you do not agree with the Settlement or some part of it.

#### **17. How do I tell the Court that I do not like the Settlement?**

If you are a Class Member and do not intend to exclude yourself from the Settlement, then you may object to the Settlement and/or Class Counsel's petition for attorneys' fees, service payments and expenses if you don't like any part of them. You can give reasons why you think the Court should not approve them. The Court will consider your reasons. To object, you must send a letter to the Settlement Administrator saying that you object to the *Ed Chan, et. al., v. Porsche Cars North America, Inc.* settlement. Be sure to include: (i) your full name, mailing address, e-mail address and telephone number; (ii) the model year and VIN of your Class Vehicle; (iii) whether you are a current or prior owner or lessee; (iv) the date you purchased or leased your Class Vehicle; (v) a statement of the reasons you object to the Settlement; and (vi) copies of all relevant documents. Any objection must be postmarked no later than **August 7, 2017** and mailed to:

Porsche Windshield Settlement Administration  
c/o GCG  
PO Box 10311  
Dublin, OH 43017-5911

**You must also file your objection with the Court.**

#### **18. What is the difference between objecting and excluding?**

Objecting is simply telling the Court that you do not like something about the Settlement, and you are asking the Court to approve alternative settlement terms. You can object only if you stay in the Class. Excluding yourself (opting out) is telling the Court that you are excluding yourself from being involved in the Class Settlement. If you exclude yourself, you have no basis to object because the case no longer affects you.

### **THE COURT'S FAIRNESS HEARING**

The Court will hold a hearing to decide whether to approve the Settlement. You may attend and you may ask to speak at the hearing, but you do not have to attend the hearing.

#### **19. When and where will the Court decide to approve the Settlement?**

The Court will hold a Fairness Hearing at 10:00a.m. on October 6, 2017, at the United States District Court for the District of New Jersey, Martin Luther King Building & U.S. Courthouse, 50 Walnut Street, Room 2B, Newark, New Jersey 07101. At this hearing the Court will consider whether the Settlement is fair, reasonable, and adequate. If there are objections, the Court will consider them.

QUESTIONS? CALL THE SETTLEMENT ADMINISTRATOR AT 1 (888) 371-9001 TOLL FREE OR VISIT  
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After the hearing, the Court will decide whether to approve the Settlement. It is not known how long these decisions will take. Please note that the hearing date may change. To verify the hearing date please call 1 (888) 371-9001 or visit [www.dashboardglareclassaction.com](http://www.dashboardglareclassaction.com).

**20. Do I have to come to the hearing?**

No. You are welcome to come to the hearing 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 mailed your written objection on time, the Court will consider it. You may also pay your own lawyer to attend, but it is not necessary. If you want to participate in the hearing, it is important that you contact the court clerk to schedule your appearance.

**IF YOU DO NOTHING**

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

If you do nothing, you will not have the opportunity to get a benefit from the Settlement and you will not later be able to sue PCNA for any claims related to Windshield Reflection/Glare. You will be bound by the rulings made in this case.

**GETTING MORE INFORMATION**

**22. Are there more details available about the Settlement?**

Yes. This Notice summarizes the proposed Settlement. There are more details in the Settlement Agreement. You can get a copy of the Settlement Agreement by writing to the Porsche Windshield Settlement Administrator, c/o GCG PO Box 10311, Dublin, OH 43017-5911 by calling the toll free number 1 (888) 371-9001 or by visiting [www.dashboardglareclassaction.com](http://www.dashboardglareclassaction.com). **DO NOT CONTACT THE COURT.**

**23. How do I get more information?**

You can call 1 (888) 371-9001 toll free; write to the Porsche Windshield Settlement Administrator, c/o GCG PO Box 10311, Dublin, OH 43017-5911; or visit the website at [www.dashboardglareclassaction.com](http://www.dashboardglareclassaction.com), where you will find answers to common questions about the Settlement, a Claim Form, plus other information to help you determine whether you are a Class Member and whether you are eligible for a reimbursement. You may also contact Class Counsel as identified in Question 15.