

## LEGAL NOTICE

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

### **If you bought or leased certain Subaru vehicles, you may benefit from a class action settlement.**

A proposed settlement has been reached in a class action lawsuit called *In re Subaru Battery Drain Products Liability Litigation*, No. 1:20-cv-03095-JHR-MJS (the "Settlement"). This notice summarizes your rights and options. More details are available at [www.SubaruBatterySettlement.com](http://www.SubaruBatterySettlement.com).

**What is this about?** Plaintiffs filed a class action lawsuit against Subaru of America, Inc. ("SOA") and Subaru Corporation ("SBR"), collectively the "Defendants" or "Subaru," alleging that Settlement Class Vehicles suffer from a design defect in some vehicles that can cause battery drain; and that Defendants violated certain consumer statutes and breached certain warranties. Defendants deny Plaintiffs' claims and maintain that the Settlement Class Vehicles are not defective and that they have not violated any warranties, statutes, or laws. The Court has not decided who is right or wrong. Instead, both sides agreed to a Settlement.

**Who is affected?** Settlement Class Members include residents of the continental United States, including Hawaii or Alaska, who currently own or lease, or previously owned or leased, a Settlement Class Vehicle originally purchased or leased in the continental United States, including Alaska or Hawaii. Settlement Class Vehicles include model year 2015-2020 Outback, 2015-2020 Forester, 2015-2020 Legacy, 2015-2020 WRX, and 2019-2020 Ascent. There are several exclusions to the Settlement Class. However, the Settlement Class is not intended to exclude military personnel stationed overseas. For more details about who is affected, visit [www.SubaruBatterySettlement.com](http://www.SubaruBatterySettlement.com).

**What does the Settlement provide?** The Settlement provides extended warranty coverage for Qualifying Battery Failures experienced on or after the date of this Notice. The Settlement also provides, where applicable, a cash reimbursement for: (1) battery replacements and related battery testing and diagnosis performed by an Authorized Subaru Retailer, or in some situations an independent third party, for qualifying conditions on a Settlement Class Vehicle prior to the date of this Notice ("Pre-Notice"); (2) towing services in connection with a Pre-Notice Qualifying Battery Failure; and (3) Reasonably Reimbursable Costs related to a Settlement Class Member being stranded as a result of a Pre-Notice Qualifying Battery Failure.

**How do I get the settlement benefits?** You do not need to do anything right now to ensure coverage under the extended warranty. However, you must submit a valid claim for cash reimbursement. Go to [www.SubaruBatterySettlement.com](http://www.SubaruBatterySettlement.com) to file or download a Claim Form. You can also write Subaru Battery Settlement, c/o JND Legal Administration, P.O. Box 91305, Seattle, WA 98111, or email: [info@SubaruBatterySettlement.com](mailto:info@SubaruBatterySettlement.com). The deadline to submit Claim Forms and

supporting documentation is 60 days after the Effective Date, which could be as early as **March 9, 2023**. Go to [www.SubaruBatterySettlement.com](http://www.SubaruBatterySettlement.com) to learn more.

**What are my other options?** You can do nothing, exclude yourself, or object to the Settlement. Do nothing. You will remain part of the Settlement Class and receive the right to extended warranty coverage, but you must file a claim to receive a cash payment. You will be bound by the Court's decision, and you will give up your right to sue or continue to sue Subaru for the claims in this case. Exclude yourself. You will not receive any cash reimbursements or extended warranty coverage. However, this is the only option that allows you to keep your right to sue Subaru at your own expense and with your own attorney about the legal claims in this case. Object. If you do not exclude yourself from the Settlement Class, you may object or tell the Court what you do not like about the Settlement. The deadline for exclusion requests and objections is **November 5, 2022**. For more details about your rights and options and how to exclude yourself or object, go to [www.SubaruBatterySettlement.com](http://www.SubaruBatterySettlement.com).

**What happens next?** The Court will hold a Fairness Hearing on November 29, 2022 at 11:00 a.m. to consider whether to approve the Settlement; Class Counsel's attorneys' fees and expenses up to \$4,100,000; and service awards of \$4,000 for each of the thirteen named Plaintiffs (Amy Burd, Walter Gill, David Hansel, Glen McCartney, Roger Baladi, Tamara O'Shaughnessy, Anthony Franke, Matthew Miller, Steven Stone, Howard Bulgatz, Mary Beck, David Davis, and Colin George). Class Counsel fees and expenses and Class Representative service awards will be paid by Defendants and will not reduce any settlement benefits. The Court has appointed the law firms of Sauder Schelkopf, Mazie Slater Katz & Freeman, LLC, and Girard Sharp LLP as Class Counsel. You or your attorney may ask to speak at the hearing at your own expense, but you do not have to.

**How do I get more information?** For more information, visit [www.SubaruBatterySettlement.com](http://www.SubaruBatterySettlement.com), call toll-free 1-855-606-2625, write Subaru Battery Settlement, c/o JND Legal Administration, P.O. Box 91305, Seattle, WA 98111, or email [info@SubaruBatterySettlement.com](mailto:info@SubaruBatterySettlement.com).

**Please do not contact the Court regarding this Notice.**