

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE**

Rilla Jefferson, *on behalf of herself and all
others similarly situated,*

Plaintiff,

vs.

General Motors LLC,

Defendant.

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: Case No. 2:20-cv-02576
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**PLAINTIFF’S MOTION FOR APPROVAL OF PROPOSED CLASS NOTICE AND
NOTICE PLAN**

Plaintiff, Rilla Jefferson (“Plaintiff”), by and through her undersigned counsel, respectfully moves the Court for approval of her plan to provide notice to the certified class.

INTRODUCTION

On May 11, 2023, the Court granted Plaintiff’s Motion for Class Certification. (Doc. No. 90). Plaintiff represents a class of purchasers and lessees of 2017-2018 GMC Acadia vehicles who sought repairs regarding the alleged common shifter assembly defect (the “STP Issue”) but did not receive silicon-free replacement parts during the warranty period. On August 31, 2023, the Court modified the class definition which is now:

(1) Initial purchasers and lessees of new ‘class vehicles,’ 2017-18 GMC Acadias, who purchased or leased their vehicles in Tennessee; and who (2) sought a repair from a GM dealer regarding the STP Issue during the warranty period; and who (3) were not provided with either a silicon-free replacement shifter assembly or silicon-free shifter control wire harness at no charge.

(Doc. No. 103). On September 18, 2023, the Court entered the Third Amended Scheduling Order. (Doc. No. 111). Therein, the Court provided for a four-month period, between January and April 2024, for the Class Administrator to obtain Class Member addresses, establish a class

website, disseminate the notice, and receive any requests for exclusion following a 60-day notice period (Doc. No. 111).

Notice to the class is governed by Fed. R. Civ. P. Rule 23(c)(2)(B). Notice informs class members of the nature of the case, the claims and members' rights to exclude themselves ('opt-out') from the class.

Plaintiff proposes direct notice by a mailed postcard (the "Postcard") and an emailed notice ("Email Notice"). Additionally, a case-specific website (the "Website") will permit members to access a longer more detailed notice (the "Long Form Notice"), case documents, information, and a form to request exclusion (the "Request for Exclusion Form"), as well as a dedicated toll-free telephone number to obtain information. Plaintiff proposes that the Court approve JND Legal Administration as the class action administrator. *See Raymo v. FCA US, LLC et al.*, 2023 WL 6429548, at *6, 10 (E.D. Mich. Sept. 30, 2023) (appointing JND Legal Administration as the class administrator; approving class notice via a "short-form notice, to be sent directly by postal mail, and long-form notice, which will be made available on a settlement website"; and finding the notice "satisfies due process" where it laid out "the nature of the action; the definition of the class certified; the class claims, issues, or defenses; that a class member may enter an appearance through an attorney if the member so desires; that the court will exclude from the class any member who requests exclusion; the time and manner for requesting exclusion; and the binding effect of a class judgment on members"). JND has extensive experience creating and supervising notice and claims administration program and has repeatedly been appointed to handle notice and claims administration tasks in automotive class actions like this one. *Id.*; *see also* Declaration of Jennifer M. Keough Regarding Plaintiff's Proposed Class Notice Plan and Administration of Class Action

(“Keough Decl.”) attached hereto at ¶¶ 1-4). The form and manner of notice meets the requirements of Rule 23 and should be approved.¹

ARGUMENT

I. STANDARD FOR APPROVAL OF CLASS NOTICE

Rule 23(c)(2)(B) requires, in relevant part, the following:

[T]he court must direct to class members the best notice that is practicable under the circumstances, including individual notice to all members who can be identified through reasonable effort. The notice may be by one or more of the following: United States mail, electronic mail, or other appropriate means. The notice must clearly and concisely state in plain, easily understood language:

- (i) the nature of the action;
- (ii) the definition of the class certified;
- (iii) the class claims, issues, or defenses;
- (iv) that a class member may enter an appearance through an attorney if the member so desires;
- (v) that the court will exclude from the class any member who requests exclusion;
- (vi) the time and manner for requesting exclusion; and
- (vii) the binding effect of a class judgment on members under Rule 23(c)(3).

Fed. R. Civ. P. 23(c)(2)(B).

“The purpose of notice in a class action is to ‘afford members of the class due-process, which, in the context of the Rule 23(b)(3) class action, guarantees them the opportunity to be excluded from the class action and not be bound by any subsequent judgment.’” *In re Auto. Parts Antitrust Litig.*, 2016 WL 8200511, at *9 (E.D. Mich. Aug. 9, 2016) (quoting *Eisen v. Carlisle &*

¹ The notice documents are attached as exhibits to the Motion as follows:

The Postcard (Ex. A)

The Long Form Notice (Ex. B)

The Request for Exclusion Form (Ex. C).

Jacquelin, 417 U.S. 156, 173-74 (1974)). Due process requires that the notice be “reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action” and their rights. *Does 1-2 v. Deja Vu Servs., Inc.*, 925 F.3d 886, 900 (6th Cir. 2019).

II. FORM OF NOTICE

Notice will be provided by the Postcard, the Email Notice which will mirror the Postcard and through the Website (referenced in all forms of notice) which will contain the Long Form Notice.

Forms of the Postcard and the Long Form Notice are attached hereto as Exhibits A & B.

The notices meet the requirements of Fed. R. Civ. P. 23(c)(2)(B) as set forth below:

Requirement	Notice
“The nature of the action.” Fed. R. Civ. P. 23(c)(2)(B)(i).	<u>Postcard</u> : Page 1 (“What is this lawsuit about?”). <u>Long Form</u> : First Page Introduction; “Background Information” on page 2 (“Why is there a Notice?”; “What is this lawsuit about?”).
“The definition of the class certified.” Fed. R. Civ. P. 23(c)(2)(B)(ii).	<u>Postcard</u> : Page 1 (“Am I in the Class?”). <u>Long Form</u> : “Who is in the Class” on page 4 (“Am I in the Class?”)
“The class claims, issues, or defenses.” Fed. Civ. P. 23(c)(2)(B)(iii).	<u>Postcard</u> : Page 1 (“What is this lawsuit about?”) <u>Long Form</u> : First Page Introduction; “Background Information” on page 3-4 (“What is this lawsuit about?”; “Why is this lawsuit a class action?”)
“That a class member may enter an appearance through an attorney if the member so desires.” Fed. R. Civ. P. 23(c)(2)(B)(iv).	<u>Postcard</u> : Page 2 (“Do I have an attorney in this case?”) <u>Long Form</u> : “The Attorneys Representing You” on page 6 (“Should I get my own attorney?”)

<p>“That the court will exclude from the class any member who requests exclusion.” Fed. R. Civ. P. 23(c)(2)(B)(v).</p>	<p><u>Postcard</u>: Page 2 (“How do I participate in this class action?”; “How do I ask the Court to exclude me from the Class?”)</p> <p><u>Long Form</u>: First Page Introduction; “Your Legal Rights and Options in this Settlement” Table on page 1; “Your Rights and Options” on pages 5-6.</p>
<p>“The time and manner for requesting exclusion.” Fed. R. Civ. P. 23(c)(2)(B)(vi).</p>	<p><u>Postcard</u>: Page 2 (“How do I ask the Court to exclude me from the Class?”)</p> <p><u>Long Form</u>: First Page Introduction; “Your Legal Rights and Options in this Settlement” Table on page 1; “Your Rights and Options” on pages 5-6</p>
<p>“The binding effect of a class judgment on members under Rule 23(c)(3).” Fed. R. Civ. P. 23(c)(2)(B)(vii).</p>	<p><u>Postcard</u>: Page 2 (“How do I participate in this class action?”)</p> <p><u>Long Form</u>: First Page Introduction; Your Rights and Options on page 5 (“How do I participate in this class action?”; “Why would I ask to be excluded?”)</p>

JND Legal Administration will send the Postcard and Email Notice and receive correspondence. *See* Keough Decl. ¶¶ 5-19, 29-31. JND will establish the Website which will contain (1) a copy of the Long Form Notice and present the information contained therein on a home screen, (2) case documents (*e.g.*, the operative complaint, the answer and the Court’s Orders on class certification), (3) the Request for Exclusion Form which can be submitted online or in a hard copy format; (4) the date, time and location of the trial; and (5) contact information. *Id.* ¶¶ 20-25. JND will also establish a dedicated toll-free telephone number where class members can obtain information about the action. *Id.* ¶¶ 26-28.

The form of the notice explains the case in plain terms, will provide the class definition, the Parties’ claims and defenses and inform class members of the effects of remaining in the class or of opting out and how to do so.

III. DISSEMINATION OF NOTICE

The notice will be sent directly to individual class members with the goal of reaching the most members that it is reasonably practical to reach.

First, the Postcard will be sent by direct mail. To obtain the names and mailing addresses for the initial purchasers and lessees of Tennessee Class Vehicles, JND will use Vehicle Identification Numbers (“VIN”) provided by General Motors associated with the Class Vehicles sold or leased in Tennessee. JND will then coordinate with Experian to acquire potential Class Members’ contact information from Departments of Motor Vehicles (“DMVs”) for all current and previous owners of the Class Vehicles. Keough Decl. ¶¶ 5-6. JND will also obtain Class Vehicle registration information, including registration date, year, make and model of the vehicle, and information specifying whether the individual purchased the vehicle new or used, and whether the individual currently owns the Class Vehicle. *Id.* JND will then review the resulting list (the “Class List”) for duplicates and other possible discrepancies and will narrow the list to those individuals who purchased or leased the vehicle new. *Id.*

The Postcard will be sent to names and mailing addresses on the Class List. Keough Decl. ¶ 9. Prior to sending the postcard, JND will use the National Change of Address (“NCOA”) database maintained by USPS to ensure Class Member address information is up-to-date and accurately formatted for mailing. *Id.* ¶ 10. Additionally, JND will track all notices returned undeliverable by the USPS and will promptly re-mail notices that are returned with forwarding addresses. *Id.* ¶ 10. For Postcards returned without a forwarding address, JND will take reasonable efforts to research and determine if it is possible to reach the Class Member by using available skip-tracing tools to identify a new mailing address by which the potential Class Member may be reached. *Id.*

Second, the Email Notice will be sent to email addresses that JND obtains for Class Members. JND will conduct an email append process that utilizes skip tracing tools to identify email addresses by which the potential Class Member may be reached. Keough Decl. ¶ 7. The above procedures are JND's standard process for identifying class member addresses and emails in automotive settlement proceedings and contested matters. *Id.* ¶ 8.

Notice by mail and email are appropriate means of direct notice to inform class members of their rights and to provide information about the case. *See, e.g., Raymo*, 2023 WL 6429548, at *6, 10; *Hillson v. Kelly Servs. Inc.*, 2017 WL 279814, at *11-12 (E.D. Mich. Jan. 23, 2017) (mailed postcard short form notice and separate long form notice satisfied Rule 23(c)(2)(B) where any “relevant information omitted from the postcard is included on the long-form notice” and “the postcard makes plain that the long-form notice is available by either visiting the settlement website or by calling the settlement administrator.”); *Fitzgerald v. P.L. Mktg., Inc.*, 2020 WL 7764969, at *14 (W.D. Tenn. Feb. 13, 2020) (approving distributing class notice by mail and email); *Waters v. Pizza to You, L.L.C.*, 2022 WL 404614, at *5 (S.D. Ohio Feb. 9, 2022) (same).

Individual notice will be to all initial Tennessee purchasers and lessees of the 3,341 Class Vehicles based on the VINs. *See, e.g., Patrick v. Volkswagen Grp. of Am.*, 2021 WL 3616105, at *5 (C.D. Cal. Mar. 10, 2021) (approving notice plan where Experian or other companies retained by parties or class administrator will obtain the names and addresses of class members from Departments of Motor Vehicles using VINs); *Berman v. Gen. Motors LLC*, No. 2:18-CV-14371, 2019 WL 6163798, at *11 (S.D. Fla. Nov. 18, 2019) (“By tracing the Class Vehicles’ Vehicle Identification Numbers, the parties were able to identify the Class Members for the purpose of notice”). This group contains the complete universe of class members. That “the best notice practicable under the circumstances [is] notice to a group that [is] broader than the class definition

but include[s] the complete universe of class members” is “an acceptable and unremarkable method of delivering notice to the class,” *Bowerman v. Field Asset Servs., Inc.*, 2015 WL 5569061, at *4 (N.D. Cal. Sept. 21, 2015), and individual notice to “some non-class members” “does not violate the requirements of Rule 23(c)(2)(B) nor interfere with its purpose.” *Wesley v. Snap Fin., LLC*, 341 F.R.D. 72, 76 (D. Utah 2022).² Thus, even though some non-class members may receive notice (e.g., those who did not seek repairs or received silicon-free parts under the warranty), all class members (who are all purchasers) will be covered by the notice plan.

All purchasers must be notified because GM, who failed to repair the defect for years, also failed to document every instance where people, like the Plaintiff, complained about the shifter defect and sought repair. Thus, while GM records can be used to identify class members who sought but did not get a silicon-free repair under warranty (*see* Doc No. 103 (Court’s Order Modifying Prior Order Regarding Plaintiff’s Motion for Class Certification) at p. 5 (holding that “whether an individual sought a repair from a GM dealer regarding the shift to park (‘STP’) defect is an objective fact that can be determined using Defendant’s records” and noting “Defendant provided such information to Plaintiff in discovery”)), these records are underinclusive. To ensure notice is sent to the entire class, notice must be sent all initial Tennessee Class Vehicle and purchasers to capture both groups – those where GM recorded its failed repair attempts and those where it did not. Following the trial, if judgment is entered in favor of Plaintiff and the class, there will be a claims process where, *inter alia*, class members whose requests for warranty repairs

² *See also Hasemann v. Gerber Prod. Co.*, 2023 WL 2499131, at *3 (E.D.N.Y. Mar. 14, 2023) (individual notice requirement is not overridden even if non-class members may receive notice); *Cin-Q Automobiles, Inc. v. Buccaneers Ltd. P’ship*, 2022 WL 4017054, at *3 (M.D. Fla. Sept. 2, 2022) (directing individual notice to all individuals and entities associated with a fax number notwithstanding that the group “may be somewhat overinclusive”); *Macarz v. Transworld Sys., Inc.*, 201 F.R.D. 54, 61 (D. Conn. 2001), *on reconsideration* (May 11, 2001) (directing individual notice to a list that “indisputably contains the universe of class members (albeit a twenty-five percent over-inclusive list”).

are not reflected in GM's records will have an opportunity to submit proof that they are entitled to a damages awards, including via affidavits.

In addition, the proposed notice specifies the scope of the certified class and who qualifies as a member. *Scoma Chiropractic, P.A. v. Dental Equities, LLC*, 2022 WL 971888, at *3-4 (M.D. Fla. Mar. 31, 2022) (concerns about overinclusive notice plan rejected where non-class members are “assuaged by the language . . . in the notice specifying that only those individuals who received the faxes at issue via a stand-alone fax machine are members of the certified class.”). Here, the class itself is specific and limited to those who sought a repair for the defect and were not provided a silicon-free repair at no-charge. The notice explains this in numerous places. See Exhibits A & B. Thus, not only does notice to all purchasers and lessees of Tennessee Class Vehicles provide notice to the entire universe of class members, the notices inform in clear and concise language who is in, and who is not in, the class.

Following dissemination of the notice, Plaintiff proposes that class members have sixty (60) days within which to request exclusion from the class. Sixty days provides members ample time to gain knowledge, evaluate their rights and exclude themselves if they so choose. See, e.g., *In re: Se. Milk Antitrust Litig.*, 2011 WL 13122693, at *10 (E.D. Tenn. Jan. 19, 2011) (“Thirty (30) days appears to the Court to be a sufficient period of time within which an opt out decision can be made”).

IV. GM SHOULD BE REQUIRED TO PRODUCE CLASS VEHICLE PURCHASERS AND LESSEES' NAMES, MAILING ADDRESSES AND EMAIL ADDRESSES

During conferrals between the Parties regarding Plaintiff's notice plan, GM agreed to produce VINs associated with the Class Vehicles. However, GM rejected Plaintiff's proposal that GM additionally produce from its own records the names, mailing addresses, and email addresses for Class Vehicle purchasers and lessees, where available. As set forth above, JND can use the

VINs provided by GM and identify the initial purchasers and mailing addresses associated with the VINs using Experian and Department of Motor Vehicle records, as well as email addresses for some class members via an email append process. Keough Decl. ¶¶ 5-8. Nonetheless, GM should be ordered to produce all available names, mailing addresses and email addresses in its records so that JND can supplement the information it obtains from third-party sources and “cross-check with [GM’s] data and use it to fill any holes.” *Weidman v. Ford Motor Co.*, 2022 WL 1658777, at *2 (E.D. Mich. May 25, 2022).

Weidman is instructive. There, the Court accepted Plaintiff’s identical proposal that “Ford supplement the name, mailing address, and e-mail address information that [the third party administrator] will gather with any such information contained in Ford’s own databases” because the “consumer contact information in Ford’s database—which is tethered to the Class Vehicle VINs—will allow [the third party administrator] to achieve the widest reach possible for the direct notice program.” *Id.*, 2022 WL 1658777, at *2. In so holding, the Court rejected the auto manufacturer’s objections that it should not be compelled to produce the names and addresses in its own records because “the state DMV records are the best source for identifying class members, once Ford identifies the relevant VIN” and “its contact information records of original purchasers are incomplete” and “may contain inaccuracies or outdated information.” *Id.*, at *2–3. Moreover, the Court ordered the defendant to produce email addresses in its records, over the defendant’s objections, because “email notice is commonplace.” *Id.*, at *3 (rejecting Ford’s objections that “some email addresses are private, and others may have been collected subject to additional privacy rights” and that email notice was unnecessary in light of the proposed direct mailing notice).

The above reasoning is equally applicable here and GM should be ordered to produce all names, addresses and email addresses in its records that are associated with Tennessee Class Vehicle purchasers and lessees.

CONCLUSION

For the foregoing reasons, Plaintiff respectfully requests that the Court enter an order directing notice to the Class in accordance with the notice plan described herein and appointing JND Legal Administration as the class action administrator.

Dated: October 20, 2023

Respectfully submitted,

By: /s/ Joshua Markovits
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CERTIFICATE OF CONFERNECE

I hereby certify that I conferred with counsel for the Defendant, Joe Orzano, regarding the relief requested herein, including by email on May 17, 2023 and by telephone on May 24, 2023 and September 13, 2023, however after consultation between the parties to the controversy, they are unable to reach an accord as to all issues.

/s/ Joshua Markovits
Joshua Markovits

CERTIFICATE OF SERVICE

I hereby certify that on October 20, 2023, I caused the foregoing to be filed and served on all counsel of record via the Court's CM/ECF system, which sent the notice of such filing to all counsel of record.

/s/ Joshua Markovits
Joshua Markovits

EXHIBIT A

POSTCARD NOTICE

A TENNESSEE FEDERAL COURT AUTHORIZED
THIS NOTICE

This is not a lawyer solicitation.

**IF YOU PURCHASED OR LEASED A MODEL
YEAR 2017-2018 GMC ACADIA IN TENNESSEE,
A CLASS ACTION MAY AFFECT YOUR RIGHTS**

What is this lawsuit about? Plaintiff alleges a defect in 2017-2018 GMC Acadia vehicles that causes the vehicles to fail to recognize when they are placed in park and display a “Shift to Park” message when owners attempt to turn off the ignition, preventing the vehicles from being shut off. Plaintiff brings claims for breach of warranty and contract and under the Magnuson-Moss Warranty Act. GM denies any wrongdoing or liability for the claims alleged, and specifically denies that any Class Vehicle is defective.

Am I in the Class? Members of the Class are: “(1) Initial purchasers and lessees of new ‘class vehicles,’ 2017-18 GMC Acadias, who purchased or leased their vehicles in Tennessee; and who (2) sought a repair from a GM dealer regarding the Shift to Park Issue during the warranty period; and who (3) were not provided with either a silicon-free replacement shifter assembly or silicon-free shifter control wire harness at no charge.”

[FIRST1] [LAST1]
[ADDR1] [ADDR2]
[CITY] [ST] [ZIP]

How do I participate in this class action? If you fall within the definition of the Class, you are a Class Member, you will be bound by any judgment or settlement, whether favorable or unfavorable, in this lawsuit, and will be able to participate in any relief obtained by Plaintiff in the case. By doing nothing, you will remain part of the Class and give up your rights to sue GM separately about the same legal claims involved in this action. No judgment or settlement has occurred at this time. If you fall within the definition of the Class and do not ask to be excluded from the Class now, you will not have the right to seek exclusion later. However, in the event of a settlement, you will receive an additional notice and you will have an opportunity to object if you disagree with the terms of the settlement.

How do I ask the Court to exclude me from the Class? If you fall within the definition of the Class and wish to be excluded from the Class and retain all your rights against GM in this case, you must either mail a written request for exclusion to the Notice Administrator or submit an online written request for exclusion at www.XXX.com by [DATE]. A Request for Exclusion Form is available at www.XXX.com. Be sure to provide your name and address and sign your request. Mailed requests for exclusion must be sent to: [JND ADDRESS].

Do I have an attorney in this case? The Court has appointed Lemberg Law, LLC, 43 Danbury Road, Wilton, CT 06897; telephone: (203) 653-2250, to represent the Class and Class Members in the litigation. You may hire your own lawyer at your own expense.

How do I get more information? For more information on the Class and the litigation, you may contact Class Counsel or the Notice Administrator using the contact information below. You may also access the Court's docket in this case, for a fee, through the Court's Public Access to Court Electronic Records (PACER) system at <https://ecf.cand.uscourts.gov>, or by visiting the office of the Clerk of the Court for the United States District Court for the Western District of Tennessee, Federal Building, 167 North Main Street, Memphis, Tennessee 38103, between 8:30 a.m. and 4:30 p.m., Monday through Friday, excluding Court holidays.

Correcting your mailing address. If this Notice was forwarded by the postal service, or if it was sent to an individual or address that is not correct or current, you should immediately contact the Notice Administrator at www.XXXXXXXX.com.

PLEASE DO NOT CALL OR WRITE THE COURT, THE COURT CLERK, OR GENERAL MOTORS ABOUT THE CLASS ACTION OR THE LITIGATION PROCESS.

This postcard provides limited information about the class action. For more information, call xxx-xxx-xxxx or visit www.xxx.com where you can view the Long Form Notice which contains more information about this class action.

EXHIBIT B

LONG FORM NOTICE

NOTICE OF PENDENCY OF CLASS ACTION

IF YOU PURCHASED OR LEASED A MODEL YEAR 2017-2018 GMC ACADIA VEHICLE IN TENNESSEE, A CLASS ACTION MAY AFFECT YOUR RIGHTS

A federal court authorized this Notice.

PLEASE READ THIS NOTICE CAREFULLY

This Notice explains that the Court certified a class action lawsuit and that your rights may be affected. The lawsuit alleges a defect in 2017-2018 GMC Acadia vehicles’ shifters that causes the vehicles to not recognize when they are placed in park, display a “Shift to Park” message when owners attempt to turn off the ignition, and prevents the vehicles from shutting off. The lawsuit alleges that General Motors, LLC (“GM”), failed to repair the defect and breached its warranty. The lawsuit seeks relief for Class Members (defined below). GM denies there was a defect or that it breached its warranty.

The lawsuit is pending in federal court in Memphis, Tennessee (the “Court”). The purpose of this Notice is to inform you about how the lawsuit may affect your rights if you fall within the definition of the Class and what steps you may take. This Notice is not an expression by the Court of any opinion as to the merits of any of the claims or defenses asserted by either side in this lawsuit.

This Notice provides a summary of the lawsuit. It also describes who is included in the Class, the effect of remaining in this lawsuit as a Class Member, and how to request exclusion from the Class.

Your legal rights and options in this lawsuit are summarized below.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
DO NOTHING AT THIS TIME	If you fall within the definition of the Class and wish to remain in the Class, you do not need to do anything at this time.
ASK TO BE EXCLUDED POSTMARKED BY [DATE]	<p>If you fall within the definition of the Class and do not wish to remain in the Class, you can exclude yourself. If you exclude yourself, you will not be entitled to share in any relief from any judgment or any possible settlement from this lawsuit. You will not be legally bound by any judgment entered for or against the Class and you will be able to pursue any legal claims that you have on your own.</p> <p>To exclude yourself, you must either mail a request for exclusion, postmarked by [INSERT DATE], or submit an online written request for exclusion at [www.XXX.com] by [INSERT DATE]. If you decide to mail your written request for exclusion, you must send to the address listed below:</p> <p style="text-align: center;">JND MAILING ADDRESS</p> <p>If you fall within the definition of the Class and decide you do not want to participate in the Class and you do not make a timely request for exclusion as described above, you will still be bound by the jury’s verdict, should the case go to trial.</p>

QUESTIONS? CALL 1-xxx-xxx-xxxx OR VISIT

www.xxx.com

WHAT THIS NOTICE CONTAINS

BACKGROUND INFORMATION.....PAGE 3

- 1. Why is there a Notice?
- 2. What is this lawsuit about?
- 3. What is a class action and who is involved?
- 4. Why is this lawsuit a class action?

WHO IS IN THE CLASS.....PAGE 4

- 5. Am I in the Class?
- 6. I am still not sure if I am included.

YOUR RIGHTS AND OPTIONS.....PAGE 5

- 7. How do I participate in this class action?
- 8. Why would I ask to be excluded?
- 9. How do I ask the Court to exclude me from the Class?

THE ATTORNEYS REPRESENTING YOU.....PAGE 6

- 10. Do I have a lawyer in the case?
- 11. Should I get my own attorney?

GETTING MORE INFORMATION.....PAGE 6

- 12. How do I get more information?

QUESTIONS? CALL 1-xxx-xxx-xxxx OR VISIT

www.xxx.com

BACKGROUND INFORMATION

1. Why is there a Notice?

This Notice explains that the Court has “certified” a class action lawsuit that may affect your rights. This Notice informs you of the nature of the litigation and describes your rights and options. Judge Jon Phipps McCalla of the United States District Court for the Western District of Tennessee is overseeing this lawsuit. The lawsuit is known as *Jefferson v. General Motors, LLC*, and the case number is 2:20-cv-02576-JPM-tmp. The Court has authorized this Notice to inform Class Members of their rights.

2. What is this lawsuit about?

The lawsuit is about allegedly defective vehicles. The impacted vehicles, the “Class Vehicles,” are 2017-2018 GMC Acadia vehicles purchased or leased in Tennessee.

Plaintiff alleges that the Class Vehicles contain defective shifter assemblies which cause the Class Vehicles to fail to recognize when the vehicle is placed in park. As a result, when owners attempt to turn off the ignition the vehicles display a “Shift to Park” message even though the vehicles have already been placed in park, and the vehicles go into “accessory” mode and cannot be fully shut off. The alleged defect and condition is referred to in this Notice as the “Shift to Park” or “STP Issue.”

Plaintiff alleges that GM breached its New Vehicle Limited Warranty by not repairing the alleged defect in accordance with the terms of its warranty.

GM denies any wrongdoing or liability for the claims alleged, and specifically denies that any Class Vehicle is defective or that it breached its warranty.

The Court has not decided who is right. A trial is set to start on July 22, 2024 at 9:30 a.m., in the United States District Court for the Western District of Tennessee, Courtroom 7 on the 9th floor of the Federal Building, 167 North Main Street, Memphis, Tennessee 38103. During the trial, the jury will hear all of the evidence and will reach a decision about whether Plaintiff has proven the merits of her claims. There is no guarantee that the Plaintiff will win, or that she will get any relief for the Class.

You do not need to attend the trial. Plaintiff will present the Plaintiff’s case for the Class, and GM will present its defenses.

3. What is a class action and who is involved?

In a class action, one person called the “Class Representative” (in this case, Plaintiff Rilla Jefferson) sues on behalf of herself and other people with similar claims. All of the people together are called a “Class” or “Class Members.” One court resolves the issues for everyone in the Class, except for those people who choose to exclude themselves from the Class.

The company the Class Representative has sued (in this case General Motors, LLC) is called the Defendant.

QUESTIONS? CALL 1-xxx-xxx-xxxx OR VISIT

www.xxx.com

4. Why is this lawsuit a class action?

The Court decided that the Class Representative's claims against GM can proceed as a class action because they meet the requirements of Federal Rule of Civil Procedure 23, which governs class actions in federal courts. Specifically, the Court has allowed the Class to proceed with respect to claims for (1) breach of express warranty; (2) breach of contract; and (3) violation of the Magnuson-Moss Warranty Act.

WHO IS IN THE CLASS

5. Am I in the Class?

All persons meeting the following definition are in the Class:

(1) Initial purchasers and lessees of new 'class vehicles,' 2017-18 GMC Acadias, who purchased or leased their vehicles in Tennessee; and who (2) sought a repair from a GM dealer regarding the STP Issue during the warranty period; and who (3) were not provided with either a silicon-free replacement shifter assembly or silicon-free shifter control wire harness at no charge.

Therefore, you are a member of the Class if you purchased a new 2017-2018 GMC Acadia in Tennessee; sought a repair from a GM dealer regarding the STP Issue during the warranty period; and in response you either received no repair attempts at all, or you received repair attempt(s) that were not a silicon-free replacement shifter assembly or silicon-free shifter control wire harness at no charge.

Excluded from the Class are (1) GM and its employees or agents and (2) all entities and natural persons who submit a valid request for exclusion following this Notice of Pendency of Class Action in this litigation.

Your receipt of a Postcard Notice or Email does not mean you are necessarily a member of the Class. Only people who meet the foregoing class definition are members of the Class.

6. I am still not sure if I am included.

If you are still not sure whether you are a member of Class, you can call or write to Class Counsel at the phone numbers or address listed below. Do not call the Court.

QUESTIONS? CALL 1-xxx-xxx-xxxx OR VISIT

www.xxx.com

YOUR RIGHTS AND OPTIONS

If you fall within the definition of the Class, you must decide whether to stay in the Class or ask to be excluded (sometimes called “opting out”) of the Class. You have until [DATE], to exclude yourself.

7. How do I participate in this class action?

If you fall within the definition of the Class set forth above, you are a Class Member. As a Class Member, you will be bound by any judgment or settlement, whether favorable or unfavorable, in this lawsuit, and will be able to participate in any relief obtained by Plaintiff in the case. Whether Plaintiff wins or loses, you will not be able to bring individual legal claims against GM based on the same claims certified for class treatment, nor will you be able to obtain any relief in connection with such claims, other than the relief obtained by the Class. You will also be bound if a judgment is rendered in favor of GM.

IF YOU FALL WITHIN THE CLASS DEFINITION AND WISH TO REMAIN A CLASS MEMBER, YOU DO NOT NEED TO DO ANYTHING

By doing nothing, you will remain part of the Class and you will give up your rights to sue GM separately about the same claims involved in this action. No judgment or settlement has occurred at this time. If you do not ask to be excluded from the Class now, you will not have the right to seek exclusion later, such as at the time of settlement or judgment. However, in the event of a settlement, Class Members will be notified and have an opportunity to present an objection to the Court if they disagree with the terms of any settlement.

8. Why would I ask to be excluded?

You may want to exclude yourself if you qualify as a member of the Class but do not want to participate in this litigation at all. If you exclude yourself from the Class—which means to remove yourself from the Class and is sometimes called “opting out” of the Class—you will not get any benefits from this litigation.

If your exclusion request is complete and properly submitted before the deadline, you will not be bound by the outcome of the litigation, and you will be free, if you choose, to pursue your own lawsuit against GM based on the same STP Issue. Any separate litigation you choose to bring may be subject to a statute of limitations, or other time-sensitive requirements.

9. How do I ask the Court to exclude me from the Class?

If you wish to be excluded from the Class and retain all your rights, you must either (1) complete an Exclusion Request Form, available at www.XXX.com and submit it by U.S. Mail, postmarked by [DATE]; or (2) submit an online Exclusion Request Form at www.XXX.com by [DATE]. Be sure to sign the form and complete all required information. If You decide to mail Your Exclusion Request Form you must send it to the address listed below:

JND MAILING ADDRESS

QUESTIONS? CALL 1-xxx-xxx-xxxx OR VISIT

www.xxx.com

IF YOU CHOOSE TO BE EXCLUDED: (1) you will NOT be entitled to share in any relief from any judgment or settlement that results from this lawsuit; (2) you will NOT be bound by any judgment or settlement release entered in this lawsuit; and (3) at your own expense, you MAY pursue any claims that you have by filing separate litigation.

THE ATTORNEYS REPRESENTING YOU

10. Do I have an attorney in this case?

The Court has appointed the attorneys at Lemberg Law, LLC (43 Danbury Road, Wilton, CT 06897; telephone number (203) 653-2250) to represent the Class and Class Members in this litigation. You will not be charged for these lawyers.

11. Should I get my own attorney?

You may make an appearance in the case through another attorney if you choose, but you do not need to do so. If you wish to remain a Class Member, you do not need to hire your own lawyer because Class Counsel is working on your behalf. If you wish to pursue your own lawsuit separate from this one, you will need to submit a request for exclusion.

GETTING MORE INFORMATION

12. How do I get more information?

This Notice summarizes the Class and the nature of the litigation. For more information on the Class and the litigation, you may contact Class Counsel or the Notice Administrator using the contact information below. You may also access the Court's docket in this case, for a fee, through the Court's Public Access to Court Electronic Records (PACER) system at <https://ecf.cand.uscourts.gov>, or by visiting the office of the Clerk of the Court for the United States District Court for the Western District of Tennessee, Federal Building, 167 North Main Street, Memphis, Tennessee 38103, between 8:30 a.m. and 4:30 p.m., Monday through Friday, excluding Court holidays.

Court-Appointed Class Counsel

Sergei Lemberg
Joshua Markovits
LEMBERG LAW, L.L.C.
43 Danbury Road, 3rd Floor, Wilton, CT 06897
Telephone: (203) 653-2250
Email: slemberg@lemborglaw.com
Email: jmarkovits@lemborglaw.com

Notice Administrator

[JND CONTACT INFORMATION]

PLEASE DO NOT CALL OR WRITE THE COURT, THE COURT CLERK, OR GENERAL MOTORS ABOUT THE CLASS ACTION OR THE LITIGATION PROCESS.

QUESTIONS? CALL 1-xxx-xxx-xxxx OR VISIT

www.xxx.com

EXHIBIT C

EXCLUSION REQUEST FORM

Jefferson v. General Motors LLC

Case No. 2:20-cv-02576-JPM-tmp

EXCLUSION REQUEST FORM

This is NOT a claim form. It EXCLUDES you from this Class Action Lawsuit.

If you qualify as a member of the Class and exclude yourself (opt-out), you remove yourself from the Class. You will not be entitled to share in any relief from any judgment or settlement in this lawsuit.

However, if you exclude yourself, you will not be legally bound by any judgment or settlement entered in this lawsuit. You will be able to pursue any legal claims that you have on your own.

If you do pursue your own lawsuit after you exclude yourself, you will have to hire and pay your own lawyer.

To exclude yourself, complete and return the form below.

I request to be excluded from the lawsuit. I understand that if I am excluded from the lawsuit, I will not receive any benefits from any judgment or settlement in this lawsuit. I understand that if I am excluded from the lawsuit, I will not be bound by any judgment or settlement in this lawsuit.

Dated: _____, 2024

(signature)

(You must complete the following information to exclude yourself)

Full Name of Class Member

Street Address

City, State, Zip Code

Telephone Number

Email Address

If you want to exclude yourself from the lawsuit, you must complete this form and mail it to the Notice Administrator at the following address by no later than **EXCLUSION DATE**:

IND CONTACT INFORMATION

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE**

<p>Rilla Jefferson, <i>on behalf of herself and all others similarly situated,</i></p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">vs.</p> <p>General Motors LLC,</p> <p style="text-align: center;">Defendant.</p>	<p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p>	<p>Case No. 2:20-cv-02576</p>
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**DECLARATION OF JENNIFER M. KEOUGH REGARDING PROPOSED CLASS
NOTICE PLAN AND ADMINISTRATION OF CLASS ACTION**

I, Jennifer M. Keough, under penalty of perjury under the laws of the United States of America, affirm and state as follows:

1. I am the Chief Executive Officer and Co-Founder of JND. JND is a legal administration service provider with extensive experience in all aspects of legal administration and has administered hundreds of class action settlements. The following statements are based on my personal knowledge as well as information provided by other experienced JND employees working under my supervision.

2. JND develops and executes class action notice plans and administers a wide variety of class actions including consumer, automotive, securities, government, employment and mass torts. JND’s class action department provides all services necessary for the effective implementation of class action settlements, including: (1) all facets of legal notice such as outbound mailing, email notification, and design and implementation of media programs including through digital and social media platforms; (2) website design and deployment, including online claim filing capabilities; (3) call center and other contact support; (4) secure class member data management; (5) paper and electronic claims processing; (6) calculation design and programming; (7) payment disbursements

through check, wire, PayPal, merchandise credits and other means; (8) qualified settlement fund tax reporting; (9) banking services and reporting; and (10) all other functions related to the secure and accurate administration of class action settlements.

EXPERIENCE

3. I have more than 20 years of legal experience creating and supervising notice and claims administration programs and have personally overseen well over 500 matters. I have personally overseen the administration of high-profile and complex administration engagements, including the \$20 billion Gulf Coast Claims Facility, \$10 billion BP Deepwater Horizon Settlement, \$3.4 billion Cobell Indian Trust Settlement, \$3.05 billion VisaCheck/MasterMoney Antitrust Settlement, \$2.67 billion Blue Cross Blue Shield antitrust settlement; \$1.5 billion Mercedes-Benz Emissions Settlements, \$1.3 billion Equifax Data Breach Settlement and \$1 billion Stryker Modular Hip Settlement among others.

4. In addition, JND has been recently appointed to handle notice and claims administration tasks for class action matters in the following automotive cases: *Chapman, et al. v. General Motors LLC* No. 19-cv-12333-TGB-DRG (E.D. Mi.), *Hickman v. Subaru of America* No. 1:21-cv-02100 (D.N.J.), *In re: Volkswagen "Clean Diesel" Marketing, Sales Practices, and Products Liability Litigation* No. 3:15-md-2672 (N.D. Ca.), *Raymo, et al. v. FCA US LLC & Cummins Inc.* No. 2:17-cv-12168-TGB-SDD (E.D. Mi.), *Gjonbalaj v. Volkswagen Group of America, Inc.* No. 2:19-cv-7165 (E.D. N.Y.), *In re: Subaru Battery Drain products Liability Litigation* No. 1:20-cv-03095-JHR-MJS (D.N.J).

PROPOSED CLASS CERTIFICATION NOTICE PLAN

5. I understand that after the Court rules on Plaintiff's motion for approval of class notice, Defendant General Motors, LLC will provide Plaintiff's Counsel with approximately 3,341

Vehicle Identification Numbers (“VINs”) associated with 2017-2018 GMC Acadia Class Vehicles sold or leased in Tennessee.

6. To identify Class Members, i.e., the initial Tennessee purchasers and lessees of 2017-2018 GMC Acadia vehicles, and their relevant mailing information from the VINs provided by General Motors, JND will coordinate with Experian to acquire potential Class Members’ contact information from Departments of Motor Vehicles (“DMVs”) for all current and previous owners of the Class Vehicles. The contact information gained using this process is considered particularly reliable because vehicle owners must maintain accurate and up-to-date contact information to pay vehicle registration fees and keep driver’s licenses and voter’s registrations current. JND will also receive Class Vehicle registration information, including, but not limited to, registration date, year, make and model of the vehicle. The Class Vehicle registration information will provide whether the individual purchased the vehicle new or used, and whether the individual currently owns the Class Vehicle. The resulting list (the “Class List”) will be reviewed for duplicates and other possible discrepancies and will be narrowed to those individuals who purchased or leased their vehicles new, regardless of whether the individual currently owns the Class Vehicle.

7. JND will conduct a sophisticated email append process to obtain email addresses for as many potential Class Members as possible. The email append process utilizes skip tracing tools to identify any email address by which the potential Class Member may be reached.

8. The forgoing is JND’s standard process for identifying class member address and email contact details in automotive contested matters and settlement proceedings.

9. JND will provide individual notice to all Class Members identified in the Class List via a mailed short form notice (“Postcard Notice”) and/or a short form notice sent by email (“Email Notice”). If a mailing address and an email address are both identified for a Class Member, the Class Member will receive both a Postcard Notice and an Email Notice.

MAILED NOTICE

10. The Postcard Notice will be mailed via United States Postal Service (“USPS”). Prior to mailing, JND will use the National Change of Address (“NCOA”) database maintained by USPS to ensure Class Member address information is up-to-date and accurately formatted for mailing.

11. JND will track all notices returned undeliverable by the USPS and will promptly re-mail notices that are returned with forwarding addresses. In addition, JND will take reasonable efforts to research and determine if it is possible to reach a Class Member for whom a notice is returned without a forwarding address, by using available skip-tracing tools to identify a new mailing address by which the potential Class Member may be reached.

EMAIL NOTICE

12. In addition to the Postcard Notice, JND will also send the Email Notice to all email addresses obtained through the process described above.

13. Prior to sending the Email Notice, JND will evaluate the email for potential spam language to improve deliverability. This process includes running the email through spam testing software, DKIM¹ for sender identification and authorization, and hostname evaluation. Additionally, we will check the send domain against the 25 most common IPv4 blacklists.²

14. JND uses industry-leading email solutions to achieve the most efficient email notification campaigns. Our Data Team is staffed with email experts and software solution teams to conform each notice program to the particulars of the case. JND provides individualized support during the program and manages our sender reputation with the Internet Service Providers (“ISPs”).

¹ DomainKeys Identified Mail, or DKIM, is a technical standard that helps protect email senders and recipients from spam, spoofing, and phishing.

² IPv4 address blacklisting is a common practice. To ensure that the addresses being used are not blacklisted, a verification is performed against well-known IP blacklist databases. A blacklisted address affects the reputation of a company and could cause an acquired IP addresses to be blocked.

For each of our programs, we analyze the program's data and monitor the ongoing effectiveness of the notification campaign, adjusting the campaign as needed. These actions ensure the highest possible deliverability of the email campaign so that more potential Class Members receive notice.

15. For each email campaign, including this one, JND will utilize a verification program to eliminate invalid email and spam traps that would otherwise negatively impact deliverability. We will then clean the list of email addresses for formatting and incomplete addresses to further identify all invalid email addresses.

16. To ensure readability of the email, our team will review and format the body content into a structure that is applicable to all email platforms, allowing the email to pass easily to the recipient. Before launching the email campaign, we will send a test email to multiple ISPs and open the test email on multiple devices (iPhones, Android phones, desktop computers, tablets, etc.) to ensure the email opens as expected.

17. Additionally, JND will include an "unsubscribe" link at the bottom of the email to allow Class Members to opt out of any additional email notices from JND. This step is essential to maintain JND's good reputation among the ISPs and reduce complaints relating to the email campaign.

18. Emails that are returned to JND are generally characterized as either "Soft Bounces" or "Hard Bounces." A Hard Bounce occurs when the ISP rejects the email due to a permanent reason such as the email account is no longer active. A Soft Bounce occurs when the email is rejected for temporary reasons, such as the recipient's email address is full.

19. When an email is returned due to a Soft Bounce, JND attempts to re-send the email notice up to three additional times in an attempt to secure deliverability. The email is considered undeliverable if it is a Hard Bounce or a Soft Bounce that is returned after a third re-send.

INFORMATIONAL WEBSITE

20. JND will create and maintain a website dedicated to this Action. The website URL address will be included in the Postcard Notice and the Email Notice.

21. JND will post on the informational website the Long Form Class Notice and the Exclusion Form, along with other relevant documents including the operative complaint and the Court's class certification orders.

22. The content of the website will mirror, as close as reasonably possible considering formatting issues, the contents of the Long Form Class Notice.

23. The website will also contain a portal through which class members can submit an Exclusion Form.

24. The case website will be ADA-compliant and optimized for mobile visitors so that the information loads quickly on mobile devices and will also be designed to maximize search engine optimization through Google and other search engines. Keywords and natural language search terms will be included in the site's metadata to maximize search engine rankings.

25. JND will provide the Parties an opportunity to review and approve the URL address of the informational website, and all content on the website, before the website goes live. The informational website will also include relevant dates including the date and location of the trial, other case-related information and documents, instructions for how to be excluded from the Class, and contact information for the Administrator.

IVR TELEPHONE NUMBER

26. JND will establish a dedicated toll-free telephone number with Interactive Voice Response (“IVR”). The IVR will contain basic information concerning the class action, describe potential class members’ options, describe how class members can exclude themselves, and describe where potential class members can obtain additional information about the action including contact information for Class Counsel and the informational website URL.

27. The content of the IVR responses will mirror, as close as reasonably possible considering the different format, the content of the Long Form Class Notice.

28. The dedicated telephone number will be included in the Postcard Notice, Email Notice and Long Form Notice.

REQUESTS FOR EXCLUSION

29. Potential Class Members that wish to exclude themselves may submit their request for exclusion by mail to a Post Office Box that JND will maintain. JND will monitor all mail delivered to that Post Office Box and will track all exclusion requests received, which will be provided to Class Counsel.

30. In addition, Potential Class Members that wish to exclude themselves may submit their request for exclusion on the informational website. JND will monitor all exclusion requests received via the informational website, which will be provided to Class Counsel.

31. The Postcard Notice, Email Notice and Long Form Notice will each instruct potential Class Members about how they can request to exclude themselves.

CONCLUSION

32. It is my opinion, based on my expertise and experience, that the above-described method of class notice provides effective notice in this Action, will provide the best notice that is practicable, adheres to Fed. R. Civ. P. 23 and exceeds the requirements of due process.

I declare under penalty of perjury under the laws of the United States of America that the above is true and correct.

Dated: October 20, 2023



JENNIFER M. KEOUGH