

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

RAFAEL SUAREZ, DAISY GONZALEZ, and
RICHARD BYRD, individually on behalf of
all others similarly situated,

Plaintiffs,

v.

NISSAN NORTH AMERICA, INC.,

Defendant.

Case No. 3:21-cv-00393-WLC-AN

CLASS ACTION

**DECLARATION OF LANA LUCCHESI
RE: NOTICE PROCEDURES**

1 I, Lana Lucchesi, declare and state as follows:

2
3 1. I am a Vice President with KCC Class Action Services, LLC (“KCC”), located in
4 San Rafael, California. Pursuant to the Order Granting the Parties’ Joint Motion for Preliminary
5 Approval of Class Action Settlement (the “Preliminary Approval Order”) dated July 26, 2021, the
6 Court appointed KCC as the Claims Administrator in connection with the proposed Settlement of
7 the above-captioned Action.¹ I have personal knowledge of the matters stated herein and, if called
8 upon, could and would testify thereto.

9 **CAFA NOTIFICATION**

10 2. In compliance with the Class Action Fairness Act (“CAFA”), 28 U.S.C. Section
11 1715, KCC compiled a CD-ROM containing the following documents: Plaintiffs’ Class Action
12 Complaint, Parties’ Joint Motion for Preliminary Approval of Class Action Settlement Agreement
13 and Related Relief, Plaintiffs’ Memorandum of Law in Support of Joint Motion for Preliminary
14 Approval of Class Action Settlement Agreement and Related Relief (with all accompanying
15 exhibits), [Proposed] Order Granting the Parties’ Joint Motion for Preliminary Approval of Class
16 Action Settlement, Effective Date Notice, Full Notice, Out of Warranty Notice and Claim Form,
17 Publication Notice, Reimbursement Claim Form, and Class Action Settlement Agreement, which
18 accompanied a cover letter (collectively, the “CAFA Notice Packet”). A copy of the cover letter is
19 attached hereto as Exhibit A.

20 3. On June 2, 2021, KCC caused fifty-eight (58) CAFA Notice Packets to be mailed
21 via Priority Mail from the U.S. Post Office in Memphis, Tennessee to the parties listed on Exhibit
22 B, *i.e.*, the U.S. Attorney General, the Attorneys General of each of the 50 States and the District
23 of Columbia, the Attorneys General of the 5 recognized U.S. Territories, as well as parties of
24 interest to this Action.

25 4. As of the date of this declaration, KCC has received no response to the CAFA Notice
26 Packet from any of the recipients identified in paragraph 3 above.

27
28 ¹ All capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the
Class Action Settlement Agreement, filed May 24, 2021 (the “Settlement Agreement”) and/or the
Preliminary Approval Order.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CLASS LIST

5. On July 27, 2021, Defendant provided KCC with Vehicle Identification Number (“VIN”) information for all Class Vehicles. Using this VIN information provided by Nissan, KCC utilized the services of a third-party vendor, IHS Markit, formerly known as R.L. Polk (“IHS”), to obtain mailing address data for the Settlement Class in preparation for mailing. As of September 8, 2021, a total of 3,337,528 name and address records were returned by IHS, representing class member data from the non-restricted and restricted states.

6. IHS caused the addresses in the Class Member List to be updated using the National Change of Address database (“NCOA”) maintained by the U.S. Postal Service (“USPS”). A total of 352,685 addresses were updated.

7. Upon receipt of the mailing address data for the Settlement Class provided by IHS, KCC entered the Class Member List information into its proprietary database and prepared a data file for the initial mailing.

8. KCC has identified and removed 178 records from the Class Member List. These records were removed as they were duplicative on VIN, Name, and Address. The total records remaining on the Class Member List is 3,337,350.

9. KCC also identified and will withhold 87,986 records from the Notice Mailing but maintain in the Class Member List. Of these 87,986 records, 75,607 were withheld because it was a record related to a Nissan facility and 12,379 records had missing or incomplete address data.

MAILING OF THE NOTICE PACKET

10. No later than October 25, 2021, KCC will cause the Notice and Claim Form (collectively, the “Notice Packet”) to be printed and mailed to the 3,249,364 names and mailing addresses in the Class List. A true and correct copy of the Notice Packet is attached hereto as Exhibit C.

PUBLICATION OF THE SUMMARY NOTICE

11. In addition to the individual notice effort described above, KCC will implement a consumer media campaign consisting of a press release, published notice in a consumer magazine,

1 and a digital media campaign. The timeline as currently contemplated will cause the media
2 campaign to commence on September 22, 2021 and end on October 22, 2021.

3 12. A press release will be distributed nationwide on September 22, 2021.

4 13. The Summary Notice will be published as an approximate third-page ad unit in the
5 nationwide edition of *People* magazine. The Notice is tentatively scheduled to appear in the
6 magazine's October 25, 2021 issue, which goes on sale October 15, 2021. The issue date is the date
7 that appears on the publication cover. The on-sale date is the date the publication becomes available
8 to readers.

9 14. The digital media campaign will commence on September 22, 2021 and run for
10 approximately thirty days, ending on October 22, 2021. During this thirty-day period, KCC will
11 cause approximately 5,710,000 digital impressions to be distributed via display ads on various
12 websites and social media platforms, specifically Facebook and Instagram. The impressions will
13 be behaviorally targeted to reach individuals 18 years of age and older nationwide who are likely
14 to own a Nissan Altima ("likely Class members"). Additional emphasis will be placed to geo-target
15 likely Class Members in Southern and Coastal regions. These digital notices will appear on both
16 desktop and mobile devices, including tablets and smartphones, in display and native ad formats.
17 All digital media notices will include an embedded link to the settlement website. The digital media
18 campaign will be routinely monitored by KCC's digital specialists to analyze key campaign
19 performance indicators (KPIs), such as click-through rates (CTRs) and costs per action (CPAs).
20 This knowledge will be leveraged to allocate placements to sites that demonstrated successful KPIs
21 throughout the duration of the campaign.

22 **SETTLEMENT WEBSITE**

23 15. On or about August 2, 2021 KCC established a settlement website
24 [www.AltimaHeadlightSettlement.com] dedicated to this matter to provide information to the Class
25 Members and to answer frequently asked questions. The website URL is set forth in the Notice
26 and Claim Form. Visitors of the website can download copies of the Notice, Claim Form, and other
27 case-related documents. Visitors can also submit claims online, and, if applicable, upload
28

1 supporting documentation. As of September 10, 2021, the website has received 5,011 visits.

2 **TELEPHONE HOTLINE**

3 16. KCC established and continues to maintain a toll-free telephone number (1-855-
4 786-0996) for potential Class Members to call and obtain information about the Settlement, request
5 a Notice Packet, and/or seek assistance from a live operator during regular business hours. The
6 telephone hotline became operational on August 2, 2021, and is accessible 24 hours a day, 7 days
7 a week. As of September 10, 2021, KCC has received a total of 33 calls to the telephone hotline,
8 of which five (5) calls were handled by a live operator.
9

10 **CLAIM FORMS**

11 17. The postmark deadline for Class Members to file reimbursement claims in this
12 matter is April 25, 2022. To date, KCC has received 397 timely-filed claim forms. The total face-
13 value of the claims is \$335,564.85; however, KCC has not yet determined whether any of the claims
14 are valid and supported by sufficient documentation.
15

16 **REPORT ON EXCLUSION REQUESTS RECEIVED TO DATE**

17 18. The Notice will inform Class Members that requests for exclusion from the Class
18 must be postmarked no later than November 22, 2021. As of the date of this declaration, KCC has
19 not received any requests for exclusion.
20

21 **OBJECTIONS TO THE SETTLEMENT**

22 19. The receipt deadline for Class Members to object to the settlement is November 22,
23 2022. As of the date of this declaration, KCC has not received any objections to the settlement.
24

25 **ADMINISTRATION COSTS**

26 20. To date, KCC has incurred \$296,612.17 in settlement administration costs. The total
27 initial noticing costs are estimated to be \$1,933,155.04 representing the anticipated cost for printing
28 and mailing the Notice Packets, including postage. This does not include any costs of the post-

1 Effective Date notices provided by the Settlement. Additional costs will be incurred to review
2 claims from members of the Settlement Class, process and pay valid claims, communicate with
3 class members, and carry out other tasks in administering the settlement. The costs of notice and
4 settlement administration are being paid by the Defendant to KCC directly.
5

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

8 Executed on September 17, 2021 at San Rafael, California.

9
10 
11 _____
12 Lara Lucchesi
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Exhibit A

BRIGID M. CARPENTER, SHAREHOLDER
Direct Dial: 615.726.7341
Direct Fax: 615.744.7341
E-Mail Address: bcarpenter@bakerdonelson.com

June 2, 2021

VIA PRIORITY MAIL

«First» «Last»
«Company»
«Address_1»
«Address_2»
«City», «State» «Zip»

Re: Notice of Proposed Class Action Settlement Pursuant to 28 U.S.C. § 1715

Dear «First» «Last»:

BAKER, DONELSON, BEARMAN, CALDWELL & BERKOWITZ, PC represents Nissan North America, Inc., (“Nissan”) in a putative class action lawsuit entitled *Rafael Suarez, Daisy Gonzalez, and Richard Byrd, individually and on behalf of all others similarly situated, v. Nissan North America, Inc.*, Case No. 3:21-cv-00393-WLC-AN. The lawsuit is pending before the Honorable William L. Campbell, Jr. in the United States District Court for the Middle District of Tennessee. This letter is to advise you that Plaintiffs filed a Motion for Preliminary Approval of Class Action Settlement in connection with this class action lawsuit on May 24, 2021.

Case Name: *Suarez, et al., v. Nissan North America, Inc.*

Case Number: 3:21-cv-00393-WLC-AN

Jurisdiction: United States District Court,
Middle District of Tennessee

Date Settlement
Filed with Court: May 24, 2021

Nissan denies any wrongdoing or liability whatsoever, but has decided to settle this action solely in order to eliminate the burden, expense, and uncertainties of further litigation. In compliance with 28 U.S.C. § 1715(b), the following documents referenced below are included on the CD that is enclosed with this letter:

1. **28 U.S.C. § 1715(b)(1) – Complaint and Related Materials:** A copy of *Plaintiffs’ Class Action Complaint* is included on the enclosed CD.
2. **28 U.S.C. § 1715(b)(2) – Notice of Any Scheduled Judicial Hearing:** As of June 2, 2021, the Court has not yet scheduled a final fairness hearing in this matter. Plaintiffs filed the *Parties’ Joint Motion for Preliminary Approval of Class Action Settlement Agreement and Related Relief* requesting that the Honorable William L. Campbell, Jr. preliminarily approve the proposed Settlement. Copies of the *Parties’ Joint Motion for Preliminary Approval of Class Action Settlement Agreement and Related Relief*, *Plaintiffs’ Memorandum of Law in Support of Joint Motion for Preliminary Approval of Class Action Settlement Agreement and Related Relief* (with all accompanying exhibits), and *[Proposed] Order Granting the Parties’ Joint Motion for Preliminary Approval of Class Action Settlement* are included on the enclosed CD.
3. **28 U.S.C. § 1715(b)(3) – Notification to Class Members:** Copies of the *Effective Date Notice*, *Full Notice*, *Out of Warranty Notice and Claim Form*, *Publication Notice*, and *Reimbursement Claim Form* to be provided to the class are included on the enclosed CD.
4. **28 U.S.C. § 1715(b)(4) – Class Action Settlement Agreement:** A copy of the *Class Action Settlement Agreement* is included on the enclosed CD.
5. **28 U.S.C. § 1715(b)(5) – Any Settlement or Other Agreement:** As of June 2, 2021, no other settlement or agreement has been entered into by the Parties to this Action with each other, either directly or by and through their respective counsel.
6. **28 U.S.C. § 1715(b)(6) – Final Judgment:** No Final Judgment has been reached as of June 2, 2021, nor have any Notices of Dismissal been granted at this time.
7. **28 U.S.C. § 1715(b)(7)(A)-(B) – Names of Class Members/Estimate of Class Members:** While Nissan and KCC Class Action Services, LLC are in the process of gathering information on this issue, pursuant to 28 U.S.C. § 1715(b)(7)(A), at this time a complete list of names of class members as well as each State of residence is not available, because the parties do not presently know the names or current addresses of all the proposed settlement class members and will not learn this information until the Settlement is preliminarily approved and the Court authorizes dissemination of information about the Settlement through the Class Notice. Pursuant to 28 U.S.C. § 1715(b)(7)(B), it is estimated that there are approximately 1.43 million vehicles in the class.

«First» «Last»

June 2, 2021

Page 3

8. **28 U.S.C. § 1715(b)(8) – Judicial Opinions Related to the Settlement:** As the proposed Settlement is still pending final approval by the Court, there are no other opinions available at this time. As of June 2, 2021, there has been no written judicial opinion related to the settlement.

If for any reason you believe the enclosed information does not fully comply with 28 U.S.C. § 1715, please contact the undersigned immediately so that Nissan can address any concerns or questions you may have.

Thank you.

Sincerely,

/s/

Brigid M. Carpenter

Encl: CD Rom

Exhibit B

Last	First	Company	Address 1	Address 2	City	State	Zip
Garland	Merrick	Attorney General of the United States	United States Department of Justice	950 Pennsylvania Avenue, NW	Washington	DC	20530-0001
Taylor	Treg	Office of the Alaska Attorney General	P.O. Box 110300		Jeaneau	AK	99811
Marshall	Steve	Office of the Alabama Attorney General	501 Washington Avenue	PO Box 300152	Montgomery	AL	36130-0152
Rutledge	Leslie	Arkansas Attorney General Office	323 Center Street, Suite 200		Little Rock	AR	72201-2610
Brnovich	Mark	Office of the Arizona Attorney General	2005 N. Central Avenue		Phoenix	AZ	85004
CAFA Coordinator		Office of the Attorney General	Consumer Law Section	455 Golden Gate Ave., Suite 11000	San Francisco	CA	94102
Weiser	Phil	Office of the Colorado Attorney General	Ralph L. Carr Colorado Judicial Center	1300 Broadway, 10th Floor	Denver	CO	80203
Tong	William	State of Connecticut Attorney General's Office	55 Elm Street		Hartford	CT	06106
Racine	Karl A.	District of Columbia Attorney General	441 4th Street, NW, Suite 1100S		Washington	DC	20001
Jennings	Kathy	Delaware Attorney General	Carvel State Office Building	820 N. French Street	Wilmington	DE	19801
Moody	Ashley	Office of the Attorney General of Florida	The Capitol, PL-01		Tallahassee	FL	32399-1050
Carr	Chris	Office of the Georgia Attorney General	40 Capitol Square, SW		Atlanta	GA	30334-1300
Connors	Clare	Office of the Hawaii Attorney General	425 Queen Street		Honolulu	HI	96813
Miller	Tom	Iowa Attorney General	Hoover State Office Building	1305 E. Walnut Street	Des Moines	IA	50319
Wasden	Lawrence	State of Idaho Attorney General's Office	700 W. Jefferson Street, Suite 210	P.O. Box 83720	Boise	ID	83720-0010
Raoul	Kwame	Illinois Attorney General	James R. Thompson Center	100 W. Randolph Street	Chicago	IL	60601
Rokita	Todd	Indiana Attorney General's Office	Indiana Government Center South	302 West Washington Street, 5th Floor	Indianapolis	IN	46204
Schmidt	Derek	Kansas Attorney General	120 S.W. 10th Ave., 2nd Floor		Topeka	KS	66612-1597
Cameron	Daniel	Office of the Kentucky Attorney General	700 Capitol Ave	Capitol Building, Suite 118	Frankfort	KY	40601
Landry	Jeff	Office of the Louisiana Attorney General	P.O. Box 94095		Baton Rouge	LA	70804-4095
Healey	Maura	Office of the Attorney General of Massachusetts	1 Ashburton Place	20th Floor	Boston	MA	02108-1518
Frosh	Brian	Office of the Maryland Attorney General	200 St. Paul Place		Baltimore	MD	21202-2202
Frey	Aaron	Office of the Maine Attorney General	State House Station 6		Augusta	ME	04333
Nessel	Dana	Office of the Michigan Attorney General	P.O. Box 30212	525 W. Ottawa Street	Lansing	MI	48909-0212
Keith Ellison	Attorney General	Attention: CAFA Coordinator	445 Minnesota Street	Suite 1400	St. Paul	MN	55101-2131
Schmitt	Eric	Missouri Attorney General's Office	Supreme Court Building	207 W. High Street	Jefferson City	MO	65101
Fitch	Lynn	Mississippi Attorney General's Office	Department of Justice	P.O. Box 220	Jackson	MS	39205
Knudsen	Austin	Office of the Montana Attorney General	Justice Bldg., 3rd Floor	215 N. Sanders Street	Helena	MT	59620-1401
Stein	Josh	Office of the North Carolina Attorney General	Department of Justice	9001 Mail Service Center	Raleigh	NC	27602-0629
Stenehjem	Wayne	North Dakota Office of the Attorney General	State Capitol	600 E. Boulevard Avenue	Bismarck	ND	58505-0040
Peterson	Doug	Office of the Nebraska Attorney General	2115 State Capitol	P.O. Box 98920	Lincoln	NE	68509-8920
Attorney General	Acting	New Hampshire Attorney General	Hew Hampshire Department of Justice	33 Capitol Street	Concord	NH	03301-6397
Grewal	Gurbir S.	Office of the New Jersey Attorney General	Richard J. Hughes Justice Complex	25 Market Street, P.O. Box 080	Trenton	NJ	08625
Balderas	Hector	Office of the New Mexico Attorney General	P.O. Drawer 1508		Santa Fe	NM	87504-1508
Ford	Aaron	Nevada Attorney General	Old Supreme Ct. Bldg.	100 North Carson Street	Carson City	NV	89701
James	Letitia	Office of the New York Attorney General	Dept. of Law - The Capitol	2nd Floor	Albany	NY	12224
Yost	Dave	Ohio Attorney General	State Office Tower	30 E. Broad Street	Columbus	OH	43266-0410
Hunter	Mike	Oklahoma Office of the Attorney General	313 NE 21st Street		Oklahoma City	OK	73105
Rosenblum	Ellen F.	Office of the Oregon Attorney General	Justice Building	1162 Court Street, NE	Salem	OR	97301
Shapiro	Josh	Pennsylvania Office of the Attorney General	1600 Strawberry Square		Harrisburg	PA	17120
Noranha	Peter F.	Rhode Island Office of the Attorney General	150 South Main Street		Providence	RI	02903
Wilson	Alan	South Carolina Attorney General	Rembert C. Dennis Office Bldg.	P.O. Box 11549	Columbia	SC	29211-1549
Ravnsborg	Jason	South Dakota Office of the Attorney General	1302 East Highway 14, Suite 1		Pierre	SD	57501-8501
Slatery, III	Herbert H.	Tennessee Attorney General and Reporter	P.O. Box 20207		Nashville	TN	37202-0207
Paxton	Ken	Attorney General of Texas	Capitol Station	P.O. Box 12548	Austin	TX	78711-2548
Reyes	Sean	Utah Office of the Attorney General	P.O. Box 142320		Salt Lake City	UT	84114-2320
Herring	Mark	Office of the Virginia Attorney General	202 North Ninth Street		Richmond	VA	23219
Donovan	TJ	Office of the Attorney General of Vermont	109 State Street		Montpelier	VT	05609-1001
Ferguson	Bob	Washington State Office of the Attorney General	1125 Washington St SE	P.O. Box 40100	Olympia	WA	98504-0100
Kaul	Josh	Office of the Wisconsin Attorney General	Dept of Justice, State Capitol	RM 114 East P.O. Box 7857	Madison	WI	53707-7857
Morrissey	Patrick	West Virginia Attorney General	State Capitol Complex, Bldg 1	Room E-26	Charleston	WV	25305
Hill	Bridget	Office of the Wyoming Attorney General	2320 Capitol Avenue		Cheyenne	WY	82002
Ala'ilima-Utu	Fainu'u'ulelei Falefatu	American Samoa Gov't	Exec. Ofc. Bldg		Utulei	AS	96799
Camacho	Leevin Taitano	Office of the Attorney General, ITC Building	590 S. Marine Corps Drive	Suite 901	Tamuning	Guam	96913
Manibusan	Edward	Northern Mariana Islands Attorney General	Administration Building	PO Box 10007	Saipan	MP	96950-8907
Hernández	Domingo Emanuelli	Puerto Rico Attorney General	P.O. Box 902192		San Juan	PR	00902-0192
George	Denise N.	Virgin Islands Attorney General, Department of Justice	34-38 Kronprindsens Gade	GERS Bldg, 2nd Floor	St. Thomas	VI	00802
Carpenter	Brigid M.	Baker, Donelson, Bearman, Caldwell & Berkowitz, PC	1600 West End Avenue	Suite 2000	Nashville	TN	37203

Exhibit C

«Barcode»

Postal Service: Please do not mark barcode

VIN: <<VIN>>

Claim#: NIZ-«ClaimID»-«MailRec»

«First1» «Last1»

«CO»

«Addr1» «Addr2»

«City», «St» «Zip»

«Country»

NIZ

NOTICE OF CLASS ACTION SETTLEMENT

Rafael Suarez, et al. v. Nissan North America, Inc., No. 3:21-cv-00393-WLC-AN (M.D. Tenn.)

A Settlement Involving Headlamps on 2013-2018 Nissan Altima Vehicles May Affect You.

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

You are receiving this Notice because records indicate that you own or lease, or previously owned or leased, a 2013-2018 Nissan Altima that is included in a class action settlement. This Notice is a summary only. You can get more information at www.AltimaHeadlightSettlement.com or by contacting the Settlement Administrator, *Suarez v. Nissan* Settlement Administrator, P.O. Box 43250, Providence, RI 02940-3250 or calling 1-855-786-0996.

WHAT IS THIS LAWSUIT ABOUT?

Plaintiffs allege that the headlights of 2013-2018 model year Nissan Altimas manufactured with halogen headlamps (“Class Vehicles”) can become dim over time due to delamination of reflective surfaces inside the headlamp (“Headlamp Defect”). Nissan North America, Inc. (“Nissan”) denies the allegations but has agreed to provide extended warranty coverage, cash reimbursement and other benefits to settle the claims.

HOW DO I KNOW IF I AM INCLUDED?

The Settlement Class consists of all United States residents who are current or former owners or lessees of 2013-2018 Nissan Altimas manufactured with halogen headlamps.

WHAT CAN I GET FROM THE SETTLEMENT?

The Settlement will become effective on the Effective Date, which will be 31 days after the Court enters a final order approving the Settlement, or after all appeals are exhausted, if an appeal is filed. Absent any appeals, the Effective Date is anticipated to occur around January 20, 2022, but this is subject to change. Check the Settlement website for updates.

The Settlement provides for the following benefits:

- (1) **Extended Warranty Covering Headlamp Dimming Due to Delamination:** Nissan will provide a three-year extension of the manufacturer’s warranty (for a total of six years) covering headlamp dimming due to delamination. To receive replacement headlamps within the extended warranty period, bring your Class Vehicle to an Authorized Nissan Dealer after the Effective Date of the Settlement.
- (2) **Opportunity to Receive Replacement Headlamps for Class Vehicles That Are or Will Be Outside of the Extended Warranty as of the Effective Date:** If your Class Vehicle will already be outside the extended warranty on the Effective Date, you may still qualify for free replacement headlamps if you: (1) submit an “Out-of-Warranty Claim Form” within 65-days after the Effective Date of the Settlement, and (2) bring your vehicle to an Authorized Nissan Dealer within six months thereafter.

- (3) **Option to Obtain Immediate Replacement from an Authorized Nissan Dealer With Reimbursement:** If you are currently within the extended warranty period and you do not want to wait until the Effective Date of the Settlement to acquire replacement headlamps, you can pay out-of-pocket for replacement headlamps from an Authorized Nissan Dealer and submit a claim for reimbursement. Reimbursement claims must be submitted by April 25, 2022.
- (4) **Reimbursement of Out-of-Pocket Costs Incurred Up To October 25, 2021:** If you previously paid out-of-pocket to replace your headlamps due to dimming prior to October 25, 2021, you can submit a claim for cash reimbursement. The deadline to submit a reimbursement claim is April 25, 2022. You may seek reimbursement for parts, labor, and other costs incurred to replace your headlamps, regardless of whether the costs were incurred through an Authorized Nissan Dealer, but reimbursements for amounts paid to Independent Repair Facilities are capped at \$1,200 per headlamp pair. Reimbursements for amounts paid to Authorized Nissan Dealers are not capped. After October 25, 2021, only costs incurred through an Authorized Nissan Dealer are reimbursable.

Visit the Settlement Website, www.AltimaHeadlightSettlement.com, for more details.

WHAT ARE YOUR LEGAL RIGHTS AND OPTIONS UNDER THE SETTLEMENT?

Option 1: Receive Replacement Headlamps and/or Submit a Reimbursement Claim – You do not need to do anything to claim the extended warranty coverage, but to receive replacement headlamps under the extended warranty, you will need to bring your Class Vehicle to an Authorized Nissan Dealer after the Effective Date and within your extended warranty period.

If your Class Vehicle will already be outside the extended warranty period as of the Effective Date, you may still receive free replacements from an Authorized Nissan Dealer, but you must: (1) submit an Out-of-Warranty Claim Form within sixty-five days after the Effective Date, and (2) bring your vehicle to an Authorized Nissan Dealer within six months thereafter to obtain replacements.

If you prefer to obtain replacement headlamps before the Effective Date, you may elect to pay out-of-pocket for replacement headlamps and seek reimbursement. To qualify, you must: (1) obtain replacements from an Authorized Nissan Dealer, and (2) submit a valid reimbursement claim no later than April 25, 2022.

Finally, if you paid out-of-pocket costs to replace your headlamps due to dimming prior to October 25, 2021, even if the costs were not incurred through an Authorized Nissan Dealer, you can submit a claim for reimbursement of those costs no later than April 25, 2022. Such costs may include parts, shipping, and labor, but reimbursement is capped at \$1,200 per headlamp pair replaced through an independent repair shop. After October 25, 2021, only costs incurred through an Authorized Nissan Dealer are reimbursable.

Option 2: Exclude Yourself from the Settlement – If you do not wish to receive benefits from the Settlement and you want to retain your right to sue Nissan at your own expense on an individual basis, you must exclude yourself (opt out) online or in writing on or before **November 22, 2021**. If you exclude yourself, you cannot get any benefits from this Settlement. If you remain in the Settlement, you will receive the benefits of the Settlement but you will also release claims you might have against Nissan arising out of the headlamp defect alleged in the lawsuit.

Option 3: Object to the Settlement – You have a right to stay in the Class and argue in a written objection that the Settlement should not be approved. You will still be bound by the Settlement if it is approved and you cannot object if you exclude yourself from the Settlement. The deadline to object is **November 22, 2021**. You can also ask to speak in Court about the fairness of the Settlement.

Option 4: Do Nothing – If you do nothing, you will not receive any cash payment. You will be bound by the Settlement's terms and will lose the right to sue Nissan regarding the Headlamp Defect. All Class Members, however, will receive the benefit of the warranty extension, regardless of whether or not they submit a Claim Form.

WHEN AND WHERE WILL THE COURT DECIDE WHETHER TO APPROVE THE SETTLEMENT?

The Court will hold a hearing in this case on **December 20, 2021 at 1:30 p.m.** in the Estes Kefauver Federal Building & Courthouse, 801 Broadway, Nashville, Tennessee 37203 to consider whether to approve the Settlement, an award of attorneys' fees and expenses, and service awards to the Class Representatives. Information about how to join the Final Approval hearing, whether it is held in person or by other means, shall be provided in a manner to be directed by the Court to the parties and to any Objecting Settlement Class Member who serves a timely objection with notice of intent to appear at the Final Approval hearing. The attorneys' fees, expenses, and service awards approved by the Court will be paid separately by Nissan and will not reduce the amount available to pay Settlement benefits. The motion for attorneys' fees and expenses will be posted on the website after it is filed. The hearing may be moved to a different date or time without additional notice, so it is a good idea to check www.AltimaHeadlightSettlement.com or call 1-855-786-0996 for any updates about the hearing. The Court may also allow participation at this hearing via video or phone in light of the COVID-19 pandemic. If there are timely objections to the Settlement, the Court will consider them. The Court may listen to people who have asked to speak at the hearing. You or your attorney may appear at the hearing, at your own expense, but you don't have to. We do not know how long these decisions will take.

This Notice is a summary only.

You should review the full Notice for additional information about the Settlement and your rights at www.AltimaHeadlightSettlement.com or by contacting the Settlement Administrator, Suarez v. Nissan Settlement Administrator, P.O. Box 43250, Providence, RI 02940-3250 or calling 1-855-786-0996.

Suarez v. Nissan Settlement Administrator
P.O. Box 43199
Providence, RI 02940-3199



NIZ

«Barcode»

Postal Service: Please do not mark barcode

VIN: <<VIN>>

Claim#: NIZ-«ClaimID»-«MailRec»

«First1» «Last1»

«CO»

«Addr1» «Addr2»

«City», «St» «Zip»

«Country»

*Rafael Suarez, et al. v.
Nissan North America, Inc.*

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE

Case No. 3:21-cv-00393-WLC-AN

**Must Be Postmarked
By April 25, 2022**

REIMBURSEMENT CLAIM FORM

Use this Claim Form to seek reimbursement if you paid out-of-pocket to replace the Headlamp Assemblies on your 2013-2018 Nissan Altima. (Note, the Settlement does not cover bulbs.)

Step 1 - Provide your contact information. (Required)

First Name M.I. Last Name

Street Address

Street Address (continued)

City State ZIP Code

Phone number (optional)

Email (optional)

(Your phone number and email address will be used solely for communicating with you about this Settlement and will not be sold or used for any other purposes.)

Step 2 - Identify your Altima. (Required)

Provide the Vehicle Identification Number ("VIN") for the Altima that you own(ed) or lease(d) and for which you paid for replacement headlamps. If you received a Notice in the mail, the VIN should be shown there. The VIN should also be shown on your vehicle purchase, lease, and/or registration records.

Vehicle Identification Number ("VIN")



FOR CLAIMS PROCESSING ONLY
DOC RED
REV A B

Step 3 - State your claimed reimbursement amount and provide documentation of out-of-pocket cost. *(Required)*

Out-of-pocket costs incurred for parts, labor, shipping, and materials are eligible for reimbursement. In order to receive reimbursement, you must provide evidence of your out-of-pocket expenses, such as a receipt, work order, invoice, service record, or similar document.

If you paid for more than one pair of replacement headlamps, you should include all payments and submit all documents.

Note: The Settlement covers headlamps; it does not cover headlight bulbs.

How much did you pay for replacement headlamps(s):

\$

Who performed the replacement? (select more than one if applicable)

- An Authorized Nissan Dealer replaced my headlamps.**
- An Independent Repair Facility replaced my headlamps.**
- I replaced the headlamps myself.**

Step 4 - Sign and date the certification statement below. *(Required)*

CERTIFICATION STATEMENT: By signing this Form, you are certifying, under the penalty of perjury, that: (1) all of the information provided with this Reimbursement Claim Form is true and accurate to the best of your knowledge and recollection, and (2) you incurred the claimed out-of-pocket expenses due to problems with dimming/brightness of your headlights.

Signature: _____ Date (mm/dd/yyyy): _____

Print Name: _____

Step 5 - Mail or email this Claim Form and any supporting documentation postmarked by April 25, 2022 to:

Suarez v. Nissan Settlement Administrator
P.O. Box 43250
Providence, RI 02940-3250
admin@AltimaHeadlightSettlement.com

You can also complete your Claim Form online at www.AltimaHeadlightSettlement.com and upload any supporting documentation.

**THE ONLY WAY TO RECEIVE REIMBURSEMENT
FOR HEADLAMP ASSEMBLY REPLACEMENTS
IS TO SUBMIT DOCUMENTARY EVIDENCE
OF YOUR OUT-OF-POCKET COSTS.**

For more information please view the Class Notice, or call the Suarez v. Nissan Settlement Administrator at 1-855-786-0996 or visit www.AltimaHeadlightSettlement.com.

