

**UNITED STATES DISTRICT COURT**  
**FOR THE NORTHERN DISTRICT OF CALIFORNIA**

**If you purchased certain Acura vehicles with a hands-free calling system,  
a class action lawsuit may affect your rights**

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

*Para una notificación en español, visite [www.HandsFreeLitigation.com](http://www.HandsFreeLitigation.com)*

- A lawsuit is pending in the United States District Court for the Northern District of California (the “Court”) against Defendant American Honda Motor Co., Inc. (“Honda”). The lawsuit is known as *Lindsay Aberin, et al. v. American Honda Motor Company, Inc.*, Case No. 16-cv-04384-JST.
- Plaintiffs claim that Honda failed to disclose a defect in the “hands-free” calling system, HandsFreeLink™ (“HFL”), offered in certain Acura vehicles. Plaintiffs assert that the alleged defect caused them to suffer out-of-pocket losses and diminished the value of their vehicles.
- The Court granted Plaintiffs’ Motion for Class Certification for four classes: the California Class, Kansas Class, New York Class and Washington Class (collectively, the “Classes”). The California Class includes all persons who purchased the 2004-2008 TL, 2005-2008 MDX, or 2007-2009 RDX Acura vehicles (“Class Vehicles”) in the State of California. The Kansas Class includes all persons who purchased the Class Vehicles in the State of Kansas. The New York Class includes all persons who purchased the Class Vehicles in the State of New York. The Washington Class includes all persons who purchased the Class Vehicles in the State of Washington.
- The Court has not decided whether Honda did anything wrong and Honda denies that it engaged in any wrongful conduct. Honda has not agreed to settle this action and will defend itself at trial. There is no money available now, and no guarantee that there will be. However, your legal rights are affected, and you have a choice to make now.

<b>YOUR LEGAL RIGHTS AND OPTIONS</b>	
<b>DO NOTHING</b>	<p><b>Stay in this lawsuit. Await the outcome. Give up your rights to sue.</b></p> <p>By doing nothing, you keep the possibility of getting money or benefits that may come from the lawsuit. But, you give up any right to sue Honda separately about the same legal claims in this lawsuit, and will be bound by the result of this lawsuit.</p>
<b>EXCLUDE YOURSELF (“OPT OUT”)</b>	<p><b>Get out of this lawsuit. Get no benefits. Keep your right to sue.</b></p> <p>If you ask to be excluded from this lawsuit and money or benefits are later awarded, you will not share in those monies or benefits. But, you keep your right to sue Honda separately about the same legal claims in this lawsuit.</p> <p><b>The deadline to request exclusion is June 20, 2022.</b></p>

- Your options are explained in this Notice.
- Class Counsel must prove the claims against Honda at a trial, which has been set to commence October 31, 2022 at 8:00 a.m. Pacific. If you do not ask to be excluded from the lawsuit and money or benefits become available, you will be notified about how to seek them.

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## **BASIC INFORMATION**

### **1. Why should I read this Notice?**

You may be part of a class action lawsuit if you purchased one of the following Acura vehicles: 2004-2008 TL, 2005-2008 MDX, or 2007-2009 RDX in the State of California, Kansas, New York, or Washington. This Notice explains that the Court has allowed, or “certified,” a class action lawsuit that may affect you. You have legal rights and options you may exercise before the Court holds a trial. The Court has scheduled the trial to commence October 31, 2022 at 8:00 a.m. Pacific. The trial will decide whether the allegations being made against Honda on your behalf (as a member of a certified class) have merit. The trial will be held in the United States District Court for the Northern District of California. The lawsuit is known as *Lindsay Aberin, et al. v. American Honda Motor Company, Inc., Case No. 16-cv-04384-JST*.

### **2. What is a class action and who is involved?**

In a class action, one or more people called “Class Representative(s)” sue on behalf of other people who have similar claims. The people together are a “Class” or “Class Members.” The people who sue – and all the Class Members like them – are called the “Plaintiffs.” The company the Plaintiffs sued (in this case American Honda Motor Co., Inc.) is called the “Defendant.” One court resolves the issues for everyone in the Class. Here, United States District Judge Jon S. Tigar is presiding over the lawsuit for the four certified Classes.

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

The Court decided that this lawsuit can be a class action and move towards a trial because it meets the requirements of Federal Rule of Civil Procedure 23, which governs class actions in federal courts. Specifically, the Court found that:

- There are factual and legal questions that are common to each of the members of the Classes;
- The Class Representatives’ claims are typical of the claims of the rest of the Classes;
- The Class Representatives and the lawyers representing the Classes will fairly and adequately represent the Classes’ interests;
- The common legal questions and facts predominate over questions that affect only individuals; and
- This class action will be more efficient than having many individual lawsuits.

## **THE CLAIMS IN THE LAWSUIT**

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

This case involves claims arising from Plaintiffs’ purchases of Acura vehicles which contained a Bluetooth pairing device “HandsFreeLink” that allowed for hands-free cell phone calls. According to Plaintiffs, the HFL system contains a defect causing it to malfunction by failing to switch off properly when not in use. Plaintiffs allege that Honda was aware of the defect before class members purchased their vehicles, but failed to remedy it. Plaintiffs allege they would not have purchased a Class Vehicle, or would have paid less for it, had Honda disclosed the alleged defect. As a result, Plaintiffs allege that they have suffered out-of-pocket losses and the diminished value of their vehicles. A more complete description of the lawsuit, its status, and the rulings made in the lawsuit are available at [www.HandsFreeLitigation.com](http://www.HandsFreeLitigation.com).

## **5. How does Defendant answer the allegations?**

Honda denies the allegations and will defend itself at trial.

## **6. Has the Court decided who is right?**

The Court has not decided whether the Plaintiffs or Honda are correct. By establishing the Classes and issuing this Notice, the Court is not suggesting that the Plaintiffs will win or lose this case. The Plaintiffs must prove their claims at trial.

## **7. What are the Plaintiffs asking for?**

Plaintiffs are asking that Honda provide monetary damages to Class Members. Plaintiffs will also seek attorneys' fees and costs incurred in connection with the prosecution of this action.

## **8. Is there money available now?**

No. Money or benefits are not available now because the Court has not yet decided whether Honda did anything wrong or whether Class Members are entitled to money or other benefits. There is no guarantee that money or benefits will be obtained. If they are, you will be notified about how to seek money or other benefits from the lawsuit.

## **WHO IS IN THE CLASS?**

You need to decide whether you are affected by this lawsuit.

## **9. Am I part of the Class?**

The Court has certified four Classes—a California Class, a Kansas Class, a New York Class, and a Washington Class.

- **California Class:** All persons who purchased the following Acura vehicles: 2004-2008 TL, 2005-2008 MDX, or 2007-2009 RDX in the State of California. Lindsay and Jeff Aberin, and John Kelly are the Class Representatives of the California Class.
- **Kansas Class:** All persons who purchased the following Acura vehicles: 2004-2008 TL, 2005-2008 MDX, or 2007-2009 RDX in the State of Kansas. Don Awtrey is the Class Representative of the Kansas Class.
- **New York Class:** All persons who purchased the following Acura vehicles: 2004-2008 TL, 2005-2008 MDX, or 2007-2009 RDX in the State of New York. Joy Matza is the Class Representative of the New York Class.
- **Washington Class:** All persons who purchased the following Acura vehicles: 2004-2008 TL, 2005-2008 MDX, or 2007-2009 RDX in the State of Washington. Charles Burgess is the Class Representative of the Washington Class.

### **10. What if I am still not sure if I am included?**

If you are still not sure whether you are included, you can get help at [www.HandsFreeLitigation.com](http://www.HandsFreeLitigation.com), or by calling or writing to the lawyers in this case, at the phone number or address listed in Question 22 below.

## **YOUR RIGHTS AND OPTIONS**

You must decide whether to stay in the Classes (and be bound by whatever results), or exclude yourself (and keep your right to sue Honda in your own separate lawsuit).

### **11. What happens if I do nothing at all?**

You don't have to do anything now if you want to remain in the Classes and keep the possibility of getting money or benefits from this lawsuit. By doing nothing, you are staying in the Classes. If you stay in and the Plaintiffs win, you will be notified about how to seek money or other benefits from the lawsuit. If the Plaintiffs lose the lawsuit, you will not receive any compensation. Keep in mind that if you do nothing now, regardless of whether the Plaintiffs win or lose the trial, you will not be able to sue, or continue to sue Honda as part of any other lawsuit about the same legal claims that are the subject of this lawsuit. You will also be legally bound by the Orders the Court issues and judgments the Court makes in this class action.

### **12. Why would I ask to be excluded?**

If you already have your own lawsuit against Honda regarding the same claims in this matter and want to continue with it, you need to ask to be excluded from the Classes, or, you may not agree with the allegations raised by the Plaintiffs and do not wish to be part of this lawsuit. If you exclude yourself from the Classes – which also means to remove yourself from the Classes, and is sometimes called “opting out” of the Classes – you will not get any money or benefits from this lawsuit even if the Plaintiffs obtain them as a result of the trial. However, you may then be able to sue or continue to sue Honda on your own regarding the claims in this matter. If you exclude yourself, you will not be legally bound by the Court's judgments in this class action.

If you start your own lawsuit against Honda regarding the same claims in this matter after you exclude yourself, you will have to hire and pay your own lawyer for that lawsuit, and you will have to prove your claims. If you do exclude yourself so you can start or continue your own lawsuit, you should talk to your own lawyer soon, because your claims may be subject to a statute of limitations.

### **13. How do I get out of this lawsuit?**

If you do not wish to be part of the lawsuit, you must exclude yourself or “opt out”. To exclude yourself from the lawsuit, you must write to the Administrator stating that you want to be excluded from this class action. Your “Exclusion Request” must include your name, address, telephone number, email, and signature. Your exclusion request should be submitted online at [www.HandsFreeLitigation.com](http://www.HandsFreeLitigation.com) or sent to the address below, so that it is submitted or postmarked by **June 20, 2022**.

*Aberin v. American Honda Motor Company, Inc.*  
c/o JND Legal Administration  
P.O. Box 91153  
Seattle, WA 98111

**14. If I don't exclude myself can I sue Defendant for the same thing later?**

No. Unless you exclude yourself from this lawsuit, you will give up any right to sue Honda for the actions alleged in this lawsuit. If you have a pending lawsuit against Honda, speak to the lawyer representing you in that case immediately.

**15. If I exclude myself, can I get money from this lawsuit?**

No. If you exclude yourself, you cannot get any money or other benefits that may be awarded as a result of this lawsuit. However, you will keep any rights to sue Honda for the claims alleged in the lawsuit, and you will not be bound by any orders or judgments made by the Court.

**THE LAWYERS REPRESENTING YOU**

**16. Do I have a lawyer in this case?**

The Court appointed two law firms to represent Class Members as Class Counsel:

Christopher A. Seeger  
Seeger Weiss LLP  
55 Challenger Road, 6th Floor  
Ridgefield Park, NJ 07660  
(973) 639-9100  
[cseeger@seegerweiss.com](mailto:cseeger@seegerweiss.com)

James E. Cecchi  
Carella, Byrne, Cecchi, Olstein, Brody & Agnello, P.C.  
5 Becker Farm Road  
Roseland, NJ 07068-1739  
(973) 994-1700  
[JCecchi@carellabyrne.com](mailto:JCecchi@carellabyrne.com)

**17. Should I get my own lawyer?**

If you decide not to exclude yourself from the Classes, you do not need to hire your own lawyer because Class Counsel is working on your behalf. If you want to hire your own lawyer, you can ask him or her to appear in Court for you if you want someone other than Class Counsel to speak for you.

**18. How will the lawyers be paid?**

If Class Counsel gets money or benefits for the Classes, they may ask the Court for fees and expenses. You will not have to pay these fees and expenses. If the Court grants Class Counsel's request, the fees and expenses would be either deducted from any money obtained for the Classes or paid separately by Defendant.

**THE TRIAL**

The Court has scheduled the trial to commence October 31, 2022 at 8:00 a.m. Pacific, to decide who is right in this case. Further detail is available at [www.HandsFreeLitigation.com](http://www.HandsFreeLitigation.com).

**19. How and when will the Court decide who is right?**

Class Counsel will have to prove the Plaintiffs' allegations at a trial. The trial has been scheduled to commence October 31, 2022 at 8:00 a.m. Pacific, and will go forward in the United States District Court, Northern District of California, in the Oakland Courthouse, Courtroom 6 – 2<sup>nd</sup> Floor, 1301 Clay Street, Oakland, CA 94612. During the trial, a Jury and the Judge will hear all of the evidence to help them reach a decision about whether Plaintiffs or Defendant are right. There is no guarantee Plaintiffs will win, or that they will get any money for all or some members of the Classes.

Questions? Visit [www.HandsFreeLitigation.com](http://www.HandsFreeLitigation.com) or call toll-free 877-389-2045

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

No. You do not need to attend the trial. Class Counsel will present the case for the Plaintiffs, and lawyers for Defendant will present on their behalf. You or your own lawyer is welcome to attend at your own expense.

**21. Will I get money after the trial?**

If Plaintiffs obtain money or benefits as a result of the lawsuit, you will be notified about how to participate. We do not know how long this will take.

**GETTING MORE INFORMATION**

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

This Notice contains a summary of the lawsuit and the proceedings. You can get additional information by visiting [www.HandsFreeLitigation.com](http://www.HandsFreeLitigation.com), calling 877-389-2045, or writing the Administrator at:

*Aberin v. American Honda Motor Company, Inc.*  
c/o JND Legal Administration  
P.O. Box 91153  
Seattle, WA 98111

You can also call Class Counsel at 215-564-2300, or write them at:

Seeger Weiss LLP  
ATTN: Scott George  
1515 Market Street, Suite 1380  
Philadelphia, PA 19102

Complete copies of the pleadings, orders and other publicly filed documents in the lawsuit may also be accessed for a fee through the Court's Public Access to Court Electronic Records (PACER) system at <https://ecf.cand.uscourts.gov>.

**PLEASE DO NOT CONTACT THE COURT REGARDING THIS NOTICE.**