



**NATIONAL CENTER FOR DISPUTE SETTLEMENT'S ARBITRATION PROGRAM
FOR
CLASS ACTION SETTLEMENT ADMINISTRATOR (hereinafter referred to as "SA")
BANH – INFOTAINMENT SYSTEM CLASS ACTION SETTLEMENT
(Banh et al v American Honda Motor Co., Inc., Case No. 2:19-cv-05984-RGK (Asx))
Superior Court of the State of California for the County of Los Angeles)**

PROGRAM OVERVIEW

The National Center for Dispute Settlement ("NCDS") is the neutral administrator of automobile warranty disputes for various automobile manufacturers. To protect neutrality and impartiality during the arbitration process, the funding for NCDS staff and its administrative costs are committed in advance by the applicable automobile manufacturer. NCDS staff are independent of the automobile manufacturers. The arbitrators are neutral, independent contractors and are not employees of NCDS or the automobile manufacturer.

Pursuant to the settlement of a class action lawsuit concerning Infotainment Systems on the following AHM vehicles:

Approximately 135,209 vehicles of 2019 to 2020 Acura RDX

Key Dates and Terms: Class Action notices to be mailed out on or before September 7, 2021

Eligible Class Members: All current owners and lessees of a 2019-2020 Acura RDX (each a "Settlement Class Vehicle"), who reside in, and who purchased or leased their vehicles (other than for purposes of resale or distribution) in, the United States, Puerto Rico, and all United States territories, as well as former owners and lessees of Settlement Class Vehicles who submit a claim. The Settlement Class also includes all United States military personnel who purchased a Settlement Class Vehicle during military duty.

Eligible Remedy: Each Settlement Class Member who does not validly opt out of the Settlement will receive the following:

1. **Extended Warranty.** AHM will extend the Settlement Class Vehicles' Limited Warranty to cover qualified Infotainment Systems repairs. The extension will add an additional two (2) years or 24,000 miles to the original four (4) years or 50,000 miles Limited Warranty (thereby providing warranty coverage for covered repairs for six (6) years or 74,000 miles, whichever comes first, from the original purchase or lease date.)
2. **Compensation for Certain Costs Related to Delayed Warranty Claims.** Claim Forms can be filed seeking reimbursement for (a) qualifying transportation costs incurred if the Settlement Class Member returned a Settlement Class Vehicle more than once to a dealership to obtain a repair for Infotainment Systems Symptoms; and/or (b) qualifying battery recharging costs incurred as a result of a car battery that drained because the Infotainment System did not turn off when it should have.

3. Two Year of Free AcuraLink Security Service. Class Members making one or more visits will be automatically eligible to receive two (2) free years of AcuraLink Security Service, which is a \$178.00 value (\$89.00 per year) provided that the visits appear in AHM’s warranty database.

4. Infotainment System Online Resource. 1.16 “Infotainment System Online Resource” means, as of the Effective Date, the Acura Owners Link website page for 2019 and 2020 Acura RDX vehicles, which will include, among other things: (1) a list of alleged issues or symptoms with the Infotainment System that are the subject of the litigation with relevant information about each such issue or symptom (relevant information about each such issue or symptom (relevant information would include, as applicable, a link to relevant Service Bulletins); (2) a means by which Settlement Class Members can report to AHM issues or symptoms they believe to be attributable to the Infotainment System; (3) relevant recall notices, Service Bulletins, and over-the-air (OTA) updates relating to the Infotainment System; (4) provide a means by which Settlement Members can review their operating manuals related to the Infotainment Systems in their vehicles so that they understand how the Infotainment Systems work and which peripherals are compatible with their Infotainment Systems; and (5) make available online, searchable operating manuals relating to the Infotainment Systems so that Settlement Class Members can quickly search the contents of such manuals. AHM will also post Frequently Asked Questions related to the Infotainment Systems. The Infotainment System Online Resource shall include a list of potential Infotainment System related issues, that, when selected, will open a drop-down menu to offer potential solutions to the problem (e.g., suggesting trying an Apple or Android-certified USB cord (as applicable), updating a vehicle's or phone's software, replacing the USB cord or other peripheral, or presenting the vehicle at a dealership for an assessment or repair pursuant to any applicable Service Bulletin (including, e.g., the Gauge Control Module for 2019 Acura RDX vehicles). The Infotainment System Online Resource shall be established and operational on or before the effective date.

“Reimbursement” for these out-of-pocket expenses are limited to: (1) the cost of recharging a car battery that drained as a result of the Infotainment System not turning off when it should have and (2) rental car, taxicab, or other ride-sharing service charges incurred when the Settlement Class Member returned a Settlement Class Vehicle two or more times to a dealership to obtain a repair for Infotainment Systems Symptoms.

“Payment Deadline” – No later than one hundred and twenty (120) days after the Effective Date, AHM will provide to Settlement Class Members who timely filed valid Claims the Benefit and/or out-of-pocket expense reimbursement (as applicable).

Claim for Reimbursement Process

Requirements:

- a. Settlement Class Members who wish to receive Reimbursement must submit a Claim for Reimbursement to AHM in accordance with, and that meets, the following requirements:
 - i. **Deadline:** The Claim for Reimbursement must be submitted by no later than the Reimbursement Deadline.
 - ii. **Contents:** The Claim for Reimbursement must include Reimbursement Information, including: (1) the Settlement Class Member’s name; (2) the VIN for the Settlement Class Vehicle; (3) telephone number; (4) email address; (5) mailing address; and (6) Proof of Out of Pocket payments for transportation costs and/or recharging costs. AHM shall not deny a Claim for

- Reimbursement based solely upon the failure to provide a telephone number, email address, and/or mailing address.
- iii. Manner of Submission: In order to submit a Claim for Reimbursement, a Settlement Class Member must mail or email a completed Claim for Reimbursement, which will be available to view, download, and/or print from the Settlement Website, and any supporting documentation to AHM by the Reimbursement Deadline. The postmark date shall be the submission date.
 - b. Processing: The parties will establish the following procedure to prevent the payment of fraudulent claims and to ensure that Reimbursement is provided to only those Settlement Class Members with legitimate Claims for Reimbursement:
 - i. AHM's Preliminary Determination of Insufficiency: If the determination is to deny a Claim, the Settlement Administrator will send, within sixty (60) days after determination of denial, notice of the denial to the Settlement Class Member.
 - ii. A Settlement Class Member whose Claim has been denied may attempt to cure the deficiency or contest the decision denying the Claim by mailing to the Settlement Administrator at the mailing address for the administration of this Settlement, written notice containing information to attempt to cure any claim deficiencies or a statement of reasons the Settlement Class Member contests the denial, along with any additional supporting documentation (the "Contest Notice"). Any Contest Notice must be postmarked within thirty (30) days after the date of mailing by the Settlement Administrator of the notice of the denial of the Claim. The Contest Notice procedures shall be posted on the Settlement Website and shall also be provided in writing to any Settlement Class Member whose Claim is denied.
 - iii. Within sixty (60) days after the Settlement Class Member mails the Contest Notice, the Settlement Administrator shall consider the Claimant's request for reconsideration and any materials submitted by the Settlement Class Member in support thereof, and mail to the Settlement Class Member a final determination of the Claim. The decision of the Settlement Administrator shall be final unless the Settlement Class Member submits the denied Claim to the National Center for Dispute Settlement for resolution as described (iv) below.
 - iv. If the Settlement Administrator finally denies a Claim, the Settlement Class Member may appeal the denial to the National Center for Dispute Settlement for binding resolution in accordance with the terms and conditions of the NVLW that accompanied the Settlement Class Vehicle at the original point of sale or lease, except that any such appeal must be filed within ninety (90) days of final denial by the Settlement Administrator and any decision by the National Center for Dispute Settlement will be final and binding upon all parties. AHM will pay any cost charged by the National Center for Dispute Settlement for resolving the dispute. Each party shall be responsible for paying his, her or its own attorneys' fees and other expenses if he, she or it decides to retain counsel.

The SA is providing a process for appeal of a denial of a claim to the National Center for Dispute Settlement ("NCDS"); provided, however, that Class Members must first have filed their claim directly with the SA. If the parties are unable to resolve the dispute, the Class Member may then appeal the denial of the Claim to NCDS, provided that such appeal must be filed within ninety (90) days of final denial by the SA. Any decision of the matter by the Arbitrator is final and binding upon the Parties. The appeal to NCDS will be resolved without a formal hearing or trial process; thus, a documents-only review will be conducted by the appointed Arbitrator. The SA will pay any cost charged by NCDS for the administration of the

arbitration matter; however, each Party is solely responsible for paying his, her or its respective attorney's fees, costs and expenses if he, she or it decides to retain counsel.

If you are appealing the denial of your request for reimbursement for out-of-pocket expenses related to the Banh et al - Infotainment System Class Action for the aforementioned vehicles, and are a Class Member, this document will provide you with information regarding the NCDS arbitration program available to assist in resolving the outstanding dispute with the SA.

Beginning the Process:

Settlement Class Members can start the NCDS arbitration process by eFiling a claim online at: <https://www.ncdsusa.org/consumers/automotive-warranty-disputes/AHMClassAction/> or by printing and completing the claim form and sending it to NCDS by email, fax, or mail.

Please note, to expedite the handling of your claim, we encourage you to eFile your new claim.

You will need to provide the following important information to submit your claim:

1. The Settlement Class Member's complete name and address (as shown on the title of the vehicle);
2. The Vehicle Identification Number (VIN) of the vehicle;
3. The Year, Make, and Model of the vehicle;
4. Copy of the claim filed with the SA under the Banh et al - Infotainment System Class Action Settlement
5. Proof of payment for expenses or repairs incurred and payment made by you (i.e., copies of Repair Orders, Invoices, or other statements showing, in detail, the repairs made to the vehicle that fall under the Banh et al - Infotainment System Class Action Settlement; and
6. Copies of any/all claim denial documents from the SA.

It is important that you submit, at a minimum, the detailed information listed above in order to commence your appeal claim. Once NCDS receives your appeal claim, a copy will be provided to the SA. The role of NCDS is to serve as the conduit between the parties for the exchange of documents. NCDS has no decision-making authority in these matters.

What is Arbitration?

Arbitration under the Class Settlement Agreement is a process under which the SA and the Class Member who has filed an appeal of a denial of their claim by the SA, will present their respective positions in writing to NCDS. NCDS will appoint a neutral third-party Arbitrator to review all the written evidence presented by both the SA and the Class Member. The Arbitrator will issue a written decision, which will be provided to NCDS, for disbursement to the SA and the Class Member. The Arbitrator's written decision is binding upon both the SA and the Class Member. There is no appeal process of the Arbitrator's written decision and there is no relief available in further legal proceedings.

The Arbitrator's authority under the program is outlined in the NCDS – Banh et al - Infotainment System Class Action Settlement Rules.

Who are the Arbitrators?

The NCDS Arbitrators are neutral, independent contractor individuals with arbitration experience, who are interested in the fair and expeditious resolution of consumer disputes. The Arbitrators are trained by NCDS to conduct arbitrations in accordance with the Code of Ethics for Commercial Arbitrators, and pursuant to the authority as outlined in the NCDS – Banh et al - Infotainment System Class Action Settlement Rules and set forth in the Banh et al - Infotainment System Class Action Settlement terms.

The NCDS Arbitrators may or may not have automotive experience. A biography of the appointed Arbitrator will be provided to the parties upon appointment. No Arbitrator will be an employee or agent of either party, and the Arbitrator will have no direct involvement in the manufacture, distribution, sales and/or service of automobiles. NCDS selects the Arbitrator in a neutral manner. If any Arbitrator determines that he or she cannot make an unbiased decision, he or she will be recused from deciding the case.

How will the Arbitrator make the decision?

The Arbitrator will make the decision based solely on the written submissions of the Class Member and the SA. Initial written submissions will be disbursed to the parties by NCDS for rebuttal statements prior to all written submissions being sent to the Arbitrator. Each party should be prepared to present written evidence to support their position, in writing, to the Arbitrator.

Preparing your evidence:

Upon the filing of your claim with NCDS, you should be prepared to submit to NCDS a copy of all documents you wish the Arbitrator to consider. If you have witness statements, it is your obligation to contact the witness for the submission of their written evidence and it is your obligation to submit any witness documents to NCDS.

Documents that may be beneficial to file with your claim would be:

- Copy of documents associated with acceptance into Class Action Settlement matter
- Copy of denial of claim from the SA
- Proof of prior or current ownership of vehicle or lease (i.e., sales agreement, lease document, title)
- Vehicle's warranty information
- Vehicle's repair/service and maintenance records
- Correspondence and receipts from the parties, dealers, repair facilities, or representatives
- Any and all other documents and/or photos that may support your case
- Your written statement/testimony regarding the vehicle problems as it relates to the Banh et al – Infotainment System Class Action Settlement
- Why you believe the problems with the vehicle fall under the Banh et al – Infotainment System Class Action Settlement
- Why you believe the problems with the vehicle are not caused by abuse, neglect or accident

The SA representative will also address these matters from the SA's position. Then all written evidence submitted by the parties will be sent to the appointed Arbitrator for rendering of a decision within the timeframe noted in the rules. NCDS will disburse the decision to the parties thereafter in accordance with the rules.