

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

**NOTICE OF PROPOSED CLASS SETTLEMENT**

**If your 2021-2022 Mazda3, 2021-2022 CX-30, 2021 Mazda6, 2021 CX5, or 2021 CX9 vehicle equipped with a 2.5L turbocharged engine had**

- **a “LOW ENGINE OIL LEVEL” warning message on the instrument cluster before the regular oil change interval of 7,500 miles or 1 year, OR**
- **an oil refill after noticing the oil was low before the regular oil change interval**

**You can get a repair of your vehicle’s Valve Stem Seals now and may get reimbursement for prior oil refills (subject to certain conditions).**

**Your rights may be affected by this settlement whether you act or not. Read this notice carefully.**

- A proposed class action settlement has followed from allegations that some Mazda vehicles were manufactured, marketed, distributed, sold, and/or leased containing defective valve stem seals which causes excessive oil consumption (the alleged “Valve Stem Seal Defect”). This is caused by damage to the valve stem seals on the exhaust side of the engine. To eliminate this concern, the design of these valve stem seals has been modified. Mazda denies any wrongdoing. The parties have reached a settlement to avoid the costs of litigation, and provide class members relief, repair, a warranty extension and compensation for qualifying past oil refills or oil changes.
- The settlement provides the following benefits:
  - (1) replacement of the affected valve stem seals in included vehicles (certain conditions apply as outlined below);
  - (2) extension of Mazda’s Powertrain Limited Warranty from 60 months and 60,000 miles, whichever comes first, to 84 months and 84,000 miles, whichever comes first for all Settlement Class Vehicles;
  - (3) reimbursement of certain out-of-pocket costs incurred by a current or former owner or lessee of a Settlement Class Vehicle who actually incurred and paid out-of-pocket costs for an (a) oil change performed more frequently than the normal interval of 7,500 miles or 1 year, and/or (b) additional engine oil in between the normal interval of 7,500 miles or 1 year; and
  - (4) loaner vehicles to be provided (subject to dealer availability) for the repair.
- To qualify for repair, you must have owned or leased one of the affected Mazda vehicles listed above (specific to the VIN—see VIN ranges below) that have the affected valve stem seals and manifested excessive oil consumption as explained below.

## **WHO IS INCLUDED?**

You are receiving this Notice because your Vehicle Identification Number (VIN) indicates that your vehicle may be included in the settlement. Alternatively, you can visit the Settlement Website [www.MazdaValveStemSealSettlement.com](http://www.MazdaValveStemSealSettlement.com) and you can look up your VIN to confirm your vehicle is included in the settlement. The VIN is a 17-character number that can be found on the driver's side dashboard or driver's side door post. The VIN also appears on your registration card and insurance card.

If the settlement is approved, Judge David O. Carter of the United States District Court for the Central District of California will decide that everyone who fits this description is a Settlement Class Member:

**All persons or entities in the United States who are current or former owners and/or lessees of a 2021-2022 Mazda CX-30, 2021 CX-5, 2021 CX-9, 2021-2022 Mazda3, and 2021 Mazda6 vehicle equipped with a 2.5L turbocharged engine with the affected valve stem seals.**

Excluded from the Settlement Class are (a) anyone claiming personal injury, property damage and/or subrogation; (b) all Judges, court staff, and/or mediators or arbitrators who have presided over the lawsuit and their spouses; (c) all current employees, officers, directors, agents and representatives of Mazda, and their family members; (d) any affiliate, parent or subsidiary of Mazda and any entity in which Mazda has a controlling interest; (e) anyone acting as a used car dealer; (f) anyone who purchased a Settlement Class Vehicle for the purpose of commercial resale; (g) anyone who purchased a Settlement Class Vehicle with salvaged title and/or any insurance company who acquired a Settlement Class Vehicle as a result of a total loss; (h) any insurer of a Settlement Class Vehicle; (i) issuers of extended vehicle warranties and service contracts; (j) any Settlement Class Member who, prior to the date of the Class Settlement, settled with and released Mazda or any Released Parties from any Released Claims; and (k) any Settlement Class Member that files a timely and proper Request for Exclusion from the Settlement Class.

The following models and VIN ranges are equipped with the affected valve stem seals:

- 2021 Mazda3 (Japan built 2.5T) with VINS from JM1BP\*\*\*\*\*315204 – 403637 (produced from October 12, 2020 to September 13, 2021)
- 2021-2022 Mazda3 (Mexico built 2.5T) with VINS starting from 3MZBP\*\*\*\*\*209389 – 307372 (produced from December 8, 2020 to June 16, 2022)
- 2021-2022 CX-30 (2.5T) with VINS starting from 3MVDM\*\*\*\*\*233598 – 437812 (produced from December 7, 2020 to June 30, 2022)
- 2021 Mazda6 (2.5T) with VINS from JM1GL\*\*\*\*\*602506 – 618909 (produced from October 6, 2020 to September 14, 2021)
- 2021 CX-5 (US/Canada spec 2.5T with 10.25" center display) with VINS from JM3KF\*\*\*\*\*320280 – 472324 (produced from October 6, 2020 to September 13, 2021)
- 2021 CX-9 (US/Canada spec 2.5T with 10.25" center display) with VINS from JM3TC\*\*\*\*\*509027 – 541070 (produced from October 6, 2020 to September 13, 2021)
- 2021 CX-5 (Canada/Mexico spec 2.5T with 8" center display) with VINS from JM3KF\*\*\*\*\*112005 – 135036 (produced from October 6, 2020 to September 1, 2021)
- 2021 CX-9 (Canada/Mexico spec 2.5T with 7" or 9" center display) with VINS from JM3TC\*\*\*\*\*451418 – 455173 (produced from October 6, 2020 to September 11, 2021)

**If you meet the definition of "Who is Included?" detailed above, you ARE a class member.**

## **YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT**

### **GET A VALVE STEM SEAL REPAIR**

If the “Low Engine Oil Level” on your vehicle instrument cluster has illuminated before the regular oil change interval of 7,500 miles/1 year, you can go to or contact a Mazda authorized dealership and schedule a repair for the Valve Stem Seals right now.

If the “Low Engine Oil Level” has not illuminated, you can still get a repair right now if your engine oil has been refilled (by the customer or the dealer) before the regular interval because the engine oil was too low.

If neither of the above, you can bring your vehicle to a Mazda authorized dealership for a free-of-charge excessive oil consumption test and, if your vehicle fails the test, you will receive the Valve Stem Seal repair.

The Valve Stem Seal repair involves replacing the valve stem seals on the exhaust side of your engine with redesigned valve stem seals.

### **SUBMIT A CLAIM FORM FOR OIL CHANGES OR OIL REFILLING**

If you submit a valid Claim Form and accompanying Proof of Oil Change Expense or Additional Engine Oil Purchase to claim reimbursement available under, and in the manner provided by, the terms of this Settlement by **October 8, 2025**, you will receive a Claim Payment. This date could change, so please visit the Settlement Website often for the most updated information on the deadline to submit a claim. You can submit a Claim Form on the Settlement Website or by mailing a Claim Form to: Mazda Valve Stem Seal Settlement, c/o JND Legal Administration, PO Box 91414, Seattle, WA 98111.

### **EXCLUDE YOURSELF FROM THE CASE**

If you ask to be excluded, you will not get any settlement payment, and you cannot object to the settlement. You will not be legally bound by anything that happens or has happened in the lawsuit. You may be able to sue (or continue to sue) Mazda in the future. The deadline for excluding yourself is **June 27, 2024**.

Any Settlement Class Member who wishes to be excluded from the Settlement Class must submit a request for exclusion (“Request for Exclusion”) to the Claim Administrator at the following address: Mazda Valve Stem Seal Settlement, c/o JND Legal Administration, PO Box 91414, Seattle, WA 98111. To be effective, the Request for Exclusion must:

- (a) include the Settlement Class Member’s full name, address and telephone number;
- (b) identify the model, model year and VIN of the Settlement Class Vehicle;
- (c) state that he/she/it is or was a present or former owner or lessee of a Settlement Class Vehicle; and
- (d) specifically and unambiguously state his/her/its desire to be excluded from the Settlement Class.

### **OBJECT TO THE SETTLEMENT**

If you are a Settlement Class Member, you can object to the settlement, any award of attorneys’ fees and costs and/or incentive awards to the Plaintiffs. You can give reasons why you think the Court should not approve the Settlement or any awards. The Court will consider your views. The deadline for objecting is **June 27, 2024**.

Any Settlement Class Member who intends to object to the fairness of this Class Settlement must file any such objection via the Court’s electronic filing system, and if not filed via the Court’s electronic system, must mail the objection to the Court and the following persons, by first-class mail postmarked no later than **June 27, 2024**: Sergei Lemberg, Lemberg Law, LLC, 43 Danbury Road, 3<sup>rd</sup> Floor, Wilton, Connecticut 06897 on behalf of Settlement Class Counsel; Jahmy S. Graham, Nelson Mullins Riley and Scarborough LLP, 19191 South Vermont Avenue, Torrance, CA 90502, on behalf of Defense/Mazda Counsel; and the Claim Administrator, Mazda Valve Stem Seal Settlement, c/o JND Legal Administration, PO Box 91414, Seattle, WA 98111.

## DO NOTHING

If you do nothing, you will be bound by the terms of the Settlement, you will obtain the extended warranty coverage to your vehicle, you can get the Valve Stem Seal Defect repair as set forth above. You will not receive any reimbursement for past qualifying expenses unless you submit a claim. By doing nothing you do give up certain rights to sue Mazda or other Released Persons or Entities.

## ATTEND THE FINAL APPROVAL HEARING

The Court will hold a Fairness Hearing on **August 5, 2024, at 8:30 a.m.**, in-person at U.S. District Court for the Central District of California, **Ronald Reagan Federal Building and United States Courthouse, 411 West Fourth Street, Courtroom 10 A, Santa Ana, CA, 92701-4516**. The putative class action case is captioned *Guthrie, et al. v. Mazda Motor of America, Inc. d/b/a Mazda North American Operations*, No. 8:22-cv-01055 (C.D. Cal.). The Court may hold the Fairness Hearing electronically, reschedule the Fairness Hearing, or change any of the deadlines described in the Notice. The date of the Fairness Hearing may change without further notice to the Settlement Class Members. Be sure to check the Settlement Website for news of any such changes.

## THE CLASS REPRESENTATIVES AND CLASS COUNSEL

### WHO ARE THE CLASS REPRESENTATIVES AND HOW MUCH WILL THEY RECEIVE?

There are eight class representatives: Gary Guthrie, Stephanie Crain, Chad Hinton, Julio Zelaya, Anna Gilinets, Marcy Knysz, Lester Woo and Amy Bradshaw. The Class Representatives will receive their benefits of the settlement as Class Members and they will request incentive awards of \$2,200 each, to be paid by Mazda, for having pursued this action. No amount of an incentive has been awarded. The Class Representatives will request that the Court approve their awards and the awards are subject to Court Approval.

### DO I HAVE A LAWYER IN THIS CASE?

To represent the class, the Court has appointed attorneys with the law firm of Lemberg Law, LLC, 43 Danbury Road, Wilton, CT 06897 as "Class Counsel."

Class Counsel will request an award of attorney's fees and costs to be paid by Mazda. Class Counsel's petition for an award of attorneys' fees and costs will be available on the Settlement Website. No amount for fees or costs has been agreed to by Mazda or awarded by the Court. Any attorney's fee and expense award is subject to Court Approval. You may hire your own attorney, but only at your own expense.

## ADDITIONAL DETAILS ABOUT THE PROGRAM

### DESCRIPTION

Customers within any of the 50 States of the U.S. and the District of Columbia, Puerto Rico, or U.S. Virgin Islands whose covered vehicles (1) experienced the Low Engine Oil Warning Indication light before the recommended service/oil change interval of 7,500 miles or 1 year, or (2) has had the oil refilled before the warning light came on if the customer or dealer noticed that the oil level was too low before the regular service/oil change interval, are requested to visit a dealer for a valve stem seal replacement.

If neither 1 nor 2, customers may bring their vehicle to a Mazda authorized dealership for an oil consumption test. If the vehicle fails the test, it may receive a valve stem seal replacement.

During the initial one-year period of the Program, Mazda dealers servicing Class Vehicles for any reason will check whether the DTC P250F:00 ("Low Engine Oil Level") is stored in the memory. If the code is stored in memory before the regular oil change interval of 7,500 miles or 1 year, even if the engine oil level is not low or decreased at the time of the technicians' inspection of the vehicle due to previous refilling of oil, the dealer will advise the vehicle owner that they are eligible to receive replacement of the affected valve stem seals under the Program.