

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

**If you purchased a 2016 Shelby GT350 Mustang “Base” or “Technology”
Package vehicle, 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.ShelbyGT350MustangLitigation.com

- A lawsuit is pending in the United States District Court for the Southern District of Florida (the “Court”) against Defendant Ford Motor Company (“Ford”). The lawsuit is known as *Tershakovec, et al., v. Ford Motor Company*, Case No. 17-cv-21087.
- The Court granted Plaintiffs’ Motion for Class Certification for the following four classes: the Florida Class, Missouri Class, New York Class, and Washington Class (collectively, the “Classes”). The Classes include all persons who purchased a 2016 Shelby GT350 Mustang Base or Technology Package vehicle from a Ford-authorized dealer or distributor located in Florida, Missouri, New York, or Washington, **on or before April 27, 2016**.
- Plaintiffs claim that Ford failed to disclose that these vehicles are not capable of occasional track use, due to a defect that causes premature overheating of the powertrain system. Plaintiffs assert that the alleged defect diminished the value of their vehicles.
- The Court has not decided whether Ford did anything wrong and Ford denies that it engaged in any wrongful conduct. Ford 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.

YOUR LEGAL RIGHTS AND OPTIONS	
DO NOTHING	<p>Stay in this lawsuit. Await the outcome. Give up any rights you may have to sue on your own.</p> <p>By doing nothing, you keep the possibility of getting money that may come from the lawsuit. But, you give up any right you may have to sue Ford separately on any claims arising from the facts alleged in the Second Amended Complaint, and will be bound by the lawsuit’s result.</p>
EXCLUDE YOURSELF (“OPT OUT”)	<p>Get out of this lawsuit. Get no benefits. Keep any rights you may have to sue on your own.</p> <p>If you choose to be excluded from this lawsuit and money is later awarded, you will not share in those monies. But, you keep any right you may have to sue Ford separately on any claims arising from the facts alleged in the Second Amended Complaint, and you will not be bound by the lawsuit’s result.</p> <p>The deadline to request exclusion is February 25, 2024.</p>

- Your options are explained in this Notice.
- Class Counsel must prove the claims against Ford at a trial, which is set to commence February 26, 2024. If you do not choose to be excluded from the lawsuit and money becomes available, you will be notified about how to seek it.

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BASIC INFORMATION

1. Why should I read this Notice?

The purpose of this Notice is to inform you that your rights may be affected by a class action lawsuit. You may be part of a class action lawsuit if **on or before April 27, 2016** you purchased one of the following Ford vehicles: 2016 Shelby GT350 Mustang Base or Technology Package vehicle from a Ford-authorized dealer or distributor located in the State of Florida, Missouri, 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 deadlines set forth in this Notice. The Court has scheduled a trial to commence **February 26, 2024**. The trial will decide whether the allegations being made against Ford 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 Southern District of Florida. The lawsuit is known as *Tershakovec, et al., v. Ford Motor Company*, Case No. 17-cv-21087.

This Notice will provide you with important information about the litigation and how it affects you.

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

A class action is a type of lawsuit in which one or a few named plaintiffs bring suit on behalf of all members of a similarly-situated group seeking to recover damages for all members of the group, without each member filing an individual lawsuit.

Class actions are often used by courts where the claims raise core issues of law or fact that are common to all members of the class, thereby making it fair to bind all class members to the orders and judgment in the case. Class actions can eliminate the necessity of hearing essentially the same claims over and over. Class actions also assure that all class members are bound by the results of a single lawsuit.

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 Ford Motor Company) is called the “Defendant.” One court resolves the issues for everyone in the Class. Here, United States District Judge Federico A. Moreno 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.

Questions? Visit www.ShelbyGT350MustangLitigation.com or call toll-free 855-606-2734

THE CLAIMS IN THE LAWSUIT

4. What is this lawsuit about?

This case involves claims arising from Plaintiffs' purchases of certain 2016 Shelby GT350 Mustang "Base" or "Technology" Package vehicles. According to Plaintiffs, the vehicles are equipped with defective transmissions and rear differentials which overheat, manifesting in the "Track-Ready" powertrain systems' inability to withstand the demands of occasional race track driving. Plaintiffs allege that Ford 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 Ford disclosed the alleged defect. As a result, Plaintiffs allege that they have suffered diminished value of their vehicles.

The claims that will be presented at trial on behalf of the Classes are as follows:

- Florida Class: violation of consumer protection statute (omissions theory)
- Missouri Class: violation of consumer protection statute (omissions theory)
- New York Class: violation of consumer protection statute (omissions theory), and common law fraudulent concealment
- Washington Class: violation of consumer protection statute (omissions theory), and common law fraudulent concealment

A more complete description of the lawsuit, its status, and the rulings made in the lawsuit are available at www.ShelbyGT350MustangLitigation.com.

5. How does Defendant answer the allegations?

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

WHO IS IN THE CLASSES?

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

9. Am I part of the Classes?

The Court has certified four Classes— a Florida Class, a Missouri Class, a New York Class, and a Washington Class:

- **Florida Class:** All persons who purchased a 2016 Shelby GT350 Mustang Base or Technology Package vehicle from a Ford-authorized dealer or distributor located in Florida **on or before April 27, 2016**. John Aubrey, and Rick Kowalchik are the Class Representatives of the Florida Class.
- **Missouri Class:** All persons who purchased a 2016 Shelby GT350 Mustang Base or Technology Package vehicle from a Ford-authorized dealer or distributor located in Missouri **on or before April 27, 2016**. Mark Hochsprung is the Class Representative of the Missouri Class.
- **New York Class:** All persons who purchased a 2016 Shelby GT350 Mustang Base or Technology Package vehicle from a Ford-authorized dealer or distributor located in New York **on or before April 27, 2016**. Stephen Kelly, Jill Kelly, and Byron Harper are the Class Representatives of the New York Class.
- **Washington Class:** All persons who purchased a 2016 Shelby GT350 Mustang Base or Technology Package vehicle from a Ford-authorized dealer or distributor located in Washington **on or before April 27, 2016**. Eric Evans is the Class Representative of the Washington Class.

10. What if I bought my Class Vehicle through Military Auto Source or Overseas Military Sales Corporation (“OMSC”)?

For the purposes of the Class Definition, the Court has found that Military Auto Source and/or Overseas Military Sales Corporation is a Ford-authorized distributor based in Woodbury, New York. If you purchased a 2016 Shelby GT350 Mustang “Base” or “Technology” Package vehicle from Military Auto Source or Overseas Military Sales Corporation **on or before April 27, 2016** then you could be considered a New York class member. Please contact Class Counsel at the contact information below for more information on eligibility if you bought your Shelby through Military Auto Source.

11. 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.ShelbyGT350MustangLitigation.com, or by calling or writing to the lawyers in this case, at the phone number or address listed in Question 23 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 whatever rights you may have to sue Ford in your own separate lawsuit).

12. What happens if I do nothing at all?

Questions? Visit www.ShelbyGT350MustangLitigation.com or call toll-free 855-606-2734

If you wish to remain a member of the Classes and keep the possibility of getting money from this lawsuit, then you do not have to do anything right now. 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 from the lawsuit if money is awarded. 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 Ford as part of any other lawsuit asserting claims arising from the facts alleged in the Second Amended Complaint. You will also be legally bound by the Orders the Court issues and judgments the Court makes in this class action. You can view the Second Amended Complaint at www.ShelbyGT350MustangLitigation.com.

13. Why would I ask to be excluded?

If you are planning, or already have, your own lawsuit against Ford asserting claims arising from the facts alleged in the Second Amended Complaint and want to continue with it, you need to ask to be excluded from the Classes. You may also want to exclude yourself if you do 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 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 Ford on your own asserting claims arising from the facts alleged in the Second Amended Complaint. 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 Ford asserting claims arising from the facts alleged in the Second Amended Complaint 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.

14. 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 Notice 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. You can access a sample Exclusion Request that you can print out and complete by going to the following website: www.ShelbyGT350MustangLitigation.com/documents.

Your Exclusion Request must be emailed or mailed to the Notice Administrator on or before **February 25, 2024**, and must be submitted by one of the following two methods:

- Scan or photograph your completed and signed Exclusion Request and email it on or before **February 25, 2024** to: info@ShelbyGT350MustangLitigation.com.
- Mail your completed and signed Exclusion Request, postmarked on or before **February 25, 2024**, to the following address:

Tershakovec v. Ford Motor Company
c/o JND Legal Administration
P.O. Box 91345
Seattle, WA 98111

15. If I don’t exclude myself, can I sue Defendant for the same thing later?

Questions? Visit www.ShelbyGT350MustangLitigation.com or call toll-free 855-606-2734

No. Unless you exclude yourself from this lawsuit, you will give up any right you may have to sue Ford on any claims arising from the facts alleged in the Second Amended Complaint. If you have a pending lawsuit against Ford, speak to the lawyer representing you in that case immediately.

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

No. If you exclude yourself, you cannot get any money that may be awarded as a result of this lawsuit. However, you will keep any rights you may have to sue Ford on claims arising from the facts alleged in the Second Amended Complaint, and you will not be bound by any orders or judgments made by the Court.

THE LAWYERS REPRESENTING YOU

17. Do I have a lawyer in this case if I remain in the Classes?

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

Catherine Y.N. Gannon
Steve W. Berman
Hagens Berman Sobol Shapiro LLP
1301 Second Avenue, Suite 2000
Seattle, WA 98101
(206) 623-7292
catherineg@hbsslw.com
steve@hbsslw.com

Rachel Wagner Furst
Stuart Z. Grossman
Grossman Roth Yaffa Cohen, P.A.
2525 Ponce De Leon Boulevard, Suite 1150
Coral Gables, FL 33134
(305) 442-8666
rwf@grossmanroth.com
szg@grossmanroth.com

18. Should I get my own lawyer if I remain in the Classes?

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.

19. How will the lawyers be paid?

If Class Counsel gets money 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 a trial to commence February 26, 2024. For further detail, visit www.ShelbyGT350MustangLitigation.com.

20. 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 February 26, 2024 and will go forward in the United States District Court, Southern District of Florida, in the Wilkie D. Ferguson U.S. Courthouse, Courtroom 13 – 3rd Floor, 400 North Miami Avenue, Miami, FL 33128. During the trial, a Jury and the Judge will hear all of the evidence to help them reach a decision about whether

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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.

21. 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 are welcome to attend at your own expense.

22. Will I get money after the trial?

If Plaintiffs obtain money 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

23. 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.ShelbyGT350MustangLitigation.com, calling 855-606-2734, or writing the Notice Administrator at:

Terhakovec v. Ford Motor Company
c/o JND Legal Administration
P.O. Box 91345
Seattle, WA 98111

You can also call Class Counsel at 206-623-7292 (attention to Catherine Gannon) or write them at: Hagens Berman Sobol and Shapiro LLP, ATTN: Catherine Gannon, 1301 2nd Ave, Suite 2000, Seattle, WA, 98101. You can also email them at info@hbsslw.com using “Shelby GT350 Class Notice” in the subject line.

PLEASE DO NOT CONTACT THE COURT REGARDING THIS NOTICE.

Questions? Visit www.ShelbyGT350MustangLitigation.com or call toll-free 855-606-2734