

For current trial and exclusion dates, refer to Updated Notice

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SACRAMENTO

# If you bought, owned or leased a Ford Explorer before August 9, 2000, a class action lawsuit may affect your rights.

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

- California consumers have sued Ford Motor Company, claiming Ford concealed what it knew about a dangerous tendency to roll over among 1991-2001 model year Explorers, thereby causing consumers to buy or lease Explorers, and to pay more than they should have.
  - **This is not a recall. This is not about personal injuries or wrongful deaths.**
- A Court has approved the lawsuit as a class action on behalf of those California residents who bought, owned, or leased new or used 1991-2001 model year Ford Explorers in California between 1990 and August 9, 2000, and who either still own their Explorer or who sold, ended their lease, or otherwise disposed of it after August 9, 2000.
- The Court has not decided whether Ford did anything wrong. There is no money available now, and no guarantee there will be. However, your rights are affected, and you have a choice to make now.

<b>YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT:</b>	
<b>Do NOTHING</b>	<b>Stay in this lawsuit. Await the outcome. Share in possible benefits. Give up certain rights.</b> By doing nothing, you keep the possibility of getting money or other benefits that may come from a trial or a settlement. But, you give up any rights to sue Ford on your own about the same legal claims in this lawsuit.
<b>ASK TO BE EXCLUDED</b>	<b>Get out of this lawsuit. Get no benefits from it. Keep right to file your own lawsuit.</b> If you ask to be excluded and money or benefits are later awarded, you won't share in those. But, you keep any rights to sue Ford on your own about the same legal claims in this lawsuit.

- Your options are explained in this notice. To ask to be excluded, you must act by **March 14, 2006**.
- Lawyers must prove the claims against Ford at a trial set to start September 25, 2006. If money or benefits are obtained from Ford, you will be notified about how to ask for a share.

**QUESTIONS? CALL 1-866-833-7918 TOLL FREE, OR VISIT [WWW.EXPLORERCASUIT.COM](http://WWW.EXPLORERCASUIT.COM)**

**PARA UNA NOTIFICACIÓN EN ESPAÑOL, VISITE NUESTRO SITIO DE INTERNET.**

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## BASIC INFORMATION

### 1. Why was this notice issued?

A Court has approved, or “certified,” this case as a class action lawsuit that may affect you if, while in California, you bought, owned or leased, a new or used 1991-2001 model year Ford Explorer anytime from 1990 to August 9, 2000, and you currently live in California, and either still own your Explorer or you sold, ended your lease, or otherwise disposed of it after August 9, 2000. If this describes you, you have legal rights and options before the Court decides whether the claims being made against Ford on your behalf are correct. This notice explains all of these things.

Judge David De Alba of the Superior Court of California, Sacramento County, is currently overseeing this case. The case is known as *Ford Explorer Cases*, JCCP Nos. 4226 and 4270. The people who sued are called the Plaintiffs. The company they are suing, Ford Motor Company, is called the Defendant.

### 2. What is this lawsuit about?

This is not a recall or a case about personal injuries or wrongful deaths. The lawsuit is about whether Ford violated California’s Unfair Competition Law, False Advertising Statute, and Consumers Legal Remedies Act. It’s also about whether Ford concealed a rollover tendency among the Explorers from California consumers, and whether consumers were misled into buying or leasing Explorers and paying more than what they would have, had they known about the alleged rollover tendency.

### 3. What is a class action?

In a class action, one or more people called Class Representatives; in this case (Rose Marie Gray, Dwight and Mary Tompkins, Steve Montoya, Darren McLachlan, and David Katz) sue on behalf of people who have similar claims. All these people are a Class or Class members. One court resolves the issues for all Class members, except for those who exclude themselves from the Class.

### 4. Why is this lawsuit a class action?

The Court decided that this lawsuit could move towards a trial as a class action because it meets the requirements of California Code of Civil Procedure section 382 and Civil Code section 1781, which govern class actions in California. For instance, the Court found that:

- The people affected share common characteristics, so they will be able to identify themselves as Class members;
- It would not be practical to bring each individual member of the Class before the Court (Ford sold about 440,086 Explorers in California);
- There are questions of law or fact common to all Class members that are at the heart of the case;
- The legal claims of the Class Representatives are typical of the claims of the Class members because they all bought, owned or leased allegedly defective vehicles;

- The Class Representatives and their lawyers will fairly and adequately represent all of the Class members; and
- A class action would be a fair and efficient way—the superior alternative—to resolve this lawsuit.

More information about why the Court is allowing this lawsuit to be a class action is in the [Class Certification Ruling](#), which you may view at [www.ExplorerCASuit.com](http://www.ExplorerCASuit.com).

## THE CLAIMS IN THE LAWSUIT

### 5. What does the lawsuit complain about?

In this lawsuit, the Plaintiffs say that Ford knew about a dangerous design flaw that made the Explorer unsafe and too likely to roll over, yet concealed it, and instead marketed and sold the Explorer as a safe vehicle. The Plaintiffs contend that after the alleged rollover tendency was revealed to the public on August 9, 2000 (when Firestone recalled tires—many of which were designed specifically for use on the Ford Explorer—and Explorer rollover accidents were publicized), the value of Explorers significantly declined. Plaintiffs say the Firestone tire recall did not solve the Explorer’s instability problem. The Plaintiffs also say that Ford’s cover-up of the Explorer’s design flaws, combined with the Explorer’s false safety image, led California consumers to buy or lease Explorers at higher prices than would have been placed on Explorers had these dangers been disclosed. You can read the Plaintiffs [Class Action Complaint](#), at [www.ExplorerCASuit.com](http://www.ExplorerCASuit.com).

### 6. How does Ford answer?

Ford denies the claims and allegations in the lawsuit. It denies that the Explorers at issue are defectively designed and claims that the unique handling characteristics of sport utility vehicles (“SUVs”) were fully disclosed through its product literature and government-mandated warning labels in the vehicles themselves. Ford notes that Plaintiffs are not claiming that the Explorer is more prone to roll over than other comparable SUVs. Ford says that neither the Plaintiffs nor members of the Class have lost money or paid too much for their vehicles due to the alleged design flaw, which Ford believes has not “manifested” (i.e., shown) itself in its vehicles. Accordingly, Ford says it has no liability for any of these issues. Ford’s [Answer to Complaint](#) can also be viewed at [www.ExplorerCASuit.com](http://www.ExplorerCASuit.com).

### 7. Has the Court decided who is right?

No. The Court has not decided whether the Plaintiffs or Ford are right. By establishing the Class and ordering that this Notice be provided, the Court is not suggesting the Plaintiffs will win or lose this case. The lawyers for the Plaintiffs must prove their case at a trial set to begin September 25, 2006.

## 8. What are the Plaintiffs asking for?

The Plaintiffs want Class members to get compensation from Ford for the excess money they say they paid for their Explorers, as well as money from the profits Ford earned on California Explorer sales, and other legal costs.

## 9. Is there any money available now?

No money or benefits are available now because the Court has not yet decided whether Ford did anything wrong, and the two sides have not settled the case. There is no guarantee that money or benefits will ever be obtained. If they are, you will be notified about how to ask for a share.

# WHO IS IN THE CLASS

## 10. How do I know if I am part of this?

Judge De Alba decided that everyone who fits the following description is a Class member: *All California residents, including persons and entities, who bought, owned or leased new or used 1991-2001 model year Ford Explorers in California between 1990 and August 9, 2000, and who either (a) currently own or lease the vehicle(s) or (b) sold or whose lease for such vehicle(s) expired or otherwise terminated after August 9, 2000.*

## 11. Help me understand whether I am included.

Class membership is not complicated. To see if you are a Class member ask yourself this series of questions:

Question	Yes	No
Do you live in California?	Continue.	You are not a Class member.
Have you ever bought, owned or leased a 1991-2001 model year Ford Explorer?	Continue.	You are not a Class member.
Did you buy, own or lease that Ford Explorer between 1990 and August 9, 2000?	Continue.	You are not a Class member.
Did you do so while in California?	Continue.	You are not a Class member.
Do you still own the Ford Explorer or did you sell or end your lease or otherwise dispose of it after August 9, 2000?	You are a Class member.	You are not a Class member.

As long as you say yes to all five questions above, you are a Class member.

#### 12. I'm still not sure if I am included.

If you are still not sure whether you are included, you can visit the website [www.ExplorerCASuit.com](http://www.ExplorerCASuit.com), call toll free 1-866-833-7918 or write to Ford Class Action, P.O. Box 4850, Portland, OR 97208-4850, for more information.

## YOUR RIGHTS AND OPTIONS

You have to decide whether to stay in the Class or whether to exclude yourself before a possible trial, and you have to decide this no later than **March 14, 2006**.

#### 13. What happens if I do nothing at all?

By doing nothing, you are staying in the Class. If the Plaintiffs obtain money or benefits from Ford—either as a result of a trial or a settlement—you will be able to apply for a share. However, if you stay in, you will be legally bound by all of the decisions that the Court makes. No matter whether the Plaintiffs win or lose the case, you will not be able to sue, or continue to sue, Ford about the legal claims in this case, ever again.

#### 14. What happens if I exclude myself?

If you exclude yourself from the Class, and the Class gets any money or benefits (as a result of the trial or any settlement that may or may not be reached between Ford and the Plaintiffs) you will not be able to get any of that money or those benefits. However, if you exclude yourself, you will not be legally bound by the Court's judgments. You will be able to sue, or continue to sue Ford on your own about the same legal claims that are involved in this case, now or in the future.

If you do pursue your own lawsuit after you exclude yourself, you'll have to hire and pay your own lawyer for that case, and you'll have to prove your claims, without the benefit of the work performed by the lawyers in this class action.

#### 15. How do I ask to be excluded?

To exclude yourself, you must send in an [Exclusion Request](#) form. You can use the Exclusion Request form on page 8 or you can get a form at [www.ExplorerCASuit.com](http://www.ExplorerCASuit.com). You must mail your Exclusion Request postmarked by **March 14, 2006**, to: Ford Explorer Exclusions, P.O. Box 4850, Portland, OR 97208-4850.

## THE LAWYERS REPRESENTING YOU

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

Yes. The Court appointed Elizabeth J. Cabraser of Lieff Cabraser Heimann and Bernstein LLP, of San Francisco, CA, and Kevin P. Roddy of Wilentz, Goldman & Spitzer P.A., of Woodbridge, NJ, to represent you as co-lead “Class Counsel.” More information about these law firms, their practices, and their lawyers’ experience is available at [www.lieffcabraser.com](http://www.lieffcabraser.com) and [www.wilentz.com](http://www.wilentz.com). These firms and other law firms working with them as Class Counsel are experienced in handling similar cases. Complete [contact information](#) for these and other law firms representing Class members can be found at [www.ExplorerCASuit.com](http://www.ExplorerCASuit.com).

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

You do not need to hire your own lawyer because Class Counsel is working on your behalf. But, if you want your own lawyer, you will have to pay that lawyer. For example, 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 obtains money or benefits for the Class, they may ask the Court for fees and expenses. You don’t have to pay any of these fees and expenses. If the Court grants their request, the fees and expenses would be deducted from any money obtained for the Class, or paid separately by Ford.

## A TRIAL

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

If the case is not dismissed or settled, the Plaintiffs will have to prove their claims at a trial set to begin September 25, 2006 at the Gordon D. Schaber Downtown Courthouse, Department 1, 720 9<sup>th</sup> St., Sacramento, California. During the trial, the Judge, and/or a Jury, will hear all of the evidence, so that a decision can be reached about whether the Plaintiffs or Ford are right about the claims in the lawsuit. There is no guarantee that the Plaintiffs will win any money or benefits for the Class.

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

You will not need to attend unless you choose to do so, or you are asked to attend by the Court. Class Counsel will present the case for the Plaintiffs, and the lawyers for Ford will present their defenses. You and/or your own lawyer are welcome to come, at your own expense. Check the website or call 1-866-833-7918 to be kept informed of the trial schedule.

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

If the Plaintiffs obtain money or benefits as a result of the trial or a settlement, you will be notified about how to ask for a share or what your other options are at that time. Currently these things are not known right now. Court orders and other important information about the case will be posted on the website, [www.ExplorerCASuit.com](http://www.ExplorerCASuit.com), as it becomes available. You can access the website, whether you stay in the lawsuit or exclude yourself, to obtain current information about this case.

**GETTING MORE INFORMATION**

**22. Are more details available?**

Visit the website at [www.ExplorerCASuit.com](http://www.ExplorerCASuit.com), where you will find the [Class Certification Ruling](#), the [Complaint](#) that the Plaintiffs lodged, and the Defendants' [Answer to Complaint](#). You may also call Plaintiffs' Class Counsel toll-free at 1-866-833-7918 for more information, or write to California Ford Explorer Class Action, P.O. Box 4850, Portland, OR 97208-4850.

**EXCLUSION REQUEST**

I want to be excluded from the *Ford Explorer Cases* class action. I understand that if I exclude myself, I will not be able to get any money or benefits if any become available from this case, however I will not be bound by any Court orders, and I will keep any rights I have to sue Ford about the claims in this case, as part of any other lawsuit.

\_\_\_\_\_  
*Name*

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*Address*

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*City*

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*State*

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*Zip*

\_\_\_\_\_  
*Telephone*

\_\_\_\_\_  
*Signed*

\_\_\_\_\_  
*Date*

If you want to be excluded, mail this form, postmarked by **March 14, 2006** to: Ford Explorer Exclusions, P.O. Box 4850, Portland, OR 97208-4850.

**DON'T MAIL THIS FORM IF YOU WANT TO STAY IN THE CLASS.**