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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

ARTEM V. GELIS, BHAWAR PATEL,
ROBERT MCDONALD, JAMES V. OLSON,
GREGORY HEYMAN, SUSAN HEYMAN,
DEBRA P. WARD, DARRIAN STOVALL,
ALEX MARTINEZ, AMANDA GOREY,
CHRIS WILLIAMS, ASHOK PATEL,
KENNETH GAGNON, MICHAEL CERNY,
ERHAN ARAT, ANDRE MALSKE, CRAIG
LASH, NICOLE GUY, DAVID
RICHARDSON, KAREN HENDERSON and
ERIC T. ZINN, individually and on behalf of
all others similarly situated,

Plaintiffs,

v.

BAYERISCHE MOTOREN WERKE
AKTIENGESELLSCHAFT and BMW OF
NORTH AMERICA, LLC,

Defendants.

Case No. 2:17-cv-7386-SDW-CLW

**DECLARATION OF
CHRISTOPHER J. DALTON
REGARDING MAILING OF CAFA
NOTICE TO ATTORNEYS GENERAL**

CHRISTOPHER J. DALTON, of full age, and under penalty of perjury, declares as follows:

1. I am an attorney at law of the state of New Jersey and a shareholder in the law firm of Buchanan Ingersoll & Rooney PC, counsel to Defendant BMW of North America, LLC (“BMW NA”).

2. On September 14, 2020, our firm transmitted the documents required under the

Class Action Fairness Act, 28 U.S.C. §1715(b), to the Attorney General of the United States and all state Attorneys General.

3. Attached as **Exhibit A** is a true and correct copy of my September 14, 2020 cover letter and service list.

I declare under penalty of perjury that the foregoing statements are true and correct. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

/s/ Christopher J. Dalton
Christopher J. Dalton

Dated: January 29, 2021

EXHIBIT A

Buchanan Ingersoll & Rooney PC

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September 14, 2020

VIA CERTIFIED MAIL,
RETURN RECEIPT REQUESTED

The Honorable William P. Barr
United States Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue North West
Washington, DC 20530-0001

Re: Class Action Fairness Act Notice of Proposed Class Action Settlement in
Gelis et al v. Bayerische Motoren Werke Aktiengesellschaft, et als
U.S.D.C., District of New Jersey, Civil Action No. 2:17-cv-7386 (SDW)(CLW)

Dear General Barr:

In accordance with the Class Action Fairness Act of 2005, 28 U.S.C. § 1715 (“CAFA”), Defendant BMW of North America, LLC hereby provides this notice of a proposed settlement in *Gelis et al. v. Bayerische Motoren Werke Aktiengesellschaft, et al.* (Civil Action No. 2:17-cv-7386), pending the United States District Court for the District of New Jersey. Enclosed please find the following documents:

| Exhibit | Description |
|---------|---|
| 1 | Class Action Complaint in <i>Gelis et al. v. Bayerische Motoren Werke Aktiengesellschaft, et al.</i> (<i>Gelis</i> Docket Entry 1) |
| 2 | Consolidated Amended Class Action Complaint (<i>Gelis</i> Docket Entry 23) ¹ |
| 3 | Notice of Motion for Preliminary Approval of Class Action Settlement (<i>Gelis</i> Docket Entry 72) |
| 4 | Brief in Support of Motion for Preliminary Approval of Class Action Settlement (<i>Gelis</i> Docket Entry 73) |

¹ A later-filed action, *Williams v. BMW of North America, LLC*, U.S. District Court for the District of New Jersey, Civil Action No. 2:17-cv-11567(WHW)(CLW), was consolidated into the *Gelis* matter by Consent Order filed January 24, 2018.

Hon. William P. Barr
September 14, 2020
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|---|---|
| 5 | Class Action Settlement Agreement and Release with proposed Class Notice and Claim Form (<i>Gelis</i> Docket Entry 72-3) |
| 6 | Order Granting Preliminary Approval (<i>Gelis</i> Docket Entry 75) |

The Court granted Preliminary Approval by order filed September 9, 2020. The Final Approval Hearing is scheduled for February 16, 2021 at 11:00 a.m.

The proposed settlement class includes approximately 575,303 vehicles nationwide. As such, it is not feasible to provide the names of each class member who resides in each state nor the estimated proportionate share of the claims of such members to the entire settlement, as required under 28 U.S.C. § 1715(b)(7)(A). Accordingly, pursuant to 28 U.S.C. § 1715(b)(7)(B), Defendant has made a reasonable estimate of the number of class members residing in each state of the United States and calculated the estimated proportionate share of the claims of such members as it relates to the entire settlement. This information is set forth in the enclosed compilation.

Please be advised that the parties will request that the Court find this notice fully complies with CAFA and there will be no supplement to this notice. If you have questions about this notice, the lawsuit, or the enclosed materials, please contact the undersigned counsel.

Respectfully,



Christopher J. Dalton

CJD/

Enclosures

cc: All Attorneys General on Attached Service List (w/encl.)
Gary S. Graifman, Esq. (w/o encl.) (by email)
Thomas P. Sobran, Esq. (w/o encl.) (by email)
Ranee M. Matloff, Esq. (w/o encl.) (by email)

Gelis v. BMW of North America, LLC
Class Vehicle Distribution Data by State

| State | Number of Vehicles | Percentage of Class |
|-------|--------------------|---------------------|
| AK | 652 | 0.11% |
| AL | 3766 | 0.65% |
| AR | 1241 | 0.22% |
| AZ | 9583 | 1.67% |
| CA | 131796 | 22.91% |
| CO | 7176 | 1.25% |
| CT | 13763 | 2.39% |
| DE | 1296 | 0.23% |
| FL | 55892 | 9.72% |
| GA | 14988 | 2.61% |
| HI | 3241 | 0.56% |
| IA | 1557 | 0.27% |
| ID | 541 | 0.09% |
| IL | 15363 | 2.67% |
| IN | 3713 | 0.65% |
| KS | 2046 | 0.36% |
| KY | 2155 | 0.37% |
| LA | 4332 | 0.75% |
| MA | 15040 | 2.61% |
| MD | 12883 | 2.24% |
| ME | 544 | 0.09% |
| MI | 5599 | 0.97% |
| MN | 5519 | 0.96% |
| MO | 3501 | 0.61% |
| MS | 904 | 0.16% |
| NC | 12416 | 2.16% |
| NE | 1423 | 0.25% |
| NH | 3176 | 0.55% |
| NJ | 69670 | 12.11% |
| NM | 1344 | 0.23% |
| NV | 4297 | 0.75% |
| NY | 46985 | 8.17% |
| OH | 11589 | 2.01% |
| OK | 2229 | 0.39% |
| OR | 6079 | 1.06% |
| PA | 18469 | 3.21% |
| PR | 2334 | 0.41% |
| RI | 2756 | 0.48% |
| SC | 5132 | 0.89% |
| SD | 348 | 0.06% |

Gelis v. BMW of North America, LLC
Class Vehicle Distribution Data by State

| State | Number of Vehicles | Percentage of Class |
|--------------------|---------------------------|----------------------------|
| TN | 5076 | 0.88% |
| TX | 39278 | 6.83% |
| UT | 1342 | 0.23% |
| VA | 13821 | 2.40% |
| VT | 438 | 0.08% |
| WA | 7082 | 1.23% |
| WI | 2498 | 0.43% |
| WV | 430 | 0.07% |
| Grand Total | 575303 | 100.00% |

CAFA Letter Service List

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