

DPS6 Appellate Arbitration Procedures

I. GENERAL INFORMATION

These appeal procedures supplement (1) the Parties' Settlement Agreement, as amended, and (2) the Guide and Revised Rules for Arbitration for the Consumer Arbitration Program for Ford Motor Company PowerShift DPS6 Transmission. The Settlement Agreement and the Guide and Revised Rules for Arbitration apply to all Arbitration claims submitted by Class Members, and in the event of a conflict with these Appeal Procedures, or silence herein, the Settlement Agreement and Guide and Revised Rules for Arbitration shall control.

II. ADMINISTRATION

A. The Appeal Panel will consist of one Arbitrator. Upon the filing of an appeal CAP-Motors will appoint a single Arbitrator and will provide all disclosures that are mandated by applicable law regarding the appointed Arbitrator. If a Party objects to the assigned Arbitrator, it must send a letter stating the objection, and the reason for the objection, within seven (7) business days from the date of the letter assigning the Arbitrator. If CAP-Motors receives a written objection about the assigned Arbitrator, CAP-Motors shall determine whether the Arbitrator should be disqualified and shall inform the Parties of its decision. This decision shall be final and binding. If for any reason the Arbitrator becomes unwilling or unable to perform his or her duties, CAP-Motors may declare the position vacant and appoint a new Arbitrator.

B. The Procedure for filing and arguing an appeal is as follows:

1. The Parties' ability to Appeal an Arbitration Award is determined by the Settlement Agreement and Arbitration Rules. The appeal must be served, in writing, to CAP-Motors within thirty (30) calendar days after the Award has been transmitted to the Parties.

2. The record on appeal will consist of the complete Case File from the original hearing, including any correspondence in the Case Management Platform, any independent vehicle inspection report, and any record of the Arbitration Hearing and all exhibits, deposition transcripts, and affidavits that have been accepted into the record of the Arbitration Hearing by the Arbitrator. The Parties will cooperate with CAP-Motors in compiling the record on appeal, and CAP-Motors will provide the record to the Arbitrator. No new evidence will be considered by the Arbitrator; unless deemed necessary by the Arbitrator in order to render a fair and expeditious resolution of the appeal.

3. The Parties may elect to rely on the documents previously submitted to the original Arbitrator. In the absence of such election, CAP-Motors will obtain the agreement of the Parties on a briefing schedule. If no agreement is reached, CAP-Motors will set the

briefing schedule. Ordinarily, only opening briefs (of no more than 25 double-spaced pages) will be allowed. The briefs may be in the form of a letter.

4. The Arbitrator will conduct a documents-only review of the case record and all appellate briefs submitted by the Parties. There will be no oral arguments unless deemed necessary by the Arbitrator. If there are to be oral arguments, CAP-Motors will obtain the agreement of the Parties on both the date of such argument and the duration, including the allocation of time. In the absence of agreement, CAP-Motors will set the date and duration of the oral argument, including the allocation of time. All oral arguments shall be held via telephone or Zoom and shall not be held in person.

5. All fees for the appellate arbitration must be paid in full by the Appellant before an Appeal will be scheduled.

C. The Arbitrator may not remand to the original Arbitrator but may re-open the record in order to review evidence that had been improperly excluded by the Arbitrator, or evidence that is now necessary in light of the Arbitrator's interpretation of the relevant substantive law. Absent good cause for an extension, the Arbitrator will issue the decision within twenty-one (21) calendar days of the date of either oral argument, the receipt of the new evidence or receipt of the record and of all briefs, whichever is applicable or later. The Arbitrator's decision will consist of a concise written explanation.

D. The Arbitrator may affirm, modify, or reverse the original Arbitrator's decision.

E. If a Party refuses to participate in the Appeal after having agreed to do so, the Arbitrator has it within their authority to consider the Appeal as if all Parties were participating, including retaining the authority to modify any Award or element of an Award that had previously been entered in favor of the non-participating Party, assuming the Arbitrator believes that the record, after application of the appropriate standard of Appeal, justifies such action.

F. The Parties will be mailed a copy of the Arbitrator's decision via first class mail to the Party or its attorney's last known address. Parties are entitled to receive copies of all CAP-Motors' records related to the appeal, at a reasonable cost.

G. Fee for filing an appeal is \$1,500.00 USD. The fee is to be sent with the request for an appellate arbitration. Checks can be made out to DeMars & Associates, Ltd. Payment should be sent to the mailing address below.

1. Should the Arbitrator determine it necessary to re-open the record, and/or consider evidence as described above (C), there may be additional fees assessed.

To submit an appeal request via email, please send to CAP-Motors Program Manager, Dawn Daugherty, ddaugherty@demarsassociates.com.