



## **Affinia Files Suit over Brake Safety Concerns**

### **Lawsuit targets false advertising in aftermarket auto parts industry**

**ANN ARBOR, MI, July 8, 2009** – Affinia Group Inc., a leader in the aftermarket automotive parts industry, today filed suit against one of its competitors for competing unfairly by falsely advertising the quality of certain of its brake rotors for cars and light-duty trucks.

The issue is important to consumers because intentional deviations from original equipment (OE) specifications for brake rotors can lead to safety risks. (Original equipment parts are those that come in a new car or truck.)

Testing by a respected independent laboratory has shown that certain “Lightweight Rotors” made by the defendant, Dura International of Rancho Dominguez, Ca., weighed significantly less than OE specifications, although the weight is not the only concern. These rotors were structurally weaker and significantly more prone than their OE counterparts to crack and fail in performance tests.

Manufacturers and importers of aftermarket, or replacement, parts have a tremendous incentive to expressly state or otherwise imply to potential purchasers that their parts are consistent with OE specifications and that their performance and durability are consistent with the performance and durability of OE parts.

Most do-it-yourselfers and auto repair shops rely on such advertising statements because they lack the technical expertise to know whether a part actually meets or exceeds OE specifications and performance. If potential purchasers are told that aftermarket parts from competing suppliers are of comparable quality – i.e., meet or exceed OE specifications – price differences between competing products become significant.

“Lightweight Rotors” cost less to produce. They are, however, more likely to fail than parts that meet OE specifications, which can create safety risks.

Despite the fact that Dura’s “Lightweight Rotors” do not meet or exceed OE specifications, the company continues to expressly state or otherwise imply that every unit meets or exceeds OE specifications and performance.

These false claims give Dura an unfair advantage over Affinia. Dura’s false and misleading advertising creates a motor vehicle safety risk, and Affinia, in its lawsuit, is asking the court to halt it.

Affinia’s legal action addresses certain of Dura’s Lightweight Rotors and not the company’s entire product line.

The lawsuit was filed in U.S. District Court, Richmond, Va.

Affinia's primary concern is safety, not sales. Had Affinia chosen to do so, it could have imported and marketed comparable lightweight brake rotors. But Affinia believes that to do so would have been irresponsible.

Affinia believes that Dura and other companies began introducing the "Lightweight Rotors" into the North American market in the summer of 2008. Affinia believes the design changes were based not on engineering or performance criteria but on some other criteria, such as a desire to reduce mass and control costs.

Brake rotors are the components that brake pads clamp onto to stop the vehicle. They essentially are twin steel discs that form a "sandwich" with an air pocket in the middle. The discs are kept apart by "vaness" that radiate out from the interior hub. The air gap is necessary to dissipate the intense heat generated by braking.

In "dimensional" – or precision measurement – testing, some Dura rotors were as much as 18.83% lighter than OE specifications, and the air gaps in the middle were up to 68.58% wider. A number of the Dura rotors also had fewer vanes and thinner ones than in corresponding OE rotors.

The design changes are not merely cosmetic. Rather, they reduce the overall mass of the rotor, which impacts performance. Tests conducted by the third-party laboratory at Affinia's request confirm that these changes have significantly impaired performance and durability.

In "thermal fatigue" tests meant to simulate the stress of long-term start-and-stop driving, original equipment manufacturers would expect a rotor to survive 100 testing cycles without cracking that reaches the edge of the surface of the rotors. The industry practice is to test for 150 cycles.

Affinia's independent laboratory tested Dura rotors marketed as replacements for the OE rotors in the model year 2007 Dodge Caravan and the model year 2005 Chevrolet Silverado. All six of the Caravan replacement rotors developed cracks prior to completing 100 cycles, with three failing before 60 cycles and one failing before only 50 cycles.

The six Dura replacement rotors for the Silverado were just as unimpressive. Five of the Dura rotors developed cracks before completing 75 cycles, while one rotor did complete 150 cycles without cracking.

In its lawsuit, Affinia seeks to enjoin Dura from making false claims for its brake rotor products or falsely implying that its "Lightweight Rotors" meet or exceed OE specifications and performance.

Affinia also asks the court to order Dura to publish corrective advertising disclosing that their "Lightweight Rotors" intentionally deviate from OE specifications, have not been tested to meet or exceed OE specifications and performance, and have not been subjected to independent engineering validation.

Affinia seeks damages in amounts to be determined at trial.

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