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14 *Co-Lead Plaintiffs' Counsel for
Economic Loss Cases*

15 UNITED STATES DISTRICT COURT

16 CENTRAL DISTRICT OF CALIFORNIA

17 IN RE: TOYOTA MOTOR CORP.
UNINTENDED ACCELERATION
18 MARKETING, SALES PRACTICES,
AND PRODUCTS LIABILITY
19 LITIGATION

Case No. 8:10ML2151 JVS (FMOx)

**NOTICE OF FILING OF
ADMINISTRATIVE DECLARATION**

20 THIS DOCUMENT RELATES TO:

21 ALL ECONOMIC LOSS CASES
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NOTICE OF FILING OF ADMINISTRATIVE DECLARATION

1 The Economic Loss Plaintiffs hereby give notice of filing of the following
2 document: Declaration of Lara Jarjoura Regarding Status of Distribution, dated
3 December 9, 2014 (attached hereto as Exhibit A).
4

5 DATED: December 10, 2014 HAGENS BERMAN SOBOL SHAPIRO LLP
6

7
8 By: /s/ Steve W. Berman
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*Lead Counsel for Non-Consumer Economic Loss
Plaintiffs*

PROOF OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each other party through the Court's electronic filing service on December 10, 2014.

/s/ Steve W. Berman

Steve W. Berman

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Exhibit A

1 UNITED STATES DISTRICT COURT
2 CENTRAL DISTRICT OF CALIFORNIA

3 IN RE: TOYOTA MOTOR CORP.
4 UNINTENDED ACCELERATION
5 MARKETING, SALES PRACTICES, AND
6 PRODUCTS LIABILITY LITIGATION

Case No. 8:10ML2151 JVS (FMOx)

7 THIS DOCUMENT RELATES TO:

8 ALL ECONOMIC LOSS CASES

9 **DECLARATION OF LARA JARJOURA REGARDING STATUS OF DISTRIBUTION**

10 I, Lara Jarjoura, hereby declare as follows:

11 1. I am employed as a distribution audit manager by Gilardi & Co. LLC (“Gilardi”), located
12 at 3301 Kerner Boulevard, San Rafael, California. I am over 21 years of age and am not a party to this
13 action. I have personal knowledge of the facts set forth herein and, if called as a witness, could and
14 would testify competently thereto. I submit this declaration in order to provide the Court and the
15 parties to the above-captioned litigation with information regarding claims data and the status of the
16 distributions made to Class Members.

17 2. Given the complexity of this matter, and at the further direction from Counsel, a tiered
18 approach has been applied in the processing of distribution payments. In March of 2014, Gilardi
19 commenced the initial tranche of Distribution Payments to individual claimants who filed approved
20 claims in both the Cash-in-Lieu-of-BOS Fund and the Diminished Value Fund. In July of 2014,
21 Gilardi commenced the second tranche of Distribution Payments to fleet owners as well as to
22 individual claimants whose deficient claims have since been cured. In September of 2014, Gilardi
23 commenced the third and final tranche of Distribution Payments of the residual funds in both the
24 Cash-in-Lieu-of-BOS Fund and the Diminished Value Fund. This third tranche of distribution is
25 related to the pro-rata distributions made to eligible Class Members who did not file claims but were
26 identified as contemplated in the Court’s July 24, 2013 Order Granting Motion for Final Approval of
27 Proposed Class Action Settlement, and Granting Motion for Attorneys’ Fees, Reimbursement of
28 Expenses, and Compensation to Named Plaintiffs. In April of 2015, Gilardi will begin the

1 escheatment process.

2 **Tier 1 Distribution**

3 3. Gilardi has sent 214,686 checks totaling \$26,835,750.00 to eligible Class Members from
4 the Cash-in-Lieu-of-BOS Fund. Per the Court-approved Plan of Allocation, each check was in the
5 amount of \$125.00. Gilardi has sent 59,179 checks totaling \$27,972,989.00 to eligible Class Members
6 from the Diminished Value Fund. Per the Court-approved Plan of Allocation, the Diminished Value
7 check amounts varied based on the Consumer Matrix. The average check issued was \$472.68 the
8 highest check issued was \$5,977.00, and the lowest check issued was \$125.00. Distribution Payments
9 commenced mailing on March 14, 2014 and were all mailed within 5 business days thereafter. On
10 July 25, 2014, a total of 7,319 checks that had gone stale were reissued and on September 26, 2014, a
11 total of 3,562 postcard reminders were mailed to the reissued checks that remain uncashed, pursuant to
12 Amendment No. 2.¹ As of December 5, 2014, a total of 2,231 Cash-in-Lieu-of-BOS Fund checks
13 remain outstanding representing \$278,875 and a total of 691 Diminished Value Fund checks remain
14 outstanding representing \$238,024. The checks that have been negotiated represent 98.96 percent of
15 the total number of checks that have been sent to Class Members from the Cash-in-Lieu-of-BOS Fund
16 and 98.83 percent of the total funds that have been sent to Class Members from the Diminished Value
17 Fund.

18 **Tier 2 Distribution**

19 4. Gilardi has sent 2,459 checks/wires totaling \$965,000 to eligible Class Members from the
20 Cash-in-Lieu-of-BOS Fund. Gilardi has sent 2,016 checks/wires totaling \$125,444,299 to eligible
21 Class Members from the Diminished Value Fund. Distribution Payments were issued via wire if
22 requested by fleet or by check and commenced mailing on July 11, 2014. Per the Court-approved Plan
23 of Allocation, each Cash-in-Lieu-of-BOS Fund distribution payment represented \$125.00 per Subject
24 Vehicle; however, as the majority of these claims were filed by fleets, the average distribution
25 payment was in the amount of \$392, the highest distribution payment was \$222,000, and the lowest
26 distribution payment was \$125. Per the Court-approved Plan of Allocation, the Diminished Value
27 Fund check amounts varied based on the Consumer Matrix. The average check issued was \$62,196,
28

¹ See Amendment No. 2 at A(c)(iii)(d) and B(c)(iii)(d).

1 the highest check issued was \$49,202,066, and the lowest check issued was \$125.

2 5. On November 19, 2014, a total of 384 checks that had gone stale were reissued and on
3 January 16, 2014, Gilardi will send postcard reminders to the reissued checks that remain uncashed,
4 pursuant to Amendment No. 2. As of December 5, 2014, a total of 194 Cash-in-Lieu-of-BOS Fund
5 checks remain outstanding representing \$24,250 and a total of 183 Diminished Value Fund checks
6 remain outstanding representing \$138,189. The checks that have been negotiated represent 92.11
7 percent of the total number of checks that have been sent to Class Members from the Cash-in-Lieu-of-
8 BOS Fund and 90.92 percent of the total funds that have been sent to Class Members from the
9 Diminished Value Fund.

10
11 **Tier 3 Distribution**

12 6. Gilardi is currently in the process of mailing approximately 9.7 million checks to eligible
13 Class Members pursuant to the terms of the Court-approved Amendment No. 2, of which 8.3 million
14 checks are from the Cash-in-Lieu-of-BOS Fund and 1.4 million are from the Diminished Value Fund.
15 As of September 29, 2014, there was approximately \$83.8 million remaining in the Alleged
16 Diminished Value Fund and approximately \$209.4 million in the Cash-in-Lieu-of-BOS Fund to be
17 distributed as part of the tier 3 distribution process.

18 7. The amounts distributed to Tier 3 Class Members from the Cash-in-Lieu-of-BOS Fund are
19 slightly higher than the amounts previously submitted to the Court² because of the slightly lower-than-
20 estimated number of Claims filed by Class Members, including fleet Class Members. In comparison,
21 the amounts distributed from the Diminished Value Fund are slightly lower than the amounts
22 previously submitted to the Court because of the slightly higher-than-estimated number of Claims files
23 by Class Members, including fleet Class Members. Distribution Payments are delineated as follows:

24 *Pro Rata Allocation of Cash-in-Lieu of BOS Fund*

100% (Non-manifestation State)	70% (Unclear State)	30% (Manifestation State)
\$29.23	\$20.46	\$8.76

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² See Third Declaration of Markham Sherwood Re: Notice and Administration of Settlement (Dkt. # 3884).

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Pro Rata Allocation of Diminished Value Fund

	100% (Non-manifestation State)	70% (Unclear State)	30% (Manifestation State)
Subject Vehicles with an Alleged Loss of \$125	\$18.22	\$12.75	\$5.46
Subject Vehicles with an Alleged Loss of \$500	\$72.88	\$51.01	\$21.86
Subject Vehicles with an Alleged Loss of \$1,000	\$145.77	\$102.03	\$43.73
Maximum Loss (\$5,977)	\$871.26	\$609.88	\$261.38

8. As of December 5, 2014, approximately 3.3 million tier 3 checks have cashed. Gilardi anticipates the mailings of approximately 9.7 million checks will be substantially completed by the end of 2014. Gilardi plans to consolidate Distribution Payments based on name and address information, therefore increasing check amount values which, based on Gilardi’s experience, should promote an increased check cashing rate.

9. The third tranche of Distribution payments issued to eligible Class Members will be stale on March 9, 2015. Within 45 days, Gilardi will process a reissue of all checks that remain outstanding in both Funds. Thereafter, a postcard notice will be sent within 60 days to any claimant with an outstanding check reminding them to cash their check.

10. Gilardi will provide the Court and the parties with another update on the status of the distribution process on June 10, 2015.

11. I declare under penalty of perjury that the foregoing is true and correct. Executed this 9th day of December, 2014, at San Rafael, California pursuant to the laws of the United States.


LARA JARJOURA