

EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

JULIET MURPHY, individually and on
behalf of similarly situated individuals,

Plaintiff,

v.

TOYOTA MOTOR CORPORATION, ET AL.,

Defendant.

No.: 4:21-cv-00178

Hon. Amos L. Mazzant, III

**SUPPLEMENTAL DECLARATION OF CAMERON R. AZARI, ESQ. REGARDING
IMPLEMENTATION AND ADEQUACY OF CLASS NOTICE PLAN**

I, Cameron R. Azari, Esq., hereby declare and state as follows:

1. My name is Cameron R. Azari, Esq. I have personal knowledge of the matters set forth herein, and I believe them to be true and correct.

2. I am a nationally recognized expert in the field of legal notice, and I have served as an expert in hundreds of federal and state cases involving class action notice plans.

3. I am a Senior Vice President of Epiq Class Action and Claims Solutions, Inc. (“Epiq”) and the Director of Legal Notice for Hilsoft Notifications, a firm that specializes in designing, developing, analyzing, and implementing large-scale, un-biased, legal notification plans. Hilsoft Notifications is a business unit of Epiq. References to Epiq in this declaration include Hilsoft Notifications.

4. The facts in this declaration are based on my personal knowledge, as well as information provided to me by my colleagues under my direction and control in the ordinary course of my business at Epiq.

OVERVIEW

5. This declaration provides updated settlement administration statistics following the successful implementation of the Settlement Notice Plan (“Notice Plan”) for *Murphy v. Toyota Motor Corporation, et al.*, Case No. 4:21-cv-00178-ALM pending in the United States District Court for the Eastern District of Texas. I previously executed my *Declaration of Cameron R. Azari, Esq. Regarding Class Notice Plan* (“Notice Plan Declaration”) on March 27, 2024, which described the Notice Plan, detailed Hilsoft’s class action notice experience, and attached Hilsoft’s *curriculum vitae* and Epiq’s Notice Plan. ECF No. 128-1. Subsequently, I executed my *Declaration of Cameron R. Azari, Esq. Regarding Implementation and Adequacy of Class Notice Plan* (“Implementation Declaration”) on September 16, 2024, which described the successful implementation of the Notice Plan and provided then-current settlement administration statistics. ECF No. 141-16.

NOTICE PLAN METHODOLOGY

6. Federal Rule of Civil Procedure 23 directs that notice must be “the best notice that is practicable under the circumstances, including individual notice to all members who can be identified through reasonable effort” and that “[t]he notice may be by one or more of the following: United States mail, electronic means, or other appropriate means.”¹ The Notice Plan as implemented satisfied these requirements.

7. As of October 17, 2024, the Notice Plan’s individual notice efforts reached approximately 97.9% of the identified Class Members with a frequency of three times. The reach was further enhanced by a Settlement Website. In my experience, the Notice Plan was consistent with other court-approved notice plans for class action settlements, was the best notice practicable under the circumstances of this case, and satisfied the requirements of due process, including its “desire to actually inform” requirement.²

¹ Fed. R. Civ. P. 23(c)(2)(B).

² *Mullane v. Cent. Hanover Bank & Trust Co.*, 339 U.S. 306, 315 (1950) (“But when notice is a person’s due, process which is a mere gesture is not due process. The means employed must be such

CAFA NOTICE

8. As detailed in paragraph seven of my Implementation Declaration, Epiq sent 57 CAFA Notice Packages (“CAFA Notice”), as required by the federal Class Action Fairness Act of 2005 (CAFA), 28 U.S.C. § 1715, on April 5, 2024. Further details regarding the CAFA Notice mailing were provided in the Declaration of Kyle S. Bingham on Implementation of CAFA Notice, dated April 5, 2024, Dkt. No. 274-7 at ¶¶ 5-9.

NOTICE PLAN

Individual Notice

9. As detailed in paragraphs eleven and twelve of my Implementation Declaration, Toyota provided Epiq with the list of applicable Vehicle Identification Numbers (“VIN LIST”), which included 1,853,568 unique VIN numbers. Epiq sent the VIN LIST to S&P Global Automotive, formerly known as Polk (“Polk”), to purchase data containing identifying information and last known mailing addresses corresponding with the VINs provided by Toyota.³ Polk returned 3,442,006 unique records associated with the 1,853,568 unique VIN numbers. After deduplication and validation, 3,088,882 Class Member records were identified and associated with the 1,853,568 unique VIN numbers. Email Notice was sent to all identified Class Members for whom a valid email address was available, and a Postcard Notice was sent via United States Postal Service (“USPS”) first class mail to all identified Class Members with an associated physical address for whom a valid email address was not available or for whom the Email Notice was undeliverable after multiple attempts

as one desirous of actually informing the absentee might reasonably adopt to accomplish it. The reasonableness and hence the constitutional validity of any chosen method may be defended on the ground that it is in itself reasonably certain to inform those affected . . .”).

³ For Polk to obtain and/or release this type of information for purposes of sending notice to Class Members, a Court Order authorizing Polk to obtain Class Vehicle owner information from the relevant state DMVs was needed because the Driver’s Privacy Protection Act (“DPPA”) requires states to protect the privacy of personal information contained in a person’s motor vehicle record. This Court Order was part of the Preliminary Approval Order issued on April 12, 2024.

Individual Notice – Email

10. As detailed in paragraphs thirteen and fourteen of my Implementation Declaration, commencing on June 25, 2024, Epiq sent 2,227,036 Email Notices to all identified Class Members for whom a valid email address was available (some Class Members had multiple email addresses associated with their name and an Email Notice was sent to each valid email address).

11. If the receiving email server could not deliver the message, a “bounce code” was returned along with the unique message identifier. For any Email Notice for which a bounce code was received indicating that the message was undeliverable for reasons such as an inactive or disabled account, the recipient’s mailbox was full, technical autoreplies, etc., at least two additional attempts were made to deliver the Email Notice.

Individual Notice – Direct Mail

12. As detailed in paragraphs fifteen through eighteen of my Implementation Declaration, on June 25, 2024, Epiq sent 700,045 Postcard Notices to identified Class Members with an associated physical address for whom a valid email address was not available. Subsequently, commencing on July 19, 2024, Epiq sent 1,076,888 Postcard Notices to all identified Class Members with an associated physical address for whom the Email Notice was undeliverable after multiple attempts, and to Class Members included in the data for the States of California and New Hampshire (representing 97,916 Postcard Notices).⁴ On September 13, 2024, Epiq sent 332,594 Postcard Notices to identified Class Members with an associated physical address for whom the Email Notice was undeliverable after multiple attempts. The Postcard Notices were sent via USPS first-class mail.

13. The return address on the Postcard Notices is a post office box that Epiq maintains for this case. The USPS automatically forwards Postcard Notices with an available forwarding address order that has not expired (“Postal Forwards”). Postcard Notices returned as undeliverable

⁴ Epiq received the registration records from Polk for California and New Hampshire after Postcard Notices were mailed on June 25, 2024. As a result, 97,916 Postcard Notices were sent on July 19, 2024, to these Class Members.

were promptly re-mailed to any new address available through USPS information, (for example, to the address provided by the USPS on returned mail pieces for which the automatic forwarding order has expired, but is still within the time period in which the USPS returns the piece with the address indicated). Upon successfully locating better addresses, Postcard Notices were promptly remailed. As of October 17, 2024, Epiq has remailed 85,604 Postcard Notices of the 152,440 Postcard Notices that were returned as undeliverable.

14. Additionally, a Claim Form and Long Form Notice (“Claim Package”) was mailed to all persons who requested one via the toll-free telephone number or by mail. As of October 17, 2024, Epiq mailed 2,316 Claim Packages as a result of such requests.

Media Plan

Internet Digital Notice Campaign

15. As detailed in paragraphs nineteen through twenty-four of my Implementation Declaration, the Notice Plan included targeted digital advertising on the selected advertising network *Google Display Network*, in English and Spanish, which represents thousands of digital properties across all major content categories. The Digital Notices were also placed on the social media sites *Facebook* and *Instagram*.

16. The Digital Notices were targeted to selected audiences nationwide who have shown an interest or affinity for content related to Toyota and/or Toyota RAV4s. Additionally, a List Activation campaign was also utilized to reach Class Members by matching online consumer profiles with the known emails of Class Members. The Digital Notice was then served directly to those individuals. Combined, over 24 million targeted impressions were generated by the Digital Notices.⁵ The Digital Notices ran from June 25, 2024, through July 24, 2024.

⁵ The third-party ad management platform, ClickCease was used to audit the Digital Notice ad placements. This type of platform tracks all Digital Notice ad clicks to provide real-time ad monitoring, fraud traffic analysis, blocks clicks from fraudulent sources, and quarantines dangerous IP addresses. This helps reduce wasted, fraudulent, or otherwise invalid traffic (e.g., ads being seen by ‘bots’ or non-humans, ads not being viewable, etc.).

U.S. Territory Newspapers

17. As detailed in paragraphs twenty-five and twenty-six of my Implementation Declaration, a Publication Notice was placed in eight newspapers, covering Puerto Rico and other U.S. Territories. The Publication Notice ranged from a one-eighth to a one-half page ad unit depending on the dimensions of each newspaper, and were placed in either English or Spanish. The Publication Notice ran one-time in each printed newspaper on June 25, 2024. The selected newspapers have a combined circulation of over 711,500.

Sponsored Search Listings

18. As detailed in paragraphs twenty-seven and twenty-eight of my Implementation Declaration, to facilitate locating the settlement website, sponsored search listings were acquired on the three most frequently visited internet search engines: *Google*, *Yahoo!* and *Bing*. The sponsored search listings were targeted nationwide and included Puerto Rico and other U.S. Territories.

19. The sponsored search listings began on June 25, 2024, and ran through September 30, 2024. As of October 17, 2024, the sponsored listings have been displayed 129,705 times, which resulted in 15,948 clicks that displayed the settlement website.

Informational Release

20. As detailed in paragraphs twenty-nine and thirty of my Implementation Declaration, on June 25, 2024, a party-neutral Informational Release was issued broadly over PR Newswire's U.S.1 and Hispanic newlines, in English and Spanish. According to PR Newswire, the Informational Release resulted in 495 new stories/postings regarding the settlement.

Settlement Website

21. As detailed in paragraph thirty-one of my Implementation Declaration, the settlement website (www.RAV4BatteryAssemblySettlement.com) was established on June 24, 2024, and it continues to be available 24 hours per day, 7 days per week. Relevant documents, including the Settlement Agreement, Long Form Notice, Complaint, Preliminary Approval Order, and other Court documents, are posted on the settlement website. In addition, the settlement

website includes relevant dates, answers to frequently asked questions (“FAQs”), instructions for how Class Members could opt-out (request exclusion) from or object to the Settlement prior to the deadlines, contact information for the Settlement Notice Administrator, and how to obtain other case-related information. Class Members are also able to file a Claim Form on the settlement website. As of October 17, 2024, there have been 231,410 unique visitor sessions to the settlement website, and 1,506,768 web pages have been presented.

Toll-free Telephone Number and Contact Information

22. As detailed in paragraphs thirty-two and thirty-three of my Implementation Declaration, the toll-free telephone number (1-877-522-3626) was established on June 24, 2024, and it continues to be available for the Settlement. Class Members are able to call for additional information, listen to answers to FAQs, and request that a Claim Package be mailed to them. Callers also have the option to connect with a live operator during normal business hours. The automated telephone system is available 24 hours per day, 7 days per week. As of October 17, 2024, there have been 13,743 calls to the toll-free telephone number representing 76,782 minutes of use, and service agents have handled 7,178 incoming calls representing 59,903 minutes of use, and 237 outgoing calls representing 824 minutes of use.

23. A postal mailing address was established and continues to be available, providing Class Members with the opportunity to request additional information or ask questions.

Requests for Exclusion and Objections

24. The deadline to request exclusion from the Settlement is October 21, 2024. The deadline to object to the Settlement was September 30, 2024. As of October 17, 2024, Epiq has received 22 requests for exclusion, although timely requests for exclusion may still be received. A final report regarding the notice, requests for exclusion, and other information will be submitted on November 14, 2024, as per the Court’s Preliminary Approval Order (ECF No. 132 at ¶ 24). The current Exclusion Report is included as **Attachment 1**. As of October 17, 2024, Epiq has not received any objections to the settlement.

Claim Filing and Distribution Options

25. The deadline for Class Members to file a Claim Form under the Unreimbursed Out-of-Pocket Repair/Reimbursement Expense Reimbursement Program, is December 1, 2024. The deadline for Class Members to file a Claim Form under the Battery Replacement Reimbursement Program, is June 25, 2025. The deadline for Class Members to file a Claim Form under the Unreimbursed Out-of-Pocket Unique Thermal Events Reimbursement Program, is July 1, 2025. As of October 17, 2024, Epiq has received a combined total of 5,696 Claim Forms (5,191 online submissions and 505 paper submissions). Since the claim filing deadlines have not yet passed, these numbers are preliminary. As the claim filing deadlines are months or more than a year away, I expect additional Claim Forms will be filed by Class Members.

CONCLUSION

26. In class action notice planning, execution, and analysis, we are guided by due process considerations under the United States Constitution, by federal and local rules and statutes, and further by case law pertaining to notice. This framework directs that the notice plan be designed to reach the greatest reasonably practicable number of potential class members and, in a settlement class action notice situation such as this, that the notice or notice plan itself not limit knowledge of the availability of benefits—nor the ability to exercise other options—to settlement class members in any way. All of these requirements were met in this case.

27. The Notice Plan included individual notice to identified Class Members and supplemental media. The Notice Plan reached in excess of 97.9% of identified Class Members with a frequency of three times. The reach was further enhanced by, among others, print publication notice, a targeted online media effort, an informational release, and a settlement website. In 2010, the Federal Judicial Center (“FJC”) issued a *Judges’ Class Action Notice and Claims Process Checklist and Plain Language Guide*, which is illustrative for class actions, states that, “the lynchpin in an objective determination of the adequacy of a proposed notice effort is whether all the notice efforts together will reach a high percentage of the class. It is reasonable to

reach between 70–95%.” Here, we have developed and implemented a Notice Plan that readily achieved a reach above the high end of that standard.

28. The Notice Plan provided for the best notice practicable under the circumstances of this case, conformed to all aspects of Federal Rules of Civil Procedure, Rule 23 regarding notice, and comported with the guidance for effective notice articulated in the Manual for Complex Litigation 4th Ed, and followed the FJC’s Judges’ Class Action Notice and Claims Process Checklist and Plain Language Guide (2010).

29. The Notice Plan schedule afforded sufficient time to provide full and proper notice to Class Members before the Opt-Out Deadline and objection deadlines.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed October 21, 2024.



Cameron R. Azari, Esq.

Attachment 1



Exclusion Report
Murphy v. Toyota

Number	First Name	Middle Name	Last Name
1	Daniel	Warren	Johnson
2	Sharon	-	Paul
3	Jennifer	Ann	Janezic
4	Reyes	-	Gaglio
5	Thu	-	Huynh
6	Jack	Joseph	Guenthner
7	Cheryl	Ann	Wendell
8	Doreen	G	Rochford
9	Jaime	Lynn	Nett-Johnson
10	Alexander	Rennie	Mackenzie
11	Dessie	M	Thomas
12	Marti Ann	M	Koizumi
13	Neomi	-	Feldman
14	Suong Thi	Thanh	Le
15	Duane	F	Ikeda
16	Debora	Kay	Adamson
17	Jane	Marie	Sullivan
18	Gloria	J	Hunstad
19	Pedro	-	Serafin
20	Kent	Henry	Brown Jr
21	Linda	S	Vanover
22	Hamid	-	Khalessi