

**EXHIBIT O**  
**(REDACTED)**

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

JULIET MURPHY, et al.,

Plaintiffs,

v.

TOYOTA MOTOR CORPORATION, et al.,

Defendants.

**Consolidated Case No.:**  
**4:21-cv-00178- ALM**

**Hon. Amos L. Mazzant, III**

**DECLARATION OF LEE M. BOWRON**

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## **Qualifications**

I, Lee M. Bowron, ACAS, MAAA, hereby declare as follows:

1. I am a member of the American Academy of Actuaries (“MAAA”) and meet its qualification standards for statements of actuarial opinion regarding extended service contract liabilities. I am also an Associate of the Casualty Actuarial Society (“ACAS”). I have worked as a professional actuary for over thirty years.
2. I co-founded the Kerper and Bowron LLC actuarial consulting firm over 20 years ago, and I am currently a member/manager of the firm. Kerper and Bowron specializes in evaluating property and casualty exposures, including extended warranty, vehicle service contracts, GAP insurance, personal and commercial lines, and environmental reserving. Additionally, Kerper and Bowron and our affiliates are industry experts in providing reinsurance accounting, advanced analytics for the finance and insurance industry and statements of actuarial opinion. Further details regarding my qualifications are set forth in my current curriculum vitae, which is attached hereto as Appendix 1.
3. Kerper and Bowron LLC is being compensated for time spent by me and my team at standard billing rates and for out-of-pocket expenses at cost. Kerper and Bowron currently bills for our time at \$525 per hour for a partner or Fellow of an actuarial society, \$325 for a senior actuarial analyst, and \$185 for a junior analyst.

Kerper and Bowron LLC's fees are not in any way contingent upon the outcome of this matter.

### **Purpose of Report**

4. Class Counsel engaged Kerper and Bowron LLC to calculate the estimated economic value of (i) Toyota's November 1, 2023, Safety Recall 23TA13 of the Class Vehicles, pursuant to which Toyota will replace all of the affected battery clamp sub-assemblies and battery trays, and install positive terminal covers in the Subject Vehicles with improved re-designed parts at no cost to owners (the "Recall"), and (ii) specific components of the settlement relief ("Settlement") in this Action *Juliet Murphy, et al. vs. Toyota Motor Corporation, et al.* The Settlement resolves Plaintiffs' claims that Toyota marketed and sold Toyota RAV4 vehicles equipped with defective battery retention systems, causing some vehicles' batteries to catch fire or otherwise fail.
5. Specifically, we were engaged to estimate the economic value of the Recall to Class Members. We were also asked to calculate the estimated economic value of the following components of Class Settlement relief described below and in paragraphs 15-18:
  - Additional Inspection Program
  - Battery Replacement Reimbursement Program

- Expense Reimbursement – Replacement Parts
- Expense Reimbursement – Fire

6. The Recall and these programs cover approximately 1.85 million Class Vehicles as described in the Settlement Agreement. *See* Settlement Agreement ¶¶ I.N.

### **Executive Summary**

7. We estimate the retail value of the Recall to be approximately \$649.9 million.
8. We estimate the total value of the class relief provided in the Settlement to be approximately \$75.8 million. These values were based on the above-mentioned analyses and the attached supportive exhibits.
9. The estimated value of the Settlement, with and without the Recall, is summarized in the table below:

*Figure 1*

#### **Estimated Benefit by Recall and Settlement Provisions (000s)**

(1) Retail Value of Recall	649,911
(2) Additional Inspection Program	67,485
(3) Battery Replacement Reimbursement Program	5,000
(4) Unreimbursed out of pocket - minor	1,080
(5) Claims for Fires and Damages	2,268
(6) Total Class Relief Including Recall	725,744
(7) High Estimate (+2%)	740,259
(8) Low Estimate (-2%)	711,229
(9) Total Class Relief Excluding Recall	75,833
(10) High Estimate (+2%)	77,350
(11) Low Estimate (-2%)	74,316

10. The estimate was made using industry data for labor rates, in conjunction with labor hours, part costs, and other data received in the course of litigation or independent research performed by my team. The different components of the class relief were individually analyzed.

### **Data Analyzed**

11. Class Counsel requested and received from Toyota confidential discovery and information detailing parts and labor hours required for inspection, replacement, and the Recall. Toyota also provided the number of claims it has received of thermal events and fires in Class Vehicles, with the caveat that it has not confirmed that all the claimed thermal events are attributable to the alleged Defect. Class Counsel provided me with this discovery for the purposes of this declaration.

12. Average nationwide labor rates were calculated according to the National Automobile Dealers Association (NADA) Annual Financial Profile of America's Franchised New-Car Dealerships for 2023. NADA reports that the average hourly labor rate charged by dealers in 2023 was \$173. This rate was adjusted for inflation to produce our estimate for 2024's rate of \$179.

13. For purposes of this Declaration, the total class size was identified from the number of affected vehicles reported in Toyota's Safety Recall 23TA13: 1,853,568

14. Please see Appendix 2 for a list of documents provided by Class Counsel.

### **Settlement Provisions**

15. Toyota is enacting a Recall and will offer an Additional Inspection Program, a Battery Replacement Program, and Out-of-Pocket Expense Reimbursements to consumers who own or lease Class Vehicles.

#### **Additional Inspection Program**

16. The Settlement provides an inspection program to all Class Members whose vehicles were not yet inspected pursuant to Consumer Advisory 21TG01 (the "Consumer Advisory") and provides a second inspection to Class Members whose vehicles were previously inspected pursuant to the Consumer Advisory. These additional inspections will remain available to Class Members until a Recall Remedy is made available.

#### **Battery Replacement Reimbursement Program**

17. The Settlement provides a discount and reimbursement to any Class Member who had previously purchased a Group 26R battery. Any Class Member who has



already had an incorrectly sized Group 26R battery replaced with a manufacturer-recommended Group 35 battery and received an earlier discount of \$32 will receive an additional \$43. Any Class Member who did not receive an earlier discount of \$32 is eligible to receive a \$75 discount to replace the Group 26R battery with a Group 35 battery. Class Members will have one year to claim this offer.

### **Out-of-Pocket Expense Reimbursement**

18. Class Members who incurred out-of-pocket expenses relating to the repair or replacement of the battery hold-down assembly, damages caused by the alleged defect of the hold-down assembly (including damages due to fires), and rental and/or towing costs, are eligible to receive reimbursement for any previously unreimbursed portion of the actual out-of-pocket cost for those expenses.

### **Methodology of Recall Valuation**

19. Plaintiffs first filed this Action on March 4, 2021. *See* Doc. No. 1. On November 18, 2021, Toyota announced the Consumer Advisory which offered a Battery-Size and Installation Inspection for Class Vehicles. Plaintiffs moved for class certification on August 14, 2023, and included expert reports in support. *See* Doc. Nos. 104, 107. Specifically, Plaintiffs' automotive engineering experts detailed the alleged Defect and proposed design remedies to include redesigning and

replacing the battery tray and battery clamp sub-assembly and adding a protective cover for the positive battery terminal. *See* Doc. No. 113 ¶ 96. On November 1, 2023, Toyota announced NHTSA Safety Recall 23V-734 affecting all Class Vehicles. This occurred approximately two and a half years after the initial complaint was filed in March 2021. The Recall addresses the Defect alleged by the Plaintiffs in this Action. The Recall outlines Toyota's decision to replace the battery tray and battery clamp sub-assembly and add a protective cover to the B+ terminal at no cost to vehicle owners.

20. This is in addition to the explicit relief in the Settlement calculated below.

21. Counsel provided confidential discovery received from Toyota regarding both retail and/or dealer costs for the relevant replacement parts, as well as the labor hours required to make the necessary repairs. We applied these costs to the population of class vehicles. The total retail value to the Class of the Recall is estimated at \$649.9 million. The actual wholesale cost to Toyota would be lower. It also assumes that 100% of Class Members will repair their Class Vehicle pursuant to the Recall. I understand that recall completion rates are typically lower than 100% but I was only tasked with calculating total available value under the Recall.

## **Methodology of Settlement Valuation**

22. To provide an economic valuation of the Settlement relief, we separated the key deliverables of the agreement and produced value estimates for each individual segment. In addition to the Recall, we identified four key elements of the Settlement needing valuation. Those elements were the Additional Inspection Program, the Battery Replacement Reimbursement Program, Reimbursement for Minor Out of Pocket Expenses, and Reimbursement for Claims for Fires and Damages. Our Settlement valuation assumes that 100% of the Class Members will take advantage of the relief created under the Settlement. I understand that settlement relief completion rates are typically lower than 100% but I was only tasked with calculating total available value under the Settlement.

23. Two primary factors were used in determining the total value of this Settlement—labor hours and part costs. The costs for parts used to replace allegedly defective existing parts were received from Toyota in discovery and provided to us by Counsel, as were the labor hours allowed by Toyota for making the required repairs. The part costs include the purchase price paid by Toyota dealers, as well as suggested retail price paid by consumers. For labor, we relied on the average labor rate per NADA's annual report for 2023. This rate was adjusted for inflation before being used in our estimate.

### **Additional Inspection Program**

24. At the time of our analysis, [REDACTED] Class Vehicles had been inspected per the Consumer Advisory mentioned above. Of those previously inspected vehicles, [REDACTED] vehicles were identified at the time of inspection as requiring replacement of missing or broken parts. This leaves approximately [REDACTED] Class Vehicles uninspected. As the prior inspections revealed that approximately [REDACTED]% of Class Vehicles required replacement parts, we extrapolate a similar replacement rate to estimate that an additional [REDACTED] Class Vehicles will require replacement of missing or broken parts upon inspection.

25. Each Class Vehicle is eligible to be inspected per the Settlement. To determine the value of the Additional Inspection Program, we first estimated the number of Class Vehicles that will not need replacement parts by calculating the total number of Class Vehicles and then subtracting the number of vehicles we estimate will need replacement parts. Either 0.2 or 0.4 labor hours will be allotted for inspections under this Agreement, depending on whether replacement parts are needed at the time of inspection.

26. The total value of this Additional Inspection Program is the total labor cost to inspect those additional vehicles in need of replacement parts and the dealer cost to replace those parts, plus the labor cost to inspect every other Class Vehicle. We estimate this value to total \$67.5 million.

### **Battery Replacement Program**

27. At the time of our analysis, [REDACTED] of the previously inspected Class Vehicles were reported to have an incorrectly sized Group 26R battery installed. Of those, only [REDACTED] Class Members elected to accept the \$32 discount offered by Toyota to replace it with a Group 35 battery. Those [REDACTED] vehicles would be eligible for an additional \$43 rebate. The remaining [REDACTED] vehicles would be eligible for a \$75 rebate to replace the battery with a Group 35 battery.

28. We estimate that the same proportion of presently uninspected vehicles will have incorrectly sized batteries installed, or approximately [REDACTED] Class Vehicles. Each of those vehicles would be eligible for a \$75 discount to replace their battery.

29. Assuming all Class Vehicles eligible for this discount eventually accept and replace their incorrectly sized battery, the total value of this battery replacement program is approximately \$5 million.

### **Expense Reimbursement – Replacement Parts**

30. The Settlement provides relief to Class Members in the form of reimbursement for out-of-pocket expenses pertaining to issues caused by the alleged Defect. This includes expenses incurred to replace allegedly defective parts, as well as expenses for damage caused by those parts.

31. Class Members who did not experience a fire but paid out-of-pocket to replace the parts outlined in the Consumer Advisory, as well as additional expenses such as towing and rental, will be reimbursed for those expenses. We estimate that for each reported case of battery-area fire in Class Vehicles, [REDACTED] additional Vehicles would be expected to have experienced an issue less severe than a thermal event caused by the alleged Defect that resulted in out-of-pocket expenditures. We selected an average out-of-pocket cost of \$ [REDACTED], which is inclusive of potential towing and rental vehicle costs as well as replacement parts and labor. We estimate the value of this benefit to be \$1.1 million.

### **Expense Reimbursement – Fires**

32. Class Members who incurred out-of-pocket expenses for damage caused by fires at or adjacent to the battery housing compartment can receive compensation up to the actual unreimbursed portion of those expenses. In many instances, this may be limited to the deductible on a Class Member's auto insurance policy.

33. In determining the value of this aspect of the Class relief, we treated each case of battery compartment fire (as obtained by Class Counsel from Toyota and reported to us) as subject to the allegations in the Complaint. The total number of fires was multiplied by an average estimated loss amount of \$ [REDACTED]. This figure was chosen to account for variables that may impact the average out-of-pocket cost to Class

Members beyond a typical insurance deductible. This could include damage to external structures caused by a battery compartment fire, rental vehicle and towing costs, and other related expenses. This loss amount was increased by a judgmentally selected factor of ■■■ to account for potential unreported and future fires. The total value of this reimbursement is estimated at \$2.3 million.

### **Range of Results**

34. We formed a reasonable range to account for minor assumption differences (e.g., labor rates and out-of-pocket expense reimbursements). In my professional judgment, a range of +2% of the point estimate for the upper limit and -2% of the point estimate for the lower limit is reasonable. In my opinion, the value of the Recall, inspection program and reimbursements under the Settlement can be reasonably ascertained within this range.

### **Scope and Limitations**

#### **Data Reliance**

35. In performing this analysis, we relied upon data and other information provided to us by Class Counsel and Toyota, as well as industry sources of data. We did not independently audit or verify this data and information as such a review was

beyond the scope of our assignment. We have no reason to believe it is inaccurate or incomplete and did not find material defects in the data.

### **Significant Digits**

36. Numbers in the exhibits are generally shown to more significant digits than their accuracy suggests. This has been done to simplify review of the calculations.

### **Interpretation of Conclusions**

37. Some of the assumptions, methods, and conclusions in this report are of a significantly technical nature. The recipient should understand the assumptions, methodology, and possible variability in results that are inherent in our conclusions.

### **Unanticipated Changes**

38. Unanticipated changes in factors such as judicial decisions, legislative actions, claim consciousness, claim management, claim settlement practices, and economic conditions may alter the conclusions.



**Best Estimate**

39. These caveats and limitations notwithstanding, the conclusions represent our best estimate of the benefits from the Settlement and Recall and are made within a reasonable degree of probability or certainty.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: September 23, 2024

Respectfully submitted,

A handwritten signature in blue ink that reads "Lee M. Bowron". The signature is written in a cursive, flowing style.

Lee M. Bowron

**Freed Kanner London & Millen LLC****Juliet Murphy, et al. v. Toyota Motor Sales, U S.A., Inc.****Analysis of Economic Impact of Settlement Agreement****Estimated Benefit by Recall and Settlement Provisions (000s)**

(1) Retail Value of Recall	649,911
(2) Additional Inspection Program	67,485
(3) Battery Replacment Reimbursement Program	5,000
(4) Unreimbursed out of pocket - minor	1,080
(5) Claims for Fires and Damages	2,268
(6) Total Class Relief Including Recall	725,744
(7) High Estimate (+2%)	740,259
(8) Low Estimate (-2%)	711,229
(9) Total Class Relief Excluding Recall	75,833
(10) High Estimate (+2%)	77,350
(11) Low Estimate (-2%)	74,316

**Freed Kanner London & Millen LLC**  
**Juliet Murphy, et al. v. Toyota Motor Sales, U S.A., Inc.**  
**Analysis of Economic Impact of Settlement Agreement**

(1) Total Class	<b>1,853,568</b>
(2) Labor Rate	<b>179</b>

(3) Credit for Recall	\$ <u>Retail</u> <b>649,911</b>
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<b>Additional Inspection Program</b>					
Inspection Prc	0	Eligible Class Members	Replacement	No Replacement	Estimate (000s)
(4) Previously Inspected					
(5) Additional Inspections			-		33,165
(6) Uninspected					34,319
(7) Total Class		1,853,568			\$ <b>67,485</b>

<b>Battery Replacment Reimbursement Program</b>				
	Eligible Class Members	Benefit Level 1	Benefit Level 2	
(8) To date		\$ 43	\$ 75	2,306
(9) Projected Future				2,694
(10) Total Class				\$ <b>5,000</b>

(11) Unreimbursed out of pocket - minor	\$ <b>1,080</b>
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(12) Claims for Fires and Damages	\$ <b>2,268</b>
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(13) Total Class Relief Including Recall	\$ <b>725,744</b>
(14) High Estimate (+2%)	\$ <b>740,259</b>
(15) Low Estimate (-2%)	\$ <b>711,229</b>

(16) Total Class Relief Excluding Recall	\$ <b>75,833</b>
(17) High Estimate (+2%)	\$ <b>77,350</b>
(18) Low Estimate (-2%)	\$ <b>74,316</b>

**Freed Kanner London & Millen LLC**

**Juliet Murphy, et al. v. Toyota Motor Sales, U S.A., Inc.**

**Analysis of Economic Impact of Settlement Agreement**

**Notes:**

- (1) Estimate for total class vehicle count is according to estimates submitted to NHTSA (<https://static.nhtsa.gov/odi/rcl/2023/RCLRPT-23V734-5615.PDF>)
- (2) Per NADA as of 2023 adjusted for inflation (<https://www.nada.org/media/4695/download?inline>)
- (3) Assumes Customer Retail Price for replacement parts as provided by counsel. Estimated labor hours required for recall (1.4) provided by counsel.
- (4) The total number of inspected vehicles and total number of vehicles requiring replacement parts at the time of analysis, as provided by counsel.
- (5) Each previously inspected vehicle is eligible for one additional inspection. It is assumed that these additional inspections will not uncover any additional vehicles needing replacement parts
- (6) Population of class vehicles not yet inspected as of this analysis. Anticipated number of vehicles needing replacement parts extrapolated from previously inspected population.
- (9) Percent of Projected Future class members with incorrectly sized batteries is estimated at same proportion as previously inspected vehicles
- (11) Our estimate assumes all vehicles estimated to require replacement parts have already replaced those parts out of pocket. This estimate uses Toyota provided numbers for retail cost of replacement parts paid by consumers
- (12) Assumes average out-of-pocket loss of \$ [REDACTED] with all [REDACTED] fire reports attributable to battery issues. Includes adjustment for possible future fire claims as well as uninsured motorists
- (16) Sum of (3), (8), (11), (12)

**Freed Kanner London & Millen LLC**  
**Juliet Murphy, et al. v. Toyota Motor Sales, U S.A., Inc.**  
**Analysis of Economic Impact of Settlement Agreement**  
**Assumptions For Valuation**

	Parts Replaced	Parts Not Replaced
Labor Hours Allotted for Inspection	0.40	0.20

<b>Responses from Counsel</b>	
Total Class Members	1,853,568
Vehicles Inspected	[REDACTED]
Required Replacement Parts	[REDACTED]
Type 26R Battery Count	[REDACTED]
Batteries Replaced	0
Est. Average Loss due to Fire	[REDACTED]
Number of Thermal Events	[REDACTED]

<b>Replacement Parts - CSP</b>	
Part Name	Retail Price
Clamp Sub-Assembly, Battery (VINs that begin 2T3)	[REDACTED]
Clamp Sub-Assembly, Battery (VINS that begin JTM)	[REDACTED]
Tray, Battery	[REDACTED]
Bolt, Battery Clamp	[REDACTED]
Bolt, W/Washer	[REDACTED]
Nut, W/Washer	[REDACTED]
Total (2T3 VIN)	[REDACTED]
Total(JTM VIN)	[REDACTED]
Average	[REDACTED]

<b>Replacement Parts - Recall</b>		
Part Name	Retail Price	Labor Hours
Clamp Sub-Assembly, Battery	[REDACTED]	[REDACTED]
Tray, Battery	[REDACTED]	[REDACTED]
Bolt, Battery Clamp	[REDACTED]	[REDACTED]
Bolt, W/Washer	[REDACTED]	[REDACTED]
Nut, W/Washer	[REDACTED]	[REDACTED]
Cover,Connector	[REDACTED]	[REDACTED]
Total	[REDACTED]	[REDACTED]

<b>Additional Assumptions</b>	Value
Total Claims/Reported Claims Ratio	[REDACTED]
Severity for Disabling Events	[REDACTED]
Ratio of Disablement/Fire	[REDACTED]

**Notes:**

With the exception of the part labeled "Cover,Connector", all costs associated with parts and labor hours were received by us from Counsel after being provided by Toyota. Because the parts to be used in the Recall are new, redesigned parts, exact retail costs for these parts are not yet available. The retail cost of the existing analogous parts were used instead. The retail cost of the part labeled "Cover,Connector" was assumed as the sum total of two relevant parts identified by Experts in Exhibit O.

**Freed Kanner London & Millen LLC**  
**Juliet Murphy, et al. v. Toyota Motor Sales, U S.A., Inc.**  
**Analysis of Economic Impact of Settlement Agreement**  
**Appendices**

**Appendix 1** Resume of Lee M. Bowron

**Appendix 2** Data Used in Our Analysis

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# APPENDIX 1:

# Resume of Lee Bowron

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# Lee M. Bowron, ACAS, MAAA

600 University Park Place, Ste 310

Birmingham, AL 35209

lee@kerper-bowron.com

205-870-0595

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## Work Experience

**Kerper and Bowron LLC**

Birmingham, AL

Principal

March 2001 - Present

## Representative Expert Work

### Relevant Cases

MINERVA MARTINEZ, et al v. NISSAN NORTH AMERICA, INC.

SHARON CHENG, et al v. TOYOTA MOTOR CORPORATION

KIM SEGEBARTH, et al v. CERTAINTEED CORPORATION

TERI CALLEN, et al v. DAIMLER AG and MERCEDES BENZ USA, LLC

TERESA STRINGER, et al v. NISSAN OF NORTH AMERICA, INC, and NISSAN MOTOR CO., LDT

QUACKENBUSH, et al v. AMERICAN HONDA MOTOR CO.

LESLEY CONTI, et al v. AMERICAN HONDA MOTOR CO.

JIMMY BANH, et al v. AMERICAN HONDA MOTOR CO.

RAFAEL SUAREZ, et al v. NISSAN NORTH AMERICA, INC.

STEVE CHAMBERS, et al v. WHIRLPOOL CORPORATION

EMILY PINON, et al v. DAIMLER AG and MERCEDES BENZ USA, LLC

CHRISTOPHER GANN, et al v. NISSAN NORTH AMERICA, INC

CHEYNE NORMAN, et al v. NISSAN NORTH AMERICA, INC.

PATRICIA WECKWERTH, et al v. NISSAN NORTH AMERICA, INC.

KENAI BATISTA, et al v. NISSAN NORTH AMERICA, INC.

- Founded consulting firm in March 2001. Clients include insurance companies, state governments, reinsurance companies, managing general agencies and law firms.
- Practice focuses on extended service contract, GAP, and captive market. Representative projects include:
  - Statutory Loss Reserve Opinions for over 1.1 billion in gross loss and premium reserves in 2023
  - Product development for major auto service contract companies
  - Evaluation of liabilities for a major risk retention group for auto service contract
  - Auto service contract rate filings for a major auto service contract company



- Development of pro-forma and reinsurance captive accounting for a regional service contract company
- Acquisition due diligence for purchase of a service contract writer.
- General management and strategic planning for reinsurance accounting function

**The General Auto Insurance, Nashville, TN**

February 1999 – February 2001

**Vice President and Chief Actuary**

September 1993 – February 1999

**Actuary**

Broad responsibility for reserving and pricing for a book of private passenger, reinsurance, and captive operations. Managed the staff of both the product management and the actuarial department.

- Developed data warehouse.
- Reported to the CEO and participated in strategic planning, reinsurance strategies and information system implementations.
- Supervised the pricing and product development of a new non-standard program in several states.
- Responsible for all actuarial activities of the company, including ratemaking, reserving and statistical reporting.
- Assisted in acquisitions and negotiated loss portfolio transfer of reserve liabilities.

**Alfa Insurance Companies, Montgomery, AL**

July 1990 – August 1993

**Actuarial Analyst**

- Ratemaking for second largest insurer in the state of Alabama

**Professional Activities**

Associate, Casualty Actuarial Society Member, American Academy of Actuaries

Approved Actuary for Captive Feasibility Studies, Alabama, Oklahoma, Tennessee, South Carolina, and the District of Columbia

<b>Activity</b>	<b>Date</b>
Committee Member, CAS CASE Competition Committee	Current
Speaker - Actuarial Symposium	2013-2024
Credit Insurers Association (CIA) Annual Meeting	2019,2021,2022
Speaker, Southwest Actuarial Forum	Spring 2008
Speaker, Quebec Actuarial	Spring 2008
Speaker, Casualty Actuaries of the Southeast	Fall 1998, March 2001, Fall 2007
Speaker, CAS Annual Meeting	Fall 2007
Speaker, Midwest Actuarial Forum	Fall 2007
Panelist, Ratemaking Seminar	2001-2002
Former Chair, CAS Open-Source Software Committee	
Former Member, Casualty Actuarial Exam Committee	

## **Publications**

<u>Title</u>	<u>Publisher</u>	<u>Year</u>
Will ASC 606 Impact Me?	Providers and Administrators Magazine	2019
Considerations When Designing New Products: An Update July 18, 2018	Providers and Administrators Magazine	2018
What's Going on With GAP in 2017?	Providers and Administrators Magazine	2017
What's Going on With GAP?	Providers and Administrators Magazine	2016
VSCs in 2016: New Terms, New Costs	Providers and Administrators Magazine	2016
Does the IRS Notice 2016-66 Impact You?	Providers and Administrators Magazine	2016
GAP Insurance—Techniques and Challenges	Casualty Actuarial Society	2011
Month-to-Month Vehicle Service Contracts	Providers and Administrators Magazine	2011
An Exposure Based Approach to Automobile Service Contract Ratemaking and Reserving	Casualty Actuarial Society	2006
Zipf's Law	Contingencies Ratemaking Discussion	2004
Ratemaking for Maximum Profitability	Forum	2001
Staying in the Race	Best's Review	2001

## **Education**

### **BS, Mathematics, 1989**

University of the South Sewanee, TN

# APPENDIX 2: Documents Used

## **Appendix 2 - Documents Used in Support of This Declaration**

### Court Filings

1. Amended Consolidated Class Action Complaint (Doc. No. 75), as amended by the Court's July 27, 2023 Order (Doc. No. 102).
2. Motion for Class Certification and Appointment of Class Representatives and Class Counsel dated August 14, 2023 (Doc. No. 104).
3. Declaration of Kimberly A. Justice in Support of Motion for Class Certification ("Justice Decl.") (Doc. No. 107).
4. Ex. N to Justice Decl. (Declaration of Michael Nranian, P.E., in Support of Plaintiffs' Motion for Class Certification).
5. Ex. O to Justice Decl. (Declaration of Myles H. Kitchen in Support of Motion for Class Certification).
6. Ex. P to Justice Decl. (Declaration of Edward M. Stockton in Support of Plaintiffs' Motion for Class Certification).
7. Memorandum of Law in Support of Plaintiffs' Unopposed Motion for Preliminary Approval of Proposed Class Action Settlement dated March 28, 2024 (Doc. No. 127).
8. Ex. A (Settlement Agreement with Exhibits) to the Declaration of Kimberly A. Justice in Support of Plaintiffs' Unopposed Motion for Preliminary Approval of Proposed Class Action Settlement (Doc. No. 128).

### National Highway Traffic Safety Administration ("NHTSA") Documents

9. November 18, 2021 Consumer Advisory 21TG01 – Certain 2013-2018 Model Year RAV4 12-Volt-Battery Size and Installation Inspection.
10. November 1, 2023 Safety Recall 23TA13 – Certain 2013-2018 RAV4 – Potential Vehicle Fire.

### National Automobile Dealers Association ("NADA") Documents

11. 2023 Annual Financial Profile of America's Franchised New-Car Dealerships – Profile of Dealerships' Service and Parts Operations, 2023

Confidential Rule 408 Confirmatory Discovery from Toyota

12. March 18, 2024 email response from Toyota counsel to questions regarding Consumer Advisory 21TG01: number of Class Vehicles inspected and rates of battery and battery retention replacement.
13. March 21, 2024 email response from Toyota counsel to questions regarding Toyota purchase price and customer retail prices of parts available under the Consumer Advisory and separately under the Recall.
14. August 26, 2024 email response from Toyota counsel to questions regarding thermal event and fire reports in Class Vehicles.
15. August 28, 2024 email from Toyota counsel with updated responses to questions regarding prices of parts made available as part of the Recall.