

**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

**PARTIES' SUPPLEMENTAL MEMORANDUM IN FURTHER SUPPORT
OF PLAINTIFFS' UNOPPOSED MOTION
FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT**

Pursuant to the Court’s April 9, 2024 Preliminary Approval Order, Doc. No. 132, Plaintiffs, individually and on behalf of the nationwide Settlement Class preliminarily approved by the Court, together with Defendants Toyota Motor Corporation, Toyota Motor North America, Inc., Toyota Motor Sales, U.S.A., Inc., and Toyota Motor Engineering & Manufacturing North America, Inc. (together, the “Parties”) respectfully submit this Supplemental Memorandum in Further Support of Plaintiffs’ Unopposed Motion for Final Approval of Class Action Settlement.¹

I. FINAL NOTICE REPORT

Filed herewith is the Settlement Notice Administrator’s Final Notice Report which includes the final list of opt-outs and results of the dissemination of the Notice Program. *See* Declaration of Kimberly A. Justice in Further Support of Plaintiffs’ Unopposed Motion for Final Approval of Class Action Settlement (“Justice Decl. 3”),² Ex. A. (Second Supplemental Declaration of Cameron R. Azari, Esq. Regarding Implementation and Adequacy of Class Notice Plan “Second Supp. Azari Decl.”).

As set forth in the Supplemental Azari Declaration, Epiq has administered notice in accordance with the Settlement Agreement and the Preliminary Approval Order. Supp. Azari Decl. ¶¶ 9-22. As of November 12, 2024, the Notice Plan’s individual notice efforts reached approximately 98.1% of identified Class Members with a frequency of three times. Second Supp.

¹ All capitalized terms not defined in this memorandum shall have the meaning ascribed to them in the proposed Settlement Agreement. Doc. No. 128, Ex. 1. Citations to the Settlement Agreement shall be in the form of “Agreement ¶ __.”

² On September 23, 2024, Class Counsel filed an Unopposed Motion for Attorneys’ Fees, Reimbursement of Expenses, and Service Awards and Memorandum in Support Thereof, Doc. No. 138, together with the Justice Declaration 1 in support, Doc. No. 141. On October 21, 2024, Plaintiffs filed an Unopposed Motion for Final Approval of Class Action Settlement, Doc. No. 145, together with the Justice Declaration No. 2 in support, Doc. No. 145-1. Plaintiffs incorporate by reference the Justice Declaration 1 and Exhibit P thereto (“Azari Decl.”) and the Justice Declaration 2 and Exhibit A thereto (“Supp. Azari Decl.”).

Azari Decl. ¶ 7. Epiq sent 2,227,036 email Notices to all identified Class Members for whom a valid email address was available, 700,045 Postcard Notices to Class Members with an associated physical address for whom a valid email address was not available, and a total of 1,409,482 Postcard Notices to all identified Class Members with an associated physical address for whom the Email Notice was undeliverable after multiple attempts. *Id.* ¶¶ 10-12. These notices informed Class Members that they could obtain a Long Form Notice via direct mail, on the Settlement-dedicated website, and by calling a toll-free phone number established to field Class Member inquiries regarding the Settlement. Azari Decl. ¶¶ 19-28. Individual Notice was further enhanced by print publication notice, a targeted online media effort, an informational release, and a settlement website. Second Supp. Azari Decl. ¶¶ 15-21.

Class Member feedback to the Settlement has been overwhelmingly supportive. The Objection deadline passed on September 30, 2024, Doc. 132 at ¶ 24, and not a single Class Member objected to the Settlement. Justice Decl. 2 ¶ 5; Azari Supp. Decl. ¶ 24. The October 21, 2024 postmark deadline to submit requests for exclusion likewise has passed, and there have been a total of 31 exclusion requests received – a minuscule percentage of the Class. Second Supp. Azari Decl. ¶ 24 and Attachment 1.

II. CONCLUSION

For the reasons set forth herein and in Plaintiffs' Unopposed Motion for Final Approval of Class Action Settlement and Memorandum in Support thereof and Defendants' Memorandum of Law in Support of Plaintiffs' Unopposed Motion for Final Approval of Class Settlement, the Parties respectfully request that the Court grant final approval of the proposed Settlement and grant final certification of the Settlement Class for settlement purposes. With this Supplemental Memorandum, the Parties are submitting a revised Proposed Final Order Approving Class Action Settlement and Certifying Settlement Class and Proposed Final Judgment.

November 14, 2024

Respectfully Submitted,

/s/ Bruce W. Steckler

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Dated: November 14, 2024

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on November 14, 2024, all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

By: /s/ Bruce W. Steckler
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