

**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

**PLAINTIFFS' UNOPPOSED MOTION FOR PRELIMINARY APPROVAL  
OF PROPOSED CLASS ACTION SETTLEMENT**

**PLEASE TAKE NOTICE THAT** Plaintiffs, individually and behalf of the proposed nationwide settlement class as defined in the proposed Settlement Agreement,<sup>1</sup> attached to the Declaration of Kimberly A. Justice in Support of Plaintiffs' Unopposed Motion for Preliminary Approval of Proposed Class Action Settlement as Exhibit A, respectfully move the Court for an Order that will:

(1) Preliminarily approve the proposed Settlement Agreement pursuant to Rule 23(e)(2);

(2) Preliminarily certify a class (the "Class") for settlement purposes only pursuant to Rule 23, consisting of:

All individuals or legal entities who, at any time as of the occurrence of the Initial Notice Date, own(ed), purchase(d), or lease(d) Subject Vehicles in any of the fifty States, the District of Columbia, Puerto Rico and all other United States territories and/or possessions ("Class Members"). Excluded from the Class are: (a) Toyota, its officers, directors and employees; (b) Plaintiffs' Counsel; (c) the Court and associated court staff assigned to this case and their immediate family members. In addition, persons or entities are not Class Members once they timely and properly exclude themselves from the Class, as provided

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<sup>1</sup> Any term in this motion that is not specifically defined herein shall take on that meaning ascribed to it in the proposed Settlement Agreement.

in this Settlement Agreement, and once the exclusion request is finally approved by the Court.

The “Subject Vehicles” means model year 2013-2018 Toyota RAV4 vehicles, which were identified as part of Recall 23V-734. Note: hybrid vehicles are not included in the Recall or this Settlement.

(3) Preliminarily appoint Plaintiffs as Class Representatives<sup>2</sup> pursuant to Rule 23;

(4) Preliminarily appoint Class Counsel<sup>3</sup> for the Class Representatives and Class Members pursuant to Rule 23(g);

(5) Appoint Epiq Systems as the Settlement Notice Administrator and Patrick A. Juneau and Patrick J. Hron of Juneau David, APLC, as the Settlement Claims Administrator;

(6) Determine that the Class Notice Program complies with all legal requirements, including, but not limited to, Rule 23 of the Federal Rules of Civil Procedure and the Due Process Clause of the United States Constitution, and direct Notice to Class Members pursuant to Rule 23(e)(1);

(7) Require Class Members who wish to exclude themselves to submit an appropriate and timely written request for exclusion as directed in this Settlement Agreement and Long Form Notice and provide that a failure to do so shall bind those Class Members who remain in the Class;

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<sup>2</sup> Class Representatives are Juliet Murphy, Penni LaVoot, Ranay Flowers, Paola Guevara, James Charles, Angela Charles, Jennifer Cardelli, Pamela Woodman, Kris Huchteman, Melissa Willis, Maria Mora, and Nicole Sylva.

As of this Motion, Lee Krukowski, previously identified as a potential class representative, was unreachable and has not executed the Settlement Agreement. *See* Justice Decl. Ex. C (Aff. of Greg Coleman, dated March 28, 2024) and SA, at pp. 10 and 55. Should Mr. Krukowski execute the Settlement Agreement prior to the Preliminary Approval Hearing, the Parties agree the Court should grant him the same benefits the Court will award the other Class Representatives.

<sup>3</sup> Class Counsel are Kimberly A. Justice of Freed Kanner London & Millen LLC; David C. Wright of McCune Law Group APC; Todd A. Walburg of Bailey & Glasser LLP; and Bruce W. Steckler of Steckler Wayne Cherry & Love PLLC.

(8) Require Class Members who wish to object to this Settlement Agreement to submit an appropriate and timely written statement as directed in this Settlement Agreement and Long Form Notice;

(9) Pending the Fairness Hearing and the Court's decision whether to finally approve the Settlement, issue a preliminary injunction staying all other actions and enjoining Class Members from commencing, continuing, or prosecuting against any of the Released Parties (as that term is defined in the Agreement) any action or proceeding in any court or tribunal asserting any of the matters, claims, or causes of action that are to be released in the Agreement; and

(10) Schedule a Final Approval hearing pursuant to Rule 23(e)(2) to determine whether the Settlement Agreement should be finally approved by the Court, and whether the requested Attorneys' Fees, Costs and Expenses, and Class Representative service awards should be granted.

In support of this motion, Plaintiffs are filing herewith a memorandum of law and the Declaration of Kimberly A. Justice.

Defendants Toyota Motor North America, Inc., Toyota Motor Sales, U.S.A., Inc., Toyota Motor Engineering & Manufacturing North America, Inc. do not oppose this motion.

Dated: March 28, 2024

Respectfully submitted,

/s/ Bruce W. Steckler

Bruce W. Steckler

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*Plaintiffs Executive Committee*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on March 28, 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  
Bruce W. Steckler

**CERTIFICATE OF CONFERENCE**

The undersigned hereby certifies that pursuant to Local Rule CV-7(a)(h), the parties telephonically met and conferred on multiple occasions regarding this Motion for Preliminary Approval of Proposed Class Action Settlement. Defendants do not oppose the relief sought in this Motion.

By: /s/ Kimberly A. Justice  
Kimberly A. Justice