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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

*In re ZF-TRW Airbag Control Units
Products Liability Litigation*

No. 2:19-ml-02905-JAK-MRW

ALL ACTIONS AGAINST THE
TOYOTA DEFENDANTS

**SECOND SUPPLEMENTAL
DECLARATION OF JEANNE C.
FINEGAN, APR ON SETTLEMENT
CLASS NOTICE PROGRAM
PROGRESS AND OPT OUTS AND
OBJECTIONS**

I, Jeanne C. Finegan, declare and state as follows:

1. I am the Managing Director and Head of Kroll Notice Media Solutions (“Kroll Media”), a business unit of Kroll Settlement Administration LLC (“Kroll”), the Settlement Notice Administrator appointed for this Settlement.¹ This declaration is based upon my personal knowledge as well as information provided to me by my associates and staff, including information reasonably relied upon in the fields of advertising media and communications.

2. This declaration supplements the *Supplemental Declaration of Jeanne C. Finegan, APR on Settlement Class Notice Program Progress*, filed September 22, 2023 (ECF No. 815-2) (the “Supplemental Declaration”).

¹ All capitalized terms used but not defined herein shall have the meanings ascribed to them in the amended Settlement Agreement, filed July 21, 2023 (ECF No. 756-3).

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CLAIMS RECEIVED

3. As of October 30, 2023, and with the claims period still ongoing, Kroll has received 272,716 Registration/Claim Forms, of which 272,175 were submitted electronically online and 541 were submitted via mail. In my opinion, the level of Class Member engagement with the (ongoing) notice program has been encouraging and is consistent with other successful court-approved notice programs.

4. Kroll continues to receive and process Registration/Claim Form submissions and will continue to report to Counsel on the status of the claim intake and review. The deadline for Class Members to submit a claim is no earlier than December 16, 2026.

NOTICE PROGRAM REACH

I. Direct Email Notice

5. As stated in the Supplemental Declaration, among other things, 3,756,293 “Initial Email Notices” were sent through this campaign. A total of 467,789 emails bounced back and were not deliverable. Of the 467,789 bounced back emails, Kroll had a valid secondary email for 387,333 Class Members and made a second email attempt. Of those secondary emails, 40,552 emails bounced back from this attempt. For the 80,456 who did not have a valid secondary email address and the 40,552 whose secondary emails were bounced back, Kroll mailed a postcard to those with a valid mailing address.

II. Direct Mail Notice

6. As stated in the Supplemental Declaration, pursuant to the Preliminary Approval Order, Kroll substantially completed the Direct Mailed Notice by September 11, 2023, having sent postcard notices to 4,572,584 potential Class Members. Kroll continues to process, trace and re-mail notices as necessary.

1 7. As of October 30, 2023, 2,775 postcard notices were automatically re-
2 mailed by the United States Postal Service (“USPS”) using the current forwarding
3 address on file with the USPS. There were an additional 770 postcard notices the
4 USPS returned to Kroll with a forwarding address, and Kroll then remailed to these
5 Class Members.

6 8. As of October 30, 2023, 214,050 postcard notices were returned by the
7 USPS as undeliverable as addressed, without a forwarding address. Kroll ran
8 152,902 undeliverable records through an advanced address search. The advanced
9 address search produced 96,255 updated addresses. Kroll has re-mailed postcard
10 notices to the 96,255 updated addresses obtained from the advanced address search.
11 Kroll will continue to run traces on the remaining 61,148 undeliverable postcard
12 notices and any further undeliverable postcard notices received.

13 **III. Reminder Email Notice**

14 9. Following conferral with Co-Lead Class Counsel and Toyota’s Counsel
15 (collectively, “Counsel”), Kroll caused a “Reminder Email Notice” to be sent to the
16 3,552,276 email addresses on file for Class Members who received the Initial Email
17 Notice and had not yet filed a Registration/Claim Form or who did not unsubscribe
18 to future Settlement related emails. A true and correct copy of a complete exemplar
19 Reminder Email Notice (including the subject line) is attached hereto as **Exhibit A**.
20 On October 29, 2023, the sending of the Reminder Email Notice was completed. As
21 of October 30, 2023, of the 3,552,276 emails attempted for delivery, currently
22 97,237 emails were rejected/bounced back as undeliverable.

23 **IV. Supplemental Digital Media Notice**

24 10. To capitalize on the Class Notice Program’s visibility and robust
25 claim rate, the parties have agreed to provide additional supplemental online notice
26 in both English and Spanish, in addition to the publication and media notice
27 previously described in the Supplemental Declaration. Over 2,000,000 impressions
28

1 will be served across contextually relevant web properties where Class Members
2 are likely to visit, according to comscore data. These websites feature English and
3 Spanish news, sports, weather and/or entertainment content. Additionally, ads will
4 be targeted to a custom allow list of premium web sites including cnn.com,
5 cbssports.com, accuweather.com, nbc.com, people.com, and Univision.com,
6 among others. This supplemental digital media notice campaign commenced on
7 October 25, 2023, and will be completed within 30 days. Given the extended
8 period over which claims can be filed, the parties will continue to monitor filing
9 rates and evaluate the utility of further supplemental notice.

10 **V. Settlement Website**

11 11. The interactive, case-specific website,
12 <https://www.airbagcontrolunitsettlement.com>, which was launched on August 11,
13 2023, has seen continued traffic to it. As of October 30, 2023, the Settlement
14 website has tracked a total of 975,820 unique users who registered 2,585,916 page
15 views. Kroll will continue to update and maintain the Settlement website
16 throughout the settlement administration process.

17 **VI. Toll-Free Telephone Number**

18 12. Kroll maintains a 24-hour, toll-free telephone line that Class Members
19 can call to obtain information about the Settlement. During business hours, Kroll's
20 call center is staffed with operators who are trained to answer questions about the
21 Settlement. As of October 30, 2023, Kroll has received 19,377 calls to the case
22 telephone number.

23 **REQUESTS FOR EXCLUSION/OBJECTIONS RECEIVED**

24 13. As set forth in the Preliminary Approval Order, timely requests for
25 exclusion were to be mailed to the Settlement Notice Administrator and postmarked
26 on or before October 20, 2023. As of October 30, 2023, Kroll's records indicate that
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28

1 it has received sixty-seven (67) timely requests for exclusion. A list of the valid
2 requests for exclusion is attached hereto as **Exhibit B**.

3 14. The deadline for submitting an objection to the Settlement was also
4 October 20, 2023. Although Class Members were not instructed to submit their
5 objections to the Settlement Notice Administrator, Kroll's records reflect that as of
6 October 30, 2023, it has received zero written objections directly from Class
7 Members who sought to object.

8 CONCLUSION

9 15. In my opinion, the Class Notice Program, including the Direct Mailed
10 Notice and the supplemental publication and media notice program, reflects a highly
11 targeted, well-tailored and contemporary way to provide notice to Class Members.
12 Indeed, the Class Notice Program reached over an estimated 95% of potential Class
13 Members, on average, an estimated three times, in both English and Spanish,
14 through both Direct Mailed Notice (including email notice) and additional
15 supplemental notice in print and online. In my opinion, the efforts undertaken in this
16 Class Notice Program are of the highest modern communication standards, are
17 reasonably calculated to provide notice, and are consistent with—if not more than—
18 best-practicable, court-approved notice programs in similar matters and the Federal
19 Judicial Center's guidelines concerning appropriate reach.²

20 16. If warranted and/or requested, I can provide a supplemental declaration
21 to the Court prior to the final approval hearing to provide updated information
22 regarding the implementation of the Notice Plan and the claims administration
23 process.

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27 ² See FED. JUD. CTR., *Judges' Class Action Notice and Claims Process Checklist and Plain*
28 *Language Guide* (2010), available at <https://www.fjc.gov/sites/default/files/2012/NotCheck.pdf>.

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I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, under the laws of the United States of America, that the foregoing is true and correct.

Executed: October 30, 2023, in Tigard, Oregon



Jeanne C. Finegan

Exhibit A

From: no-reply@airbagcontrolunitsettlement.com

To:

Subject: REMINDER – Submit Your Claim in the Toyota Airbag Control Unit Settlement

Class Member ID: <<refnum>>

VIN Number: <<VIN>>

Make: <<Make>>

Model: <<Model>>

You are receiving this reminder notice because you have not yet submitted a claim for cash compensation in the Toyota Airbag Control Unit Class Action Settlement.

The Settlement provides \$78.5 million in cash and credits and other benefits to resolve claims that certain Toyota vehicles contain a defective ZF-TRW airbag control unit.

Class Members may seek reimbursement for out-of-pocket expenses related to the recall of their airbag control unit, claim an additional cash payment of up to \$250, and receive other benefits.

To submit your claim, please visit the settlement website at <https://airbagcontrolunitsettlement.com/> or call 1-833-747-5737 for more information.

Exhibit B

Exclusion Number	RefNum	Last 4 of VIN	First Name	Last Name	City	State
1	73609GZ2CDQSH	6491	P****	C*****	ROSLINDALE	MA
2	73609FNF8CF7B	7116	C*****	J*****	ABILENE	TX
3	736090CDPZ93T	6987	D*****	B*****	FIFTY LAKES	MN
4	73609F0C34XYW	0912	C*****	B*****	STANLEY	NM
5	73609G9XR0FBG	5311	C*****	G*****	GLASSBORO	NJ
6	73609CZ7QKYWZ	6832	D****	C**	PEORIA	AZ
7	73609GB4M3XPF	2558	C****	C*****	JOHNSON CITY	TN
8	73609HKQPS4Y1	7439	G*****	S*****	CREWE	VA
9	7360907GZRB4G	4281	R*** W***** T****		EAGLE	ID
10	73609DBWG897G	5000	W*****	S*****	ROCHESTER	NY
11	73609H60DRK0H	9997	D****	D***	LAKELAND	FL
12	73609VNWPW82P	4328	G*****	J*****	SAINT PAUL	MN
13	73609DNQ85NHF	3613	J***	M*****	ENFIELD	CT
14	73609CC6MPF6Z	7550	M***	M*****	FRANKLIN	TN
15	73609R3THFMDZ	2156	A****	N*****	BALTIMORE	MD
16	73609HHC7SWF1	0872	G***	S****	OCALA	FL
17	736090F0NDHJV	4728	N*****	J****	SCOTTSDALE	AZ
18	73609SY9RPFZY	0069	J***	H*****	SEATTLE	WA
19	73609HKS6NBD	6595	C*****	W*****	CHESAPEAKE	VA
20	73609GZT7SKV4	8820	B****	H*****	KNOXVILLE	TN
21	73609F521XSYB	9958	S****	M*****	ESTERO	FL
22	73609HM96SS3Q	6928	N****	P****	MURRIETA	CA
23	73609CGFNR708	5609	D*****	C*****	GRAYSLAKE	IL
24	73609G4R8TYC9	5368	D*****	S*****	OCALA	FL
25	73609DTMZ1XQC	4170	M*****	W***	SANTA FE	NM
26	73609HMMWDBG2C	6546	J**	R*****	ATASCADERO	CA
27	73609HNZW2TTR	7624	W*****	M*****	MILL HALL	PA
28	73609HMDRQ2YY	7464	E*****	L****	CATHEDRAL CTY	CA
29	736091DG8652V	2086	P*****	S*****	SANDPOINT	ID
30	73609HMMD5442	9384	N*****	B****	ENCINITAS	CA
31	73609CR4C6K0Y	3439	C****	K****	CHAMPLAIN	NY
32	73609HNZ5ZPJ4	9206	J****	M**	PITTSBURGH	PA
33	73609HNK3Z370	9222	T****	N*****	GARDEN GROVE	CA
34	73609H6BG9ZW5	8162	C*****	S*****	VICKSBURG	MS
35	73609HMJFT1CF	3132	R***	J*****	FONTANA	CA
36	73609G60X3HZP	0315	W*****	W*****	LINDENHURST	NY
37	736094Q6QT1DN	3684	M*****	M****	CHESTERTOWN	MD
38	73609GKH87GRC	4696	J****	M*****	ORLAND PARK	IL
39	73609HNGN4X09	3633	K*****	B*****	SAN DIEGO	CA
40	73609HKYW1PKB	6821	S***** V***** S***		HARRISONBURG	VA
41	736095K9QNH2G	8159	L****	E*****	SAINT PAUL	MN
42	73609DC2CRZNT	5511	L****	E*****	SAINT PAUL	MN
43	73609DDWPN02D	5692	L****	E*****	SAINT PAUL	MN
44	7360939JDDVVT	8045	D*****	H****	CHEVY CHASE	MD
45	736091P11MV8W	9786	D*****	H****	CHEVY CHASE	MD
46	73609HMBJG2T3	1572	V*****	R***	LA PUENTE	CA
47	73609HNDGY889	5004	J****	C*****	LOS ANGELES	CA
48	73609HMJSMG8Q	3366	L*****	R*****	SUN VALLEY	CA
49	73609HFSYPXG0	9091	J****	C*****	PIEDMONT	AL
50	73609HMTTYX89	2267	G*****	O****	SANTA MONICA	CA
51	73609HMCZ39ZJ	2145	M*****	G*****	CATHEDRAL CTY	CA
52	73609HMTD3D6V	4069	V*****	C*****	COACHELLA	CA
53	73609DQ9FJ6M7	7690	P****	W*****	ANN ARBOR	MI

54	73609CS3Y3P0N	8227	P****	W*****	ELGIN	SC
55	73609CC5GT2J0	5575	J*****	H*****	DECATUR	GA
56	73609F4RXCZ40	5198	J***	E****	CARY	NC
57	736094N9999WQ	0917	J*****	Z***** D* F*****	RALEIGH	NC
58	73609DZJFNHYH	2872	A*****	L*****	ROSELLE	IL
59	7360937CG5WKW	7755	K****	H*****	ALBANY	OR
60	73609HM02DV0F	5359	M***	F*****	DUBLIN	NH
61	73609HMCJHX5D	2049	R*****	M*****	LOS ANGELES	CA
62	73609HKQHS9YH	9625	S****	P***	HENRICO	VA
63	73609HMDS1WKQ	0929	M****	V*****	OXNARD	CA
64	73609HMB6KC4M	7735	A*****	A*****	VISALIA	CA
65	73609HMCJ0PMQ	2721	K*****	Y****	BUENA PARK	CA
66	73609H1V3GM1Q	5734	B*****	M*****	BOURBONNAIS	IL
67	73609HM8YQQFP	7032	T*****	M*****	W HOLLYWOOD	CA