

# EXHIBIT 1

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October 16, 2023

Clerk of the Court  
United States District Court, Central District of California  
First Street Courthouse  
350 W. First Street  
Courtroom 10B  
Los Angeles, CA 90012

Re: In re ZF-TRW Airbag Control Units Products Liability Litigation,  
Case No. MDL No. 2905.  
Objection to Plaintiff's Request for Attorneys' Fees.

To the Honorable Judge John A. Kronstadt:

I am a Settlement Class Member in this action. My Claim Number is WCF0256458. The preceding information was provided to me by email upon submitting my claim. The VIN for the car I owned was 2T1BU4EE4DC988436. This was a 2013 Toyota Corolla. I do not have the old records that would show my purchase date but it would have been 2013 or 2014.

The FAQs on the website for this case say I have until October 20, 2023 to send a letter to your court to object to attorneys' fees and/or expenses. I object.

I have reviewed the filed motion and supporting declarations. You are being asked to award over \$25 million to attorneys based upon the representation of those attorneys that the time they spent was all reasonable and the result is worth this price. It is a patently outrageous amount and the class of which I am a member has no advocate here on this issue. Toyota does not care: They had profit for the 2<sup>nd</sup> quarter of 2023 of \$15 billion. This settlement is \$78 million. If you earn, say \$200,000 a year, then run the math on this "settlement" – it is like you (or somebody earning \$200,000 a year) paying a traffic ticket for \$65.00, having nothing on your record, and no factual determination that you made an illegal turn. It's nothing. Pay \$65 and tell us you will drive more carefully. This is insulting.

The plaintiff's attorneys are, for purposes of this motion, not representing anyone except themselves. I am sure the attorneys will want you to focus on the fact that the overall settlement is a big sum. But the bottom line is these settlements are nearly meaningless to the class members who will get very, very little.

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So the true parties – entrepreneurs – in this case are the individuals who now want an amount that probably works out – if you were to really drill down on the billings – to many, many thousands of dollars per hour for their time.<sup>1</sup>

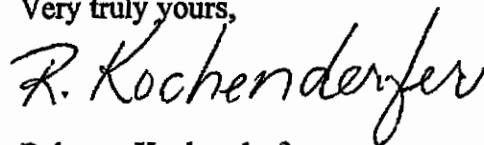
They ask you to believe over 69,000 hours were spent on this case, and, to make that feel good and invite you to reward their generosity, they offer that the dollar amount to be paid is actually less than “market-rate fees” of “participating counsel.”

I urge you to engage a firm (specializing in attorney billing audits) – at the expense of and as a cost of the total settlement being paid – to conduct a basic examination or audit of the underlying billing records (i.e. the time records kept at or near the time and place such work was performed), and, very specifically, they should consider whether those underlying billings appear reasonable. If you are going to justify this sort of award as being some acceptable multiplier of the reported hours, then it is only reasonable to scrutinize the reported hours.

I offer one additional thought: The request for attorneys’ fees includes references to other cases where the attorneys have been awarded fees, and the great risk taken on this sort of case. I’m not so sure there is as much “contingency” in this case to begin with, and, based on the endless number of cases in which they appear to have prevailed, I’m not so sure they take on many or any cases that they are not pretty certain are going to pay off – the question truly being, simply, how much and how soon.

Please reasonably challenge the details here. I do not have the resources to audit these billings – nor apparently the legal authority to demand them – but you have both. Thank you kindly for your consideration of this letter.

Very truly yours,



Rebecca Kochenderfer

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<sup>1</sup> Indeed, I suspect most of the counsel actually working on the case have in fact been paid by their firms, at some amount that is significantly less than their stated “street rate.” So, in truth, you end up now not really paying attorneys for hours worked, at a premium, but paying investors a return on their investment. The lodestar multiplier cited is 2.3. If an attorney’s true compensation is, perhaps 60% of their billed rate, that means, with a 2.3 lodestar, you are giving these investors roughly a 400% return on their investment, over the 4 year period this case apparently went on (ask Wolters Kluwer to do some research and run those numbers, instead of just picking and choosing data to tell you “street rates” across the country). It is not clear from the filed papers if, for example, associate or junior attorneys actually receive anything more than their otherwise paid compensation.