

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

SHARON CHENG, CRISTINA DIAS,
RHONDA SANFILIPO, BRUCE PULEO,
ZINA PRUITT, RON ZIMMERMAN,
CHERYL SILVERSTEIN, TINA FENG,
ROBERT HAKIM, BERNADETTE GRIMES,
ELIZABETH GENDRON, ROGER CARTER,
MARLENE RUDOLPH, PATRICIA
BARLOW, TERESA EDWARDS, ISAAC
TORDJMAN, JAMES HETTINGER, DIEU
LE, CHRIS BOHN, DANIEL DEWEERDT,
CRAIG BOXER, BETTY DENDY,
ELIZABETH PERSAK, KRISTI ROCK,
JENNIFER CHALAL, JOHN TORRANCE,
LENARD SHOEMAKER, MICHAEL
MITCHELL, ROBERT SKELTON, JEFFREY
JONES, ISABEL MARQUES, PAYAM
RASTEGAR, and SYED ABDUL NAFAY,
individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

TOYOTA MOTOR CORPORATION,
TOYOTA MOTOR NORTH AMERICA, INC.,
and DENSO INTERNATIONAL AMERICA,
INC.,

Defendants.

Case No: 1:20-cv-00629-WFK-JRC

**Declaration of the Court-Appointed
Settlement Special Master Patrick A.
Juneau**

I, Patrick A. Juneau, declare as follows:

1. I am an attorney at law and duly licensed to practice law in the State of Louisiana since 1965.

I was appointed by the Court to be the Settlement Special Master in this case on November 3, 2021. ECF No. 148-149. Except where noted, the testimony set forth in this declaration is based

on my first-hand knowledge, about which I would and could testify competently in Court if called upon to do so.¹

2. As I stated in my Affidavit in support of the Joint Motion to Appoint Patrick A. Juneau as Settlement Special Master dated November 3, 2021, I have had significant experiences as Settlement Special Master, a mediator resolving large and complex cases, and/or otherwise addressing settlement and related issues in other class actions and mass torts. ECF No. 148-2, ¶ 3.

3. As a court-appointed Settlement Special Master, I have overseen and distributed billions of dollars in settlement funds to hundreds of thousands of class members in numerous large, high profile, complex and multi-party federal and state mass and class action cases. Examples of my experience include: *In re: Oil Spill by the Oil Rig "Deepwater Horizon" in the Gulf of Mexico*, (Case No. 10-md-02179, E.D. La.) (Honorable Carl J. Barbier); *In re: Vioxx Prod. Liab. Litig.*, (Case No. 05-md-01657, E.D. La.) (Honorable Eldon Fallon); *In re Guidant Corp. Implantable Defibrillators Prod. Liab. Litig.*, (Case No. 05-md-1708, D. Minn.) (Honorable Donovan W. Frank); *In re Avandia Marketing, Sales Pract. Prod. Liab. Litig.*, (Case No. 07-md-01871, E.D. Pa.) (Honorable Cynthia M. Rufe); *In re: Takata Airbag Prod. Liab. Litig.*, (Case No. 1:15-md-02599, S.D. Fla.) (Honorable Federico A. Moreno); *In re: Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices, and Products Liability Litig.* (Case No. 10-ml-02151, C.D. Cal.) (Honorable James V. Selna); *Warner, et al. v. Toyota Motor Sales, U.S.A., Inc.*, (Case No. 2:15-cv-02171, C.D. Cal.) (Honorable Fernando M. Olguin).

4. I have also served as the mediator in over four thousand (4,000) cases. The mediated cases have involved both state and federal court actions. I have been appointed the designated mediator by federal and state courts nationwide.

¹ Capitalized terms used but not defined herein shall have the respective meanings given to them in the Settlement Agreement.

5. As Settlement Special Master in this case, I am providing a report on my involvement in the resolution of this matter. I have acted as a mediator during the settlement negotiations between Class Counsel, Toyota's Counsel, and Denso's Counsel since my appointment on November 3, 2021. During the negotiations for both the substantive elements of the settlement and relating to attorneys' fees and costs, I was in frequent communications with the Parties' counsel, including numerous email communications, telephone communications, video conferences, and an in-person attorneys' fees mediation.

6. After the Parties reached agreement on the substantive terms of the Settlement, the Parties requested that I assist in an in-person mediation for the attorneys' fees, costs, and individual Class Representative service awards. I agreed and met with the Parties' Counsel in New York City at the offices of Toyota's Counsel on August 11, 2022 to hear their positions on the valuation of the Settlement, attorneys' fees, costs, and awards. After hearing the presentations from all the Parties, the Parties requested that I propose a mediator's number for the amount of attorneys' fees.

7. Based on the Parties' positions and supportive data for the same and as the mediator, I recommended \$28,500,000.00 for Class Counsel attorneys' fees. Upon further evaluation, the Parties agreed to accept the amount I recommended. Additionally, Class Counsel agreed to limit any petition for an award of costs and expenses in the Action not to exceed \$500,000.00, and further agreed that Class Counsel may petition the Court for (i) Class Representative service awards of up to \$3,500.00 for Class Representatives who had their vehicles inspected by the Defendants for their time in connection with the Action; and (ii) Class Representative service awards of up to \$2,500.00 for Class Representatives who did not have their vehicles inspected by the Defendant for their time in connection with the Action.

8. If the Settlement Agreement is finally approved and attains its Final Effective Date, as Settlement Special Master, I will perform the requirements assigned to me as part of Settlement Oversight, which is in section III.F of the Settlement Agreement. This Settlement Oversight relates to disputes by Class Members relating to entitlement to any benefit under the Customer Support Program, the Loaner/Towing Program, the Extended New Parts Warranty, and/or Out-of-Pocket Claims Process that are not resolved after exhausting all other means of resolution available under the Settlement Agreement. As Settlement Special Master, I will also distribute funds from the Qualified Settlement Fund, included in Section VIII.C. of the Settlement Agreement.

9. While I am not able to attend the Fairness Hearing in person due to other scheduled commitments, I am ready, willing, and able to participate telephonically, if so desired by the Court.

I state under penalty of perjury under the laws of the United States of America that the above statements are true and correct, and that this declaration was executed on December 8th, 2022.


PATRICK A. JUNEAU
SETTLEMENT SPECIAL MASTER