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**UNITED STATES DISTRICT COURT**

**CENTRAL DISTRICT OF CALIFORNIA – SOUTHERN DIVISION**

In Re: TOYOTA MOTOR CORP.  
UNINTENDED  
ACCELERATION MARKETING,  
SALES PRACTICES, AND  
PRODUCTS LIABILITY  
LITIGATION

Case No. 08:10-ML-2151 JVS (FMOx)

**PLAINTIFFS' AND TOYOTA  
DEFENDANTS' JOINT STATUS  
REPORT REGARDING THE  
INTENSIVE SETTLEMENT  
PROCESS**

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This document applies to  
All Personal Injury, Wrongful Death  
and Property Damage Cases

Date: March 17, 2015  
Time: 8:00 a.m.  
Dept: Courtroom 10C  
Judge: Honorable James V. Selna

1 Pursuant to the Court's Civil Minutes dated January 14, 2014 (Dkt No.  
2 4504), the Court's Civil Minutes dated April 29, 2014 (Dkt No. 4554) and the  
3 Court's Civil Minutes dated October 21, 2014 (Dkt No. 4740) and in advance of the  
4 Court's next Status Conference set for March 17, 2015 at 8:00 a.m. P.D.T.,  
5 Plaintiffs' Co-Lead Counsel for the Personal Injury/Wrongful Death Cases and  
6 members of the Plaintiffs' Liaison Counsel Committee for the Personal  
7 Injury/Wrongful Death Cases (collectively "Plaintiffs' Co-Lead Counsel") and  
8 counsel for Defendants Toyota Motor Corporation and Toyota Motor Sales, U.S.A.,  
9 Inc. hereby respectfully submit this Joint Status Report Regarding the Intensive  
10 Settlement Process (the "ISP"). The ISP is continuing to make good progress as the  
11 parties attempt to resolve the various personal injury, wrongful death and/or  
12 property damage cases pending before this Court and in other courts.<sup>1</sup>

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17 **I. Current Settlement Status**

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19 The parties are pleased to report that they have resolved, or have agreements  
20 in principle to resolve, 289 matters. Of this number, 132 cases are/were pending in  
21 the MDL (out of 171 total personal injury cases in the MDL) and 45 cases are/were  
22 pending in the JCCP (out of 84 total personal injury cases in the JCCP). For the  
23 remaining 39 cases pending in the MDL, only four have not yet requested ISP. For  
24

25  
26 <sup>1</sup> The Court's Order Establishing Intensive Settlement Process ("ISP") and Setting  
27 Hearing (Dkt No. 4490) (the "ISP Order") was confirmed and adopted at the  
28 hearing held on January 14, 2014 and memorialized in the Court's Civil Minutes –  
General dated January 14, 2014 (Dkt No. 4504). A similar order was issued by  
Judge Edmon in Toyota Motor Cases, Joint Council Coordination Proceeding, No.  
4261 (Superior Court of Los Angeles County, CA) (the "JCCP Proceeding").

1 the remaining 39 cases pending in the JCCP, only two have not yet requested ISP.

2  
3 Importantly, no MDL cases that have gone through the entire ISP process  
4 have been placed on an active calendar. Of all of the JCCP cases mediated, only  
5 one case has gone through the entire ISP process and been certified by the Special  
6 Master as completing the process without resolving. Attached as Exhibit A is a  
7 chart that provides a greater breakdown by category for the ISP.  
8

9  
10 As a follow-up to the Court's request, attached as Exhibit B is a chart that  
11 provides additional information on the unresolved MDL and JCCP cases and their  
12 current status in the ISP.  
13

14 Overall and through the efforts of all parties, including, but not limited to,  
15 Plaintiffs' Co-Lead Counsel, Toyota advises the Court that it has agreements in  
16 principle to resolve 112 matters outside of the MDL and JCCP Proceedings.  
17

18 Since the date of the Court's last status conference, which was held on  
19 October 21, 2014, and through the efforts of all of the parties, Toyota advises the  
20 Court that it has agreements in principle to resolve 61 matters. Of this number, 23  
21 are/were pending in the MDL and 9 are/were pending in the JCCP.  
22

## 23 **II. ISP Overview**

24  
25 Since the issuance and adoption of the ISP Order,<sup>2</sup> Toyota's counsel have

26  
27 <sup>2</sup> The court overseeing the Texas state MDL proceeding in In re: Toyota Unintended  
28 Acceleration Litigation, Cause No. 2010-46354 (152nd Judicial District, District  
Court for Harris County, Texas) (the "Texas MDL Proceeding") has issued its own  
ISP order. This order, which was issued on February 18, 2014, is substantially

1 had extensive and intensive negotiations with plaintiffs' firms representing a large  
2 number of plaintiffs and claimants. These efforts have included numerous face-to-  
3 face meetings with plaintiffs' counsel (including Plaintiffs' Co-Lead Counsel) in  
4 cities around the nation. These negotiations continue.

5  
6 Plaintiffs' Co-Lead Counsel and Federal/State Liaison Counsel are in regular  
7 contact with Counsel for Toyota and have been since the inception of the ISP.  
8 Plaintiffs' Co-Lead Counsel and Federal/State Liaison Counsel encourage  
9 plaintiffs' counsel and pro se plaintiffs in all courts to participate in the ISP and  
10 assist those counsel and pro se plaintiffs to understand and navigate it. The pro se  
11 plaintiffs who have not responded to any communication from Plaintiffs' Co-Lead  
12 Counsel and/or Federal/State Liaison Counsel, have received registered letters at  
13 their last known address providing them with information on the ISP and  
14 Federal/State Liaison Counsel's contact information. Toyota has provided  
15 Plaintiffs' Co-Lead Counsel and Federal/State Liaison Counsel with various lists of  
16 counsel having UA cases throughout the country in order that Plaintiffs' Co-Lead  
17 Counsel and Federal/State Liaison Counsel can identify those counsel and initiate  
18 contact with them. Plaintiffs' Co-Lead Counsel and Federal/State Liaison Counsel  
19 have sent numerous emails and memos following the materials sent by the Special  
20 Master, and have calls with counsel in UA cases to discuss their participation in the  
21 similar to the one issued by this Court. The Texas court also appointed Patrick A.  
22 Juneau as the Settlement Special Master in that litigation to perform essentially the  
23 same tasks there as he performs in this MDL.  
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1 ISP. Plaintiffs' counsel in UA cases oftentimes contact Plaintiffs' Co-Lead Counsel  
2 and Federal/State Liaison Counsel for procedural guidance on their cases, which is  
3 freely given. Due to the open line of communication between the parties, Plaintiffs'  
4 Co-Lead Counsel and Federal/State Liaison Counsel are able to ascertain the status  
5 of any case in the ISP for individual counsel. Additionally, access to the electronic  
6 depository is given to those counsel with UA cases, if requested.  
7  
8

9 Plaintiffs' Co-Lead Counsel and Federal/State Liaison Counsel maintain an  
10 extensive database of every UA case and counsel's contact information in order to  
11 have ready access to any information on the UA case when individual counsel  
12 contacts Plaintiffs' Co-Lead Counsel and Federal/State Liaison Counsel.  
13

14 Counsel for Toyota has been and will continue to seek the input of Plaintiffs'  
15 Co-Lead Counsel and Federal/State Liaison Counsel and negotiate in good faith  
16 with remaining plaintiffs' counsel in attempts to resolve cases both informally/in  
17 advance of, and at the ISP settlement conferences and/or mediations. Pursuant to  
18 the ISP Order and with Plaintiffs' Co-Lead Counsel and Federal/State Liaison  
19 Counsel's assistance, the ISP settlement conferences are first addressing bellwether  
20 plaintiffs, bellwether plaintiffs in the discovery pool and those plaintiffs with  
21 exigent circumstances.  
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25 **III. ISP Settlement Conferences and ISP Mediations That Have Occurred**  
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27 After meeting and conferring with Plaintiffs' Co-Lead Counsel, the parties  
28 have so far held fifteen official ISP settlement conferences and eleven official ISP

1 sets of mediations, in addition to numerous face-to-face informal meetings.

2 The following ISP settlement conferences have occurred:

- 3 • **Los Angeles, CA:** February 26 and 27, 2014 (22 matters).
- 4 • **New York, NY:** March 17, 2014 (6 matters).<sup>3</sup>
- 5 • **Houston, TX:** April 23 and 24, 2014 (23 matters).
- 6 • **San Francisco, CA:** May 1, 2014 (7 matters).
- 7 • **New Orleans, LA:** May 27 and 28, 2014 (7 matters).
- 8 • **Century City, CA:** June 3 and 4, 2014 (10 matters).
- 9 • **Providence, RI:** July 15 and 16, 2014 (16 matters).
- 10 • **New York, NY:** August 18, 2014 (21 matters).
- 11 • **Houston, TX:** September 24, 2014 (7 matters).
- 12 • **Los Angeles, CA:** October 21 (7 matters).
- 13 • **Providence, RI:** October 30 (3 matters).
- 14 • **Los Angeles, CA:** November 11 (5 matters).
- 15 • **New York, NY:** December 5 (10 matters).
- 16 • **Orlando, Florida:** January 23-24, 2015 (5 matters).
- 17 • **Atlanta, GA:** February 5, 2015 (6 matters).

18 The following ISP mediations have occurred:

- 19 • **Orange County, CA:** April 28 to 30, 2014 (5 matters).

20 <sup>3</sup> The ISP settlement conferences scheduled for March 26, 2014, in Chicago, IL was  
21 adjourned due to scheduling changes, with the Settlement Special Master  
22 consenting to their cancellation.  
23

- 1 • **New Orleans, LA:** May 28, 2014 (1 matter).
- 2
- 3 • **Providence, RI:** July 16 and 17, 2014 (5 matters).
- 4
- 5 • **Houston, TX:** September 23 and 24, 2014 (6 matters).
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- 7 • **New Orleans, LA:** October 7 and 8, 2014 (5 matters).
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- 9 • **New Orleans, LA:** October 22-24 and 27 (7 matters).
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- 11 • **New Orleans, LA:** November 13 (1 matter).
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- 13 • **New York, NY:** December 4 (3 matters).
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- 15 • **Orlando, Florida:** January 23-24, 2015 (2 matters).
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- 17 • **Atlanta, GA:** February 5, 2015 (2 matters).
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- 19 • **Palm Beach Gardens, Florida:** March 5 (1 matter).
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21 **IV. ISP Settlement Conferences and ISP Mediations That Are Being Scheduled**

22 In light of the successes and pursuant to Court order, the parties continue to  
23 schedule more ISP settlement conferences and ISP mediations, subject to  
24 availability and other issues, including, but not limited to the following:

- 25 • **Orange County, CA:** March 17 (5 matters for ISP settlement conferences).
- 26
- 27 • **Torrance, CA:** March 16 (3 matters for mediation)
- 28
- 29 • **Irvine, CA:** March 17-18 (3 matters for mediation)
- 30
- 31 • **Louisiana:** April, date to be determined

32 **V. Continued Strong Interest in the ISP**

33 In addition to the resolutions as noted above, Plaintiffs' Co-Lead Counsel

1 and Toyota have been very encouraged by the strong interest and response to date  
2 from plaintiffs' counsel in providing materials for cases to participate in the ISP.  
3  
4 As of March 13, 2015, of the 255 cases pending in the MDL and the JCCP  
5 Proceeding, plaintiffs in only six cases have not yet requested an ISP.<sup>4</sup> Plaintiffs'  
6 Co-Lead Counsel is contacting counsel in these six cases to encourage participation  
7 in the ISP. In addition, the Settlement Special Master's office, Plaintiffs' Co-Lead  
8 Counsel and counsel for Toyota have received and responded to hundreds of e-  
9 mails, telephone calls, and letters regarding the ISP. The Settlement Special Master  
10 and counsel for Toyota are in the process of meeting and conferring with Plaintiffs'  
11 Co-Lead Counsel regarding upcoming ISPs as well as collecting records in order to  
12 begin confidential good faith negotiations. Plaintiffs' Federal/State Liaison  
13 Counsel continues to provide information and procedural assistance to those  
14 inquiring and interested in ISP participation, and in doing informational outreach to  
15 the declining number of those not yet engaged in the process.  
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27 <sup>4</sup> As of March 13, 2015, plaintiffs in approximately 40 unresolved matters outside of  
28 the MDL or JCCP Proceeding have requested to participate in the ISP and a majority of these plaintiffs have already provided records and materials necessary to move forward.

1 Dated: March 16, 2015

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