

**IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

KATHLEEN RYAN-BLAUFUSS,
CATHLEEN MILLS and KHEK KUAN, on
behalf of themselves and all others similarly
situated,

Plaintiffs,

vs.

TOYOTA MOTOR
CORPORATION, TOYOTA
MOTOR SALES, U.S.A., INC.,
and DOE DEFENDANTS 1-10,

Defendants.

Case No. 8:18-CV-00201-JLS-KES

STEVEN KOSAREFF and
LAURA KAKISH, on behalf of
themselves and all others similarly
situated,

Plaintiffs,

vs.

TOYOTA MOTOR
CORPORATION, TOYOTA
MOTOR SALES USA, INC., and
DOES 1-10, inclusive,

Defendants.

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

MY BACKGROUND AND QUALIFICATIONS

1. I am the Managing Director and Head of Kroll Notice Media Solutions, an affiliate company of Kroll Settlement Administrations, *f.k.a.*, Heffler Claims LLC (“Heffler”). 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. Kroll has been engaged by the Parties as the Settlement Notice Administrator to develop and implement a proposed legal notice program as part of the Parties’ proposed class action settlement. Attached as **Exhibit B** is the description of proposed notice program.

3. This Declaration describes my extensive experience in designing and implementing notices and notice programs, as well as my credentials to opine on the overall adequacy of the notice effort.

RELEVANT COMMUNICATIONS AND ADVERTISING EXPERIENCE, NOTICE

EXPERTISE AND QUALIFICATIONS

4. My credentials, expertise, and experience that qualify me to provide an expert opinion and advice regarding notice class action cases include more than 30 years of communications and advertising experience, specifically in class action and bankruptcy notice context. My Curriculum Vitae delineating my experience is attached hereto as **Exhibit A**.

5. I have served as an expert and have been directly responsible for the design and implementation of numerous notice programs, including some of the largest and most complex programs ever implemented in the United States as well as globally in over 140 countries and thirty-seven (37) languages. I have been recognized by numerous courts in the United States as

an expert on notification and outreach.

6. During my career, I have planned and implemented over 1,000 complex notice programs for a wide range of class action, bankruptcy, regulatory, and consumer matters. The subject matters of which have included product liability, construction defect, antitrust, asbestos, medical, pharmaceutical, human rights, civil rights, telecommunications, media, environmental, securities, banking, insurance and bankruptcy.

7. I have relevant experience planning and implementing complex court-approved notice programs in other automobile class action settlements including:

- ***Simerlein et al., v. Toyota Motor Corporation***, Case No. 3:17-cv-01091-VAB (D. Conn. 2019); and
- ***Warner v. Toyota Motor Sales, U.S.A. Inc.***, Case No 2:15-cv-02171-FMO FFMx (C.D. Cal. 2017).

8. I am the only notice expert regularly recognized by courts who is accredited in Public Relations by the Universal Accreditation Board, a program administered by the Public Relations Society of America. I have provided testimony before the United States Congress on issues of notice.¹ I have lectured, published, and been cited extensively on various aspects of legal noticing, product recall, and crisis communications. I have served the Consumer Product Safety Commission (“CPSC”) as an expert to determine ways in which the CPSC can increase the effectiveness of its product recall campaigns. Additionally, I have published and lectured extensively on various aspects of legal noticing and taught continuing education courses for Jurists

¹ See, e.g., Report on the Activities of the Committee on the Judiciary of the House of Representatives: “Notice” Provision in the *Pigford v. Glickman* Consent Decree: Hearing Before Subcommittee on the Constitution, 108th Cong. 2nd Sess. 805 (2004) (statement of Jeanne C. Finegan); *Pigford v. Glickman & U.S. Dep’t of Agric.*, 185 F.R.D. 82, 102 (D.D.C. Apr. 14, 1999) (J. Finegan provided live testimony and was cross-examined before Congress in connection with a proposed consent decree settling a class action suit against the U.S. Department of Agriculture. In the court opinion that followed, the Honorable Paul L. Friedman approved the consent decree and commended the notice program, stating, “The [c]ourt concludes that class members have received more than adequate notice . . . the timing and breadth of notice of the class settlement was sufficient . . . The parties also exerted extraordinary efforts to reach class members through a massive advertising campaign in general and African American targeted publications and television stations.”)

and lawyers alike on best practice methods for providing notice in various contexts.

9. I worked with the Special Settlement Administrator's team to assist with the outreach strategy for the historic Auto Airbag Settlement. *In re Takata Airbag Prods. Liab. Litig.*, No. 15-MD-2599-FAM (S.D. Fla.). I was extensively involved as a lead contributing author for "Guidelines and Best Practices Implementing 2018 Amendments to Rule 23 Class Action Settlement Provisions" published by Duke University School of Law. I was involved with New York University School of Law and The Center on Civil Justice assisting with a class action settlement data analysis and comparative visualization tool called the *Aggregate Litigation Project*, designed to help judges make decisions in aggregate cases on the basis of data as opposed to anecdotal information.

10. I am a member of the Board of Directors for the Alliance for Audited Media ("AAM"), which is the recognized advertising industry leader in cross-media verification with unparalleled expertise across all brand platforms including web, mobile, email, and print. It was founded in 1914 as the Audit Bureau of Circulations to bring order and transparency to the media industry. Today, more than 4,000 publishers, advertisers, agencies, and technology vendors depend on its data-driven insights, technology certification audits, and information services to transact with trust. Its leadership consists directors of ad agencies, vice presidents of major national brands, and publishers of leading newspapers and magazines.

11. Further, I have been recognized as being at the forefront of modern notice practices,² and I was one of the first notice experts to integrate digital media,³ social media and influencers⁴ into court-approved legal notice programs. My recent work includes:

- *In re Purdue Pharma L.P.*, No. 19-23649 (Bankr. S.D.N.Y. 2019).
- *In Re: PG&E Corporation* Case No. 19-30088 Bankr. (N.D. Cal. 2019).
- *Yahoo! Inc. Customer Data Security Breach Litigation*, Case No. 5:16-MD-02752 (N.D. Cal. 2010).

² See, e.g., Deborah R. Hensler et al., *Class Action Dilemmas, Pursuing Public Goals for Private Gain*, RAND (2000).

³ See *In re La.-Pac. Inner-Seal Siding Litig.*, Nos. 879-JE, 1453-JE (D. Or. 1995).

⁴ See: *In Re: PG&E Corporation* Case No. 19-30088 Bankr. (N.D. Cal. 2019)

- **Hill’s Pet Nutrition, Inc., Dog Food Products Liability Litigation**, Case No. 19-MD-2887 (D. Kan. 2021).
- **Pettit et al., v. Procter & Gamble Co.**, Case No. 15-cv-02150-RS (N.D. Cal. 2019).
- **Carter v Forjas Taurus S.S., Taurus International Manufacturing, Inc.**, Case No. 1:13-CV-24583 PAS (S.D. Fla. 2016).
- **Cook et. al., v. Rockwell International Corp. and the Dow Chemical Co.**, No. 90-cv-00181- KLK (D. Colo. 2017).
- **In re Purdue Pharma L.P.**, No. 19-23649 (Bankr. S.D.N.Y. 2019).
- **In Re: PG&E Corporation** Case No . 19-30088 Bankr. (N.D. Cal. 2019).

12. As further reference, in evaluating the adequacy and effectiveness of my notice programs, courts have repeatedly recognized my work as an expert. For example:

a. **Yahoo! Inc. Customer Data Security Breach Litigation**, Case No. 5:16-MD-02752 (N.D. Cal 2010). In the Order Preliminary Approval, dated July 20, 2019, the Honorable Lucy Kho stated, para 21,

“The Court finds that the Approved Notices and Notice Plan set forth in the Amended Settlement Agreement satisfy the requirements of due process and Federal Rule of Civil Procedure 23 and provide the best notice practicable under the circumstances.”

b. **Hill’s Pet Nutrition, Inc., Dog Food Products Liability Litigation**, Case No. 19-MD-2887 (D. Kan. 2021). In the Preliminary Approval Transcript, February 2, 2021 p. 28-29, the Honorable Julie A. Robinson stated:

“I was very impressed in reading the notice plan and very educational, frankly to me, understanding the communication, media platforms, technology, all of that continues to evolve rapidly and the ability to not only target consumers, but to target people that could rightfully receive notice continues to improve all the time.”

c. **Carter v. Forjas Taurus S.S., Taurus International Manufacturing, Inc.**, Case No. 1:13-CV-24583- PAS (S.D. Fla. 2016). In her Final Order and Judgment Granting Plaintiffs’ Motion for Final Approval of Class Action Settlement, the Honorable Patricia Seitz stated:

“The Court considered the extensive experience of Jeanne C. Finegan and the notice program she developed. . . . There is no national firearms registry and Taurus sale records do not provide names and addresses of the ultimate purchasers... Thus, the form and method used for notifying Class Members of the terms of the Settlement was the best notice practicable. . . . The court-approved notice plan used peer-accepted national research to identify the optimal traditional, online, mobile and social media platforms to reach the Settlement Class Members.”

Additionally, in the January 20, 2016, Transcript of Class Notice Hearing, p. 5, Judge Seitz noted:

“I would like to compliment Ms. Finegan and her company because I was quite impressed with the scope and the effort of communicating with the Class.”

d. **In re Purdue Pharma L.P.**, No. 19-23649 (Bankr. S.D.N.Y. 2019). Omnibus Hearing, Motion Pursuant to 11 U.S.C. §§ 105(a) and 501 and Fed. R. Bankr. P. 2002 and 3003(c)(3) for Entry of an Order (I) Extending the General Bar Date for a Limited Period and (II) Approving the Form and Manner of Notice Thereof, June 3, 2020, transcript p. 88:10, the Honorable Robert Drain stated:

“The notice here is indeed extraordinary, as was detailed on page 8 of Ms. Finegan's declaration in support of the original bar date motion and then in her supplemental declaration from May 20th in support of the current motion, the notice is not only in print media, but extensive television and radio notice, community outreach, -- and I think this is perhaps going to be more of a trend, but it's a major element of the notice here -- online, social media, out of home, i.e. billboards, and earned media, including bloggers and creative messaging. That with a combined with a simplified proof of claims form and the ability to file a claim or first, get more information about filing a claim online -- there was a specific claims website -- and to file a claim either online or by mail. Based on Ms. Finegan's supplemental declaration, it appears clear to me that that process of providing notice has been quite successful in its goal in ultimately reaching roughly 95 percent of all adults in the United States over the age of 18 with an average frequency of message exposure of six times, as well as over 80 percent of all adults in Canada with an average message exposure of over three times.”

e. **Simerlein et al. v. Toyota Motor Corporation**, Case No. 3:17-cv-01091-VAB (D. Conn. 2019). In the Ruling and Order on the Motion for Preliminary Approval, dated January 14, 2019, p. 30, the Honorable Victor Bolden stated:

“In finding that notice is sufficient to meet both the requirements of Rule 23(c) and due process, the Court has reviewed and appreciated the high-quality submission of proposed Settlement Notice Administrator Jeanne C. Finegan. See Declaration of Jeanne C. Finegan, APR, Ex. G to Agrmt., ECF No. 85-8.”

f. **In Re: PG&E Corporation**, Case No. 19-30088 Bankr. (N.D. Cal. 2019). Hearing Establishing, Deadline for Filing Proofs of Claim, (II) establishing the Form and Manner of Notice Thereof, and (III) Approving Procedures for Providing Notice of Bar Date and Other Information to all Creditors and Potential Creditors PG&E. June 26, 2019, Transcript of Hearing p. 21:1, the Honorable Dennis Montali stated:

...the technology and the thought that goes into all these plans is almost

incomprehensible. He further stated p. 201:20 ... Ms. Finegan has really impressed me today...

13. Additionally, I have published extensively on various aspects of legal noticing, including the following publications and articles:

- a. Interview, “*One Media Buyer’s Journey Toward Transparency*,” BoSacks Media Intelligence/Heard on the Web, April, 2021.
- b. Interview, “*One Media Buyer’s Journey Toward Transparency*,” The Drum /Open Mic Blog, April 21, 2021.
- c. Interview, “*How Marketers Achieve Greater ROI Through Digital Assurance*,” Alliance for Audited Media (“AAM”), white paper, January 2021.
- d. Tweet Chat: Contributing Panelist #*Law360SocialChat*, A live Tweet workshop concerning the benefits and pitfalls of social media, Lexttalk.com, November 7, 2019.
- e. Author, “Top Class Settlement Admin Factors to Consider in 2020” Law360, New York, (October 31, 2019, 5:44 PM ET).
- f. Author, “*Creating a Class Notice Program that Satisfies Due Process*,” Law360, New York (February 13, 2018 12:58 PM ET).
- g. Author, “*3 Considerations for Class Action Notice Brand Safety*,” Law360, New York (October 2, 2017 12:24 PM ET).
- h. Author, “*What Would Class Action Reform Mean for Notice?*” Law360, New York (April 13, 2017 11:50 AM ET).
- i. Author, “*Bots Can Silently Steal your Due Process Notice*” Wisconsin Law Journal (April 2017).
- j. Author, “*Don’t Turn a Blind Eye to Bots. Ad Fraud and Bots are a Reality of the Digital Environment*,” LinkedIn (March 6, 2017).
- k. Co-Author, “Modern Notice Requirements Through the Lens of Eisen and Mullane,” *Bloomberg BNA Class Action Litigation Report*, 17 CLASS 1077 (October 14, 2016).
- l. Author, “*Think All Internet Impressions are the Same? Think Again*,” Law360.com, New York (March 16, 2016).
- m. Author, “*Why Class Members Should See an Online Ad More Than Once*,” Law360.com, New York (December 3, 2015).
- n. Author, “*‘Being ‘Media-Relevant’ — What It Means and Why It Matters*,” Law360.com, New York (September 11, 2013, 2:50 PM ET).
- o. Co-Author, “*New Media Creates New Expectations for Bankruptcy Notice Programs*,” ABI Journal, Vol. XXX, No. 9 (November 2011).
- p. Quoted Expert, “*Effective Class Action Notice Promotes Access to Justice: Insight from a New U.S. Federal Judicial Center Checklist*,” Canadian Supreme Court Law Review, 53 S.C.L.R. (2d) (2011).
- q. Co-Author, with Hon. Dickran Tevrizian, “Expert Opinion: *It’s More Than Just a Report...Why Qualified Legal Experts Are Needed to Navigate the Changing*

Media Landscape,” BNA Class Action Litigation Report, 12 CLASS 464 (May 27, 2011).

- r. Co-Author, with Hon. Dickran Tevzizian, “*Your Insight: It’s More Than Just a Report...Why Qualified Legal Experts Are Needed to Navigate the Changing Media Landscape*,” TXLR, Vol. 26, No. 21 (May 26, 2011).
 - s. Author, “*Five Key Considerations for a Successful International Notice Program*,” BNA Class Action Litigation Report,” Vol. 11, No. 7 p. 343 (April 9, 2010).
 - t. Quoted, “*Technology Trends Pose Novel Notification Issues for Class Litigators*,” BNA Electronic Commerce and Law Report, 15, ECLR 109 (January 27, 2010).
 - u. Author, “*Legal Notice: R U ready 2 adapt?*” BNA Class Action Litigation Report, Vol. 10, No. 14, pp. 702-703 (July 24, 2009).
 - v. Author, “*On Demand Media Could Change the Future of Best Practicable Notice*,” BNA Class Action Litigation Report, Vol. 9, No. 7, pp. 307-310 (April 11, 2008).
 - w. Quoted, “*Warranty Conference: Globalization of Warranty and Legal Aspects of Extended Warranty*,” Warranty Week (February 28, 2007), available at www.warrantyweek.com/archive/ww20070228.html.
 - x. Co-Author, “*Approaches to Notice in State Court Class Actions, For the Defense*,” Vol. 45, No. 11 (November, 2003).
 - y. Author, “*The Web Offers Near, Real-Time Cost-Efficient Notice*,” American Bankruptcy Institute Journal, Vol. XXII, No. 5 (2003).
 - z. Author, “*Determining Adequate Notice in Rule 23 Actions*,” For the Defense, Vol. 44, No. 9 (September 2002).
 - aa. Co-Author, “*The Electronic Nature of Legal Noticing*,” American Bankruptcy Institute Journal, Vol. XXI, No. 3 (April 2002).
 - bb. Author, “*Three Important Mantras for CEO’s and Risk Managers in 2002*,” International Risk Management Institute, irmi.com/ (January 2002).
 - cc. Co-Author, “*Used the Bat Signal Lately*,” The National Law Journal, Special Litigation Section (February 19, 2001).
 - dd. Author, “*How Much is Enough Notice*,” Dispute Resolution Alert, Vol. 1, No. 6, (March 2001).
 - ee. Author, “*High-Profile Product Recalls Need More Than the Bat Signal*,” International Risk Management Institute, irmi.com/ (July 2001).
 - ff. Author, “*The Great Debate - How Much is Enough Legal Notice?: American Bar Association -- Class Actions and Derivatives Suits Newsletter* (Winter 1999).
 - gg. Author, “*What are the best practicable methods to give notice?*” Georgetown University Law Center Mass Tort Litigation Institute, CLE White Paper: Dispelling the communications myth -- A notice disseminated is a notice communicated (November 1, 2001).
14. In addition, I have lectured or presented extensively on various aspects of legal noticing. A sample list includes the following:
- a. American Bar Association Faculty Panelist, 4th Annual Western Regional CLE Class Actions: “Big Brother, Information Privacy, and Class Actions: How Big

- Data and Social Media are Changing the Class Action Landscape,” San Francisco, CA, June, 2017.
- b. Miami Law Class Action & Complex Litigation Forum, Faculty Panelist, “Settlement and Resolution of Class Actions.” Miami, FL, December 2, 2016.
 - c. The Knowledge Group, Faculty Panelist, “Class Action Settlements: Hot Topics 2016 and Beyond,” Live Webcast, www.theknowledgegroup.org/, October 2016.
 - d. Bar Association National Symposium, Faculty Panelist, “Ethical Considerations in Settling Class Actions,” New Orleans, LA March 2016.
 - e. SF Banking Attorney Association, Speaker, “How a Class Action Notice Can Make or Break your Client’s Settlement,” San Francisco, CA May 2015.
 - f. Perrin Class Action Conference, Faculty Panelist, “Being Media Relevant, What it Means and Why It Matters – The Social Media Evolution: Trends Challenges and Opportunities,” Chicago, IL May 2015
 - g. Bridgeport Continuing Ed. Faculty Panelist, “Media Relevant in the Class Notice Context,” April 2014.
 - h. CASD 5th Annual Speaker, “The Impact of Social Media on Class Action Notice.” Consumer Attorneys of San Diego Class Action Symposium, San Diego, California, September 2012.
 - i. Law Seminars International, Speaker, “Class Action Notice: Rules and Statutes Governing FRCP (b)(3) Best Practicable... What constitutes a best practicable notice? What practitioners and courts should expect in the new era of online and social media.” Chicago, IL, October 2011.
 - j. CLE International, Faculty Panelist, Building a Workable Settlement Structure, CLE International, San Francisco, California May, 2011.
 - k. Consumer Attorneys of San Diego (CASD), Faculty Panelist, “21st Century Class Notice and Outreach,” 2nd Annual Class Action Symposium CASD Symposium, San Diego, California, October 2010.
 - l. Consumer Attorneys of San Diego (CASD), Faculty Panelist, “The Future of Notice,” 2nd Annual Class Action Symposium CASD Symposium, San Diego, California, October 2009.
 - m. American Bar Association, Speaker, 2008 Annual Meeting, “Practical Advice for Class Action Settlements: The Future of Notice in the United States and Internationally – Meeting the Best Practicable Standard.”
 - n. American Bar Association, Section of Business Law Business and Corporate Litigation Committee – Class and Derivative Actions Subcommittee, New York, NY, August 2008.
 - o. Faculty Panelist, Women Lawyers Association of Los Angeles (WLALA) CLE Presentation, “The Anatomy of a Class Action.” Los Angeles, CA, February 2008.
 - p. Faculty Panelist, Practising Law Institute (PLI) CLE Presentation, 11th Annual Consumer Financial Services Litigation. Presentation: Class Action Settlement Structures -- “Evolving Notice Standards in the Internet Age.” New York/Boston (simulcast) March, 2006; Chicago, April, 2006; and San Francisco, May 2006.
 - q. Expert Panelist, U.S. Consumer Product Safety Commission. I was the only legal notice expert invited to participate as an expert to the Consumer Product Safety Commission to discuss ways in which the CPSC could enhance and measure the

recall process. As an expert panelist, I discussed how the CPSC could better motivate consumers to take action on recalls and how companies could scientifically measure and defend their outreach efforts. Bethesda, MD, September 2003.

- r. Expert Speaker, American Bar Association. Presentation: "How to Bullet-Proof Notice Programs and What Communication Barriers Present Due Process Concerns in Legal Notice," ABA Litigation Section Committee on Class Actions & Derivative Suits, Chicago, August 6, 2001.

15. 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: December 2, 2021, in Tigard, Oregon.


Jeanne C. Finegan

Exhibit B

McCarthy v. Toyota Motor Sales, U.S.A, Inc. Settlement Notice Program

This Notice Program is designed to inform Class Members of the proposed class action settlement between Plaintiffs and Defendants as described in the Settlement Agreement. In the Settlement Agreement, the class is defined as: all persons, entities or organizations (a) who own or lease a 2010 to 2015 model year Prius vehicles, and 2012 to 2017 model year Prius V vehicles that were the subject of Safety Recall E0E, F0R, J0V, aSnd/or 20TA10, (“Subject Vehicle”) as of the entry of the Preliminary Approval Order or (b) who, at any time before the entry of the Preliminary Approval Order, owned or leased a Subject Vehicle. Excluded from the Class are: (a) Toyota, its officers, directors and employees; its affiliates and affiliates’ officers, directors and employees; its distributors and distributors’ officers, directors and employees; and Toyota Dealers and Toyota Dealers’ officers and directors; (b) Plaintiffs’ Counsel; (c) judicial officers and their immediate family members and associated court staff assigned to this case; and (d) persons or entities who or which timely and properly exclude themselves from the Class as provided in this Settlement Agreement.

A list of the vehicles included in the Settlement are found in the Settlement Agreement and also can be obtained by visiting the Settlement Website, which contains a VIN lookup tool, calling the Settlement toll-free telephone number, or contacting the Settlement Notice Administrator and requesting the Long Form Notice.

Class Notice will be accomplished through a combination of Direct Mail Notice, Publication Notice, notice through the settlement website, Long Form Notice, social media notice, and other applicable notice.

The proposed Notice Program includes the following components:

- Direct mail notice of postcards by first-class postage prepaid U.S.¹ mail to reasonably identifiable Class Members;
- Publication Notice in two general circulation magazines, published in English with Spanish sub-headlines;
- Publication Notice in USA Today, Los Angeles edition;
- Publication Notice in nine (9) territorial newspapers along with banner advertising on the newspapers’ web property;

¹ RL Polk (“IHS”) does not provide vehicle registration data for residents of the U.S. territories. Further, we have been informed that Toyota does not hold owner address records for vehicles in the territories. Given there are no name and address records for Class Members in the territories, notice in the territories will be accomplished through publication.

- Social media advertising in the United States and U.S. territories through Facebook, Instagram and Twitter in English and Spanish;
- Online display banner advertising specifically targeted to reach Class Members in the United States and U.S. territories in English and Spanish, including but not limited to utilizing popular Prius forums, where possible to do so;
- An informational website: www.toyotapriusinvertersettlement.com/ that contains important deadlines on which notices (English and Spanish) and other important Court information are posted and includes a VIN lookup function for Class Membership;
- A toll-free information line for Class Members;
- A press release in English and Spanish distributed in the United States and U.S. territories;
- CAFA Notice to appropriate state and federal government officials; and

DIRECT MAIL NOTICE

Kroll Settlement Administration has been informed that there are approximately 1,087,000 vehicles that are potentially affected. Toyota shall identify the VIN numbers for the Subject Vehicles utilizing R.L. Polk & Co. (“IHS Markit”) data to identify current names and addresses for Class Members. Based on information provided by IHS Markit², a list of the Class Members will be compiled. Pursuant to the terms of the Settlement Agreement, Kroll Settlement Administration shall send more than one type of customized and individualized Direct Mail Notices via postage prepaid first-class U.S. mail to these identified Class Members.

Prior to the mailing, all addresses will be checked against the National Change of Address (“NCOA”) database, which is maintained by the United States Postal Service (“USPS”). Notices that are returned as non-deliverable will be re-mailed to any address indicated by the postal service in the case of an expired automatic forwarding order. Notices returned as non-deliverable, but for which a new address is not indicated by the USPS, will be further searched through a third-party vendor to obtain a more current address using best efforts to conduct an advanced address search using all available information. If any such address is found, these types of customized and individualized Direct Mail Notices will be re-mailed prior to the Fairness Hearing. Upon completion of these duties, Kroll

² In July 2013, IHS Markit (“IHS”), acquired R.L. Polk & Co., including Polk and CARFAX. IHS automotive solutions gives automotive companies the ability to capitalize on cross-industry, expertise, and advanced analytics, software tools and extensive vehicle histories for a complete picture of the automotive industry. IHS provides the most accurate and trusted owner information for each motor vehicle affected by a class action lawsuit. IHS leverages a database with over eleven billion vehicle records of owner information by VIN. The IHS vehicle data repository undergoes daily updates of state registration and title data, including name and address standardization as well as National Change of Address (“NCOA”) processing to increase successful delivery. IHS works closely with both unrestricted and restricted states to ensure access to all of the current and historical owners included the Settlement Notice. HIS does not maintain data for any of the U.S. Territories. See: <https://ihsmarkit.com/products/automotive-class-action-and-litigation-service.html/>. This is consistent with the approach used in other similar Court Approved vehicle including Simerlein et.al. v. Toyota Motor Corporation and Warner v. Toyota Motor Corporation.

Settlement Administration will submit a complete report on the deliverable results of the direct outreach effort.

Based on past experience with direct mail in related cases, we anticipate that the direct mail outreach alone is estimated to reach at least 78% of targeted Class Members residing in the 50 United States and the District of Columbia. When combined with the publication outreach, this notice program is estimated to reach at least 92% of this target audience over 3 times.

PUBLICATION NOTICE

The proposed Publication component of the Notice Plan will employ a mix of newspaper, magazines, online display, social media and press releases to target Class Members in the United States and the United States Territories³ of American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands⁴.

UNITED STATES OUTREACH

The Summary Notice will be published once (1x) in the following generally circulated magazines:

<i>Publication</i>	<i>Circulation</i>	<i>Language</i>	<i>Distribution</i>
<i>People Magazine</i>	3,502,833	English	United States and Territories
<i>Time Magazine</i>	1,617,447	English	United States and Territories

Combined, these magazines have a total circulation of over 5,120,000 with over 44,097,000 readers⁵.

These magazines were selected based on media research data provided by Simmons-MRI. The titles were selected based on their reach or index against this target audience. Nearly 11% of Prius owners read People and Prius owners are 44% more likely to read Time magazine than the average adult.

Both magazines have distribution in the United States and United States Territories.

The Summary Notice will be published four times in the following newspaper:

<i>Publication</i>	<i>Circulation</i>	<i>Language</i>	<i>Distribution</i>
<i>USA Today, Los Angeles</i>	9,423	English	United States

³ ComScore does not measure the territories, with exception of Puerto Rico which is reported on a limited basis by age group.

⁴ The total population of the U.S. territories is 3.6 million. Note: this number was produced by adding four July 2020 population estimates presented by the CIA World Factbook for the five permanently inhabited territories with Puerto Rico excepted, plus the July 1, 2019 U.S. Census Bureau estimate for Puerto Rico.

⁵ Readers are calculated using a pass-along factor of readers in addition to the subscriber who reads the magazine.

ONLINE DISPLAY ADS - UNITED STATES AND UNITED STATES TERRITORIES

Display ads will be targeted to people who have been identified as Prius owners. The Notice Program will employ cutting edge technology and data to target potential Settlement Class Members. The foundation for our analysis is derived from 2020 *comScore/GfK Mediamark Research and Intelligence+Fusion* (“MRI”) software. As its name suggests, this media research technology allows us to fuse data and accurately target Class Members from data collected from dealerships and service departments throughout the U.S.

Here, we will target Class Members by using the Fusion definition to profile and create a highly specific and appropriate target audience of: *Owners or Those Who Lease a Toyota Prius*. To squarely focus on this target, we are applying a programmatic⁶ approach to digital advertising. Programmatic is a computerized approach to buying ads online, which uses an algorithm to show a specific ad to a specific visitor in a specific context, where class members are visiting across an allow list⁷ of approximately 4,000 websites. These ads are device agnostic and will appear across desktop, laptop, tablet, or mobile devices. Display ads will run in both the United States and United States Territories.

SOCIAL MEDIA ADS- UNITED STATES AND UNITED STATES TERRITORIES

Social Media ads will follow the targeted Class Members social media journey across user’s newsfeeds, stories and videos. Social ads will target those who have liked or follow Toyota, Toyota Prius V Owners and Clubs and various other Prius clubs and pages across Facebook and Instagram.

On Twitter, the campaign ads will target those who follow or interact with handles such as @Toyota, @ToyotaMotorCorp and others. Social media ads will run in both the United States and United States Territories.

RETARGETING

Online and social ads will also target this audience through re-targeting, or reminder ads for those who visit the Settlement website. Retargeting tags online users by including a pixel within the target

⁶ Programmatic refers to computerized media buying of advertising inventory. The mechanics of programmatically serving an online ad are as follows: A user visits a website and the browser sends a request to the publisher’s web server asking for the page’s content (*i.e.*, HTML). An invocation code placed on the page loads an external static ad tracker code. The ad tracker makes a request to the ad server querying for an ad markup (also called creative tag) to be loaded into the ad slot. The ad server responds with the ad markup code (before it is returned, the ad server executes all targeting/campaign matching logic). Finally, the publisher’s web server returns the information, rendering the page’s content with specifically targeted ads to that user.

⁷ An “allow list” is a custom list of acceptable websites where ad content may be served. Creating a whitelist helps to mitigate ad fraud, ensure ads will be served in relevant digital environments to the target audience and helps to ensure that ads will not appear next to offensive or objectionable content.

webpage which sets a cookie in the user’s browser. Once the cookie is set, the campaign ads will be displayed to that user anywhere that user visits.

TERRITORIAL OUTREACH – NEWSPAPERS

The Summary Notice will be published once (1x) in the following U.S. Territory newspapers:

<i>Publication</i>	<i>Circulation</i>	<i>Language</i>	<i>Territory</i>
Samoa News	7,000	English	American Samoa
Pacific Daily News	20,000	English	Guam
Saipan Tribune	8,000	English	Mariana Islands
El Nuevo Dia	250,000	Spanish	Puerto Rico
San Juan Daily Star	62,000	English	Puerto Rico
Primera Hora	187,000	Spanish	Puerto Rico
Virgin Islands Daily News	19,000	English	U.S. Virgin Islands – St. Thomas
Love City Trader	6,000	English	U.S. Virgin-Islands- St. John
St. Croix Avis	14,000	English	U.S. Virgin-Islands - St. Croix

Combined, the territorial newspapers have a total circulation of 573,000 with over 1,317,900 readers⁸. Additionally, online display ads will run each of the newspaper’s web properties.

In total, the Notice Program will serve over 21,000,000 digital and social impressions⁹, in the United States and its Territories. Digital media will run in English and Spanish.

PRESS RELEASE IN THE UNITED STATES AND UNITED STATES TERRITORIES

A press release will be issued over PR Newswire’s U.S.1, Guam, Puerto Rico, U.S. Virgin Island and Pacific Islands Newlines. PR Newswire distributes to thousands of print and broadcast newsrooms, as well as websites, databases and online services including featured placement in the news sections of leading portals. Kroll will monitor for resulting news mentions and at the conclusion of the Notice Plan, Kroll will provide a final report to the Court.

OFFICIAL SETTLEMENT WEBSITE

An informational, interactive website is an important component of the Notice Program. In accordance with the terms of the Settlement Agreement, a website will be established at: www.toyotapriusinvertersettlement.com to enable potential Class Members to get information about the Settlement. Each Class Member who is mailed a direct notice will receive a unique identifier

⁸ Readers are calculated using a pass-along factor of 2.3 readers in addition to the subscriber who read the newspaper. See: National Newspaper Association, naweb.org/.

⁹ An impression is a metric used to quantify the number of digital views or engagements of an ad. It is also referred to as an opportunity to see an ad.

which will be easily located on the website. Visitors will be able to obtain additional information about the Settlement and its benefits, including downloading Court documents related to the case, read the list of Frequently Asked Questions, and looking up their vehicle's VIN to determine if it is included in the class settlement. Additionally, Class Members will have ability to send communications to Kroll Settlement Administration's client service team through the website. The website will be active during the duration of the Customer Confidence Program.

Further, the website will serve as a "landing page for the banner advertising," where Class Members may continue to obtain further information about the class action, their rights, and view Plaintiff's Motion for Approval of Fees, Expenses, and Incentive Awards. The website will be accessible 24-hours a day, 7-days a week.

To ensure the settlement website remains active and responsive to search queries throughout the duration of the Customer Confidence Program, it shall be subject to search-engine optimization.

TOLL FREE INFORMATION LINE

Additionally, Kroll Settlement Administration will establish and maintain a 24-hour toll-free telephone line where callers may obtain information about the class action Settlement. Kroll will provide both automated and agent answered call center services. Live operators shall be available Monday through Friday, from 5:00 am to 5:00 pm, PST and shall be trained to respond to questions about the settlement, answer questions about the status of submitted claims, claim payment, how to submit a claim, and other material aspects of the Settlement. The phone number will also be configured to enable callers to leave a message after hours, which will be returned by Kroll the next business day.

Further, Kroll Settlement Administration can receive calls transferred from Toyota for callers that have questions related to the Settlement. We also have the ability to transfer callers to Toyota for non-settlement related questions.

Kroll Settlement Administration agents will have access to the same application developed for the website and will be able to look up callers' VINs to determine if their vehicles are included in the Settlement.

CAFA NOTICE

Pursuant to the Settlement Agreement, Section 4, Kroll Settlement Administration will provide notice of the proposed Settlement under CAFA, 28 U.S.C. §1715(b), to appropriate state and federal government officials.

METHODOLOGY FOR PUBLICATION/INTERNET NOTICE

Experts have commonly and reasonably relied upon data from highly regarded media research bureaus such as MRI or comScore to select appropriate media based on the target audience's demographic characteristics and media use habits.

To this end, in developing the proposed notice program, we were guided by well-established principles of communication and utilized best-in-class nationally syndicated media research data provided by MRI-Simmons ("MRI") in its MRI 2020 Doublebase Study¹⁰ to provide media consumption habits of the potentially affected population. These data resources are used by advertising agencies nationwide as the basis to select the most appropriate media to reach specific target audiences. Specifically, this research identifies which media channels are favored by the target audience (i.e., the Class members), for instance, browsing behaviors on the Internet and social media channels that are used.

Based on this research, a mix of print, online and social outreach are particularly useful to buttress this outreach. According to MRI, over 96% of those who currently own or lease a Prius have gone online in the last 30 days and approximately 68% have used Facebook in the last 30 days. Further, MRI provides instruction concerning language spoken most often at home. Here, MRI¹¹ reports that 94% of this target audience speaks English most often at home, with 3% reporting they speak Spanish most often at home.

DIGITAL AD FRAUD MITIGATION AND VALIDATED HUMAN IMPRESSIONS

Ad verification metrics reveal campaign effectiveness. Kroll optimizes media based on verification metrics. This helps to improve Class Members' "opportunity to see" the campaign creative. Legal Notice advertising is intended to create awareness and provide due process for consumers to exercise their rights, if they so choose. Keeping with the highest standards in the advertising industry, we have evolved from traditional ad effectiveness practice of defining campaign exposure by bulk ads served, to one that determines exposure by a human audience that had the opportunity to see the digital ads.

To mitigate digital ad fraud, or non-human viewership of the digital campaign and to validate impression delivery, Kroll engages validation technology, from among others: Integral Ad Science ("IAS"), comScore's Content Activation, Grapeshot and DoubleVerify. These layers of validation and verification help to ensure that our ads are being targeted to real websites where actual (human)

¹⁰ MRI-Simmon's ("MRI") *MRI Survey of the American Consumer* is used in the majority of U.S. media and marketing plans. Over 24,000 in-person interviews each year provide the basis for this research. MRI is the leading supplier demographic, psychographic, attitudinal, intent and behavioral data including product usage, and media exposure, along with of multi-media audience research. See generally mrisimmons.com.

¹¹ Source: MRI 2020 Doublebase Study- *Toyota Prius Owned/Leased Languages Spoken Most Often at Home*. (Note: MRI data resides behind a paid subscription wall). Report date, September 10, 2021.

Settlement Class Members are likely to visit, rather than serving ads to websites and fraudsters attempting to fraudulently earn advertising revenue from the campaign¹².

To this end, online ads will be tagged with specific codes which will validate the impressions, plus further analysis will be provided by our independent Cybersecurity Expert¹³. As an added step, ad logs will be monitored for fraudulent anomalies such as ads being called to data centers, uncommon browser sizes, and outdated browser versions as well as other parameters that indicate non-human traffic. In addition, through these efforts, we will identify which websites are generating validated human click-throughs to the Settlement website and in turn, we are able to optimize impressions to those sites. Any online impressions identified as invalid will be culled from the final reach calculation reported to the Court.

¹² *See*: You Probably Don't Think Digital Ad Fraud Doesn't Affect You. Think Again.

https://innovation.media/magazines/how_digital_ad_fraud_affects_everyone

¹³ Dr. Augustine Fou. A Brief History of Ad Fraud. <https://www.linkedin.com/pulse/brief-history-digital-ad-fraud-dr-augustine-fou-ad-fraud-historian>