

**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 NAFA,
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

**JOINT MOTION FOR AN ORDER APPOINTING PATRICK A. JUNEAU AS
SETTLEMENT SPECIAL MASTER**

COME NOW counsel for Plaintiffs, Defendants Toyota Motor Corporation and Toyota Motor Sales, U.S.A., Inc. and Defendant Denso International America, Inc., and file this joint motion for an Order appointing Patrick A. Juneau as Settlement Special Master to assist the parties with settlement-related issues.

This joint motion is based upon this motion, the accompanying memorandum of law and Affidavit of Patrick A. Juneau, all pleadings, records and documents on file herein, and upon such other evidence as may be presented at the time of the hearing on this matter, if one is scheduled by the Court.

Dated: November 3, 2021

Respectfully submitted,

/s/ John P. Hooper

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Additional Plaintiffs' Counsel

CERTIFICATE OF SERVICE

I certify that on November 3, 2021, a copy of the foregoing was filed electronically on the CM/ECF system. Notice of this filing will be sent to the parties of record by operation of the Court's electronic filing system. The Parties may access this filing through the Court's system.

/s/ Jason Bush
Jason Bush

**UNITED STATES DISTRICT COURT
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**JOINT MEMORANDUM OF LAW IN SUPPORT OF JOINT MOTION FOR AN
ORDER APPOINTING PATRICK A. JUNEAU AS SETTLEMENT SPECIAL MASTER**

Plaintiffs, Defendants Toyota Motor Corporation and Toyota Motor Sales, U.S.A., Inc. (collectively “Toyota”) and Defendant Denso International America, Inc. (“DIAM” and together with Toyota and Plaintiffs, the “Parties”), respectfully submit this memorandum of law in support of the joint motion to move this Court to appoint Patrick A. Juneau as Settlement Special Master.

FACTUAL BACKGROUND

In this consolidated action, Plaintiffs assert violations of various consumer protection statutes, fraud, negligence, and warranty-based claims in connection with Toyota or Lexus vehicles that Toyota voluntarily recalled in 2020 due to a fuel pump issue. The Parties – who are seeking to change the trajectory in this case – have begun conducting settlement discussions in earnest. As is discussed more thoroughly below, courts inside and outside of this district have appointed special masters to coordinate settlement discussions in similar situations pursuant to Fed. R. Civ. P. 53. The Parties believe that Patrick A. Juneau, is uniquely suited for the role of Settlement Special Master here, given his deep experience as settlement special master in various other large and complex mass tort cases. As such, the Parties respectfully request that Patrick A. Juneau be appointed as Settlement Special Master in these cases pursuant to Fed. R. Civ. P. 53.

ARGUMENT

I. A Settlement Special Master Should Be Appointed Pursuant to Federal Rule of Civil Procedure 53

Fed. R. Civ. P. 53 sets forth the requirements of appointing a special master in a particular case. Federal courts have often appointed special masters to assist in efficiently coordinating settlement discussions pursuant to Fed. R. Civ. P. 53. *See In re Gen. Motors LLC Ignition Switch Litig.*, No. 14-MC-2543 (JMF), 2019 WL 5865112, at *3 (S.D.N.Y. Nov. 8, 2019) (noting a Special Master was appointed “who would, among other things, ‘create a Settlement Framework that identifies the criteria relevant to evaluation of claims under’ the settlement agreement”); *United States v. Montrose Chem. Corp. of California*, 50 F.3d 741, 745 (9th Cir. 1995) (“The district court appointed...[the] Special Master for the lawsuit to supervise all non-dispositive pretrial proceedings and to conduct and supervise settlement negotiations.”). Courts in other jurisdictions have also held that having special masters appointed for settlement purposes can be beneficial in order to facilitate an expeditious resolution. *See In Re Syngenta AG Mir162 Corn Litig.*, No. 2:14-md-2591-JWL-JPO (D. Kan. Mar. 23, 2016) (“Because of the quantity and complexity of these related cases and the common interest in a fair and expeditious resolution, the

presiding judges have determined, and the parties agreed, that it would be beneficial to appoint a special master to explore settlement of all the cases...”); *In Re Stryker Rejuvenate and Agbii Hip Implant Products Liability Litig.*, No. 13-2441, 2014 WL 2808919, at *4 (D. Minn. Jun. 20, 2014) (“The parties are hereby put on notice of the Court’s consideration of the appointment of a special master for settlement purposes under Rule 53 of the Federal Rules of Civil Procedure.”); *Mayberry v. U.S.*, 151 F.3d 855, 857 (8th Cir. 1998) (“...a special master was appointed to assist in the settlement of damages issues or to recommend a procedure to expedite their resolution”); *U.S. v. Conservation Chemical Co.*, 106 F.R.D. 210, 234 (W.D. Mo. 1985) (“...the Master has participated in settlement discussions at the direction of the Court and at the request of many of the parties”).

Here, given the nature of the consolidated case before this Court, the Parties believe having a neutral, third-party Settlement Special Master who can administer, coordinate and preside over settlement negotiations and communicate with the Court at the Settlement Special Master’s discretion, where appropriate, would be an invaluable resource in attempting to resolve most if not all of these cases on reasonable terms.

II. Patrick A. Juneau Is Well Suited For The Role As Settlement Special Master

The Parties agree to recommend Mr. Juneau to serve as Settlement Special Master in this consolidated action pursuant to Fed. R. Civ. P. 53 because of his unique qualifications, having earned the trust and confidence of courts and plaintiffs and defense counsel nationwide through his distinguished career assisting parties in complex class-action and mass-tort settlements.

Additionally, as is set forth in his Affidavit, there are no grounds for disqualification under 28 U.S.C. § 455 that would prevent Mr. Juneau from serving as the Settlement Special Master in this matter.

Mr. Juneau is already familiar with the Parties in these cases, the facts involved, and the Parties’ respective positions. He also has extensive experience serving as a Settlement Special Master in other matters. Mr. Juneau, a charter member of the Academy of Court Appointed Masters, is highly respected nationwide. He has contributed to the development of the book “Appointing Special Masters and Other Judicial Adjuncts: A Benchbook for Judges and Lawyer” (January 2013). *See* Affidavit of Patrick A. Juneau, Exhibit 1 at 4 (Curriculum Vitae of Patrick A. Juneau). He is a past president of the Louisiana Association of Defense Counsel and is a Fellow of both the American College of Trial Lawyers and the International Academy of Trial Lawyers.

Id.

Most importantly, Mr. Juneau has an abundance of experience and expertise serving as a court-appointed Settlement Special Master or Administrator to oversee and help the parties come together in resolving numerous large, high-profile, complex and multi-party federal and state mass and class action cases. *See id.* As summarized in Mr. Juneau's affidavit (*id.*), below are seven examples of his experience in these types of cases:

- ***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)***

This MDL includes a multi-billion-dollar settlement program to compensate individuals and businesses from the gulf coast, including Florida, affected by the Deepwater Horizon oil spill. The settlement was intended to avoid piecemeal litigation by setting up a mechanism to resolve hundreds of thousands of claims for economic damages. Mr. Juneau was appointed Claims Administrator to oversee the Claims Administration Vendors, who processed the claims in accordance with the Settlement Agreement. The Settlement Program has been issuing payments for nearly five years. During that time, Mr. Juneau's claims facility has processed more than 386,000 claim forms. Over \$11 billion in offers of payment from the settlement fund have been accepted by class members.

- ***In re: Vioxx Prod. Liab. Litig., (Case No. 05-md-01657, E.D. La.) (Honorable Eldon Fallon)***

This MDL is a multidistrict products liability litigation which involved allegations that the prescription drug Vioxx increased the risk of cardiovascular thrombotic events such as myocardial infarctions and ischemic strokes. Based on published reports, Merck agreed to pay \$4.85 billion dollars to resolve the claims of the class and individual actions. The settlement involved approximately 50,000 claims. Mr. Juneau's role as Special Master provided review and oversight to ensure that the settlement and claims program was administered as per the terms of the settlement.

- ***In re: Guidant Corp. Implantable Defibrillators Prod. Liab. Litig.*, (Case No. 05-md-1708, D. Minn.) (Honorable Donovan W. Frank)**

This is an MDL involving claims of alleged defects in Guidant Corp.'s implantable defibrillators. As reflected in published reports, Guidant agreed to pay \$240 million to settle the claims of over 8,500 plaintiffs that were pending in federal or state courts nationwide. Mr. Juneau was appointed as Assistant Special Master and had the authority to engage support personnel to assist in the management of the implementation, administration, and allocation of the settlement.

- ***In re: Avandia Marketing, Sales Pract. Prod. Liab. Litig.*, (Case No. 07-md-01871, E.D. Pa.) (Honorable Cynthia M. Rufe)**

This action arose from allegations that certain diabetes drugs manufactured by GSK, Avandia and /or two sister drugs containing Avandia, caused an increased risk of heart attack and other physical injury, and that GSK failed to provide adequate warnings concerning that risk. As reflected in published reports the settlement involved at least \$4.7 billion for over 50,000 claims. Mr. Juneau was appointed as Special Master, and he had the authority to administer, coordinate, and preside over settlement negotiations. He also had the authority to conduct any proceedings necessary for purposes of administering and managing the settlement process.

- ***In re: Takata Airbag Prod. Liab. Litig.*, (Case No. 1:15-md-02599, S.D. Fla.) (Honorable Federico A. Moreno)**

The economic loss class actions alleged among other things, that Takata, its affiliated entities and various auto manufacturers including Toyota, installed and distributed allegedly defective airbag inflators that could explode in certain conditions. Mr. Juneau was appointed by the Court to serve as Settlement Special Administrator to facilitate a resolution and implement a claims and multi-year outreach program in the settlement of the seven economic loss class actions that total in excess of \$1.5 billion.

- ***Warner, et al. v. Toyota Motor Sales, U.S.A., Inc.*, (Case No. 2:15-cv-02171, C.D. Ca.) (Honorable Fernando M. Olguin)**

This class action involved allegations that certain Toyota Tacoma, Tundra, and Sequoia vehicles' frames were defective due to premature rusting. Mr. Juneau was appointed Special

Master and assisted the parties in settling this class action which incorporated in its settlement several distinct types of relief: (i) a frame inspection program and, if warranted, a frame replacement; (ii) free application of the Corrosion Resistant Compounds; and (iii) a reimbursement program.

- ***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)***

The MDL involved allegations that certain model and model year Toyota, Lexus and Scion vehicles contain defects that have led to sudden “unintended acceleration” events. Mr. Juneau was appointed Settlement Special Master in both the products liability cases and in the economic loss class actions. As Settlement Special Master, he was the mediator in dozens of individual products liability cases that resolved as part of a Court-ordered Intensive Settlement Process. He also assisted the parties in the resolution of the economic loss class actions, with an estimated value of over \$1 billion.

Of course, the Parties stand ready to provide additional materials and references at the Court’s request. In addition, Mr. Juneau would welcome the opportunity to appear before the Court and answer any questions the Court may have.

WHEREFORE, the Parties respectfully request that this Court appoint Patrick A. Juneau to serve as Settlement Special Master in this consolidated action.

Dated: November 3, 2021

Respectfully submitted,

/s/ John P. Hooper

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Affidavit of Patrick A. Juneau

STATE OF LOUISIANA)
): ss.
PARISH OF LAFAYETTE)

BEFORE ME, undersigned authority, personally came and appeared PATRICK A. JUNEAU,
who, after being duly sworn, did depose and say:

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

2. I have thoroughly familiarized myself with the issues involved in the above-referenced consolidated cases and as a result of my knowledge of this litigation, I can attest and affirm that there are no grounds for disqualification under 28 U.S.C. § 455 that would prevent me from serving as the Settlement Special Master in the above-captioned matter.

3. My curriculum vitae is attached hereto as Exhibit A, which accurately reflects my experience and appointments as Settlement Special Master and/or otherwise addressing settlement and related issues in other class actions and mass torts.

4. I am a charter member of the Academy of Court Appointed Masters. I have contributed to the development of the book "Appointing Special Masters and Other Judicial Adjuncts: A Benchbook for Judges and Lawyer" (January 2013). I am a past president of the Louisiana Association of Defense Counsel, and a Fellow of both the American College of Trial Lawyers and the International Academy of Trial Lawyers.

5. I have served as a court-appointed Special Master or Administrator to oversee and distribute 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. Below are seven examples of my experience in these types of litigations:

- ***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)***

This MDL includes a multi-billion dollar settlement program to compensate individuals and businesses from the gulf coast, including Florida, affected by the Deepwater Horizon oil spill. The settlement was intended to avoid piecemeal litigation by setting up a mechanism to resolve hundreds of thousands of claims for economic damages. I was appointed Claims Administrator to oversee the Claims Administration Vendors, who processed the claims in accordance with the Settlement Agreement. The Settlement Program has been issuing payments for nearly five years. During that time, my claims facility has processed more than 386,000 claim forms. Over \$11 billion in offers of payment from the settlement fund have been accepted by class members.

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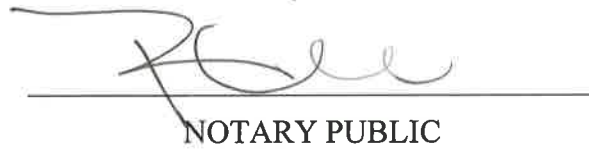
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I welcome the opportunity to appear before the Court and answer any questions that the Court has.



PATRICK A. JUNEAU

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned Notary Public, in Lafayette Parish, on this 3rd day of November 2021, at Lafayette, Louisiana.



NOTARY PUBLIC

Name Printed: PATRICK HIRON

Notary ID #: 133696

LA BAR # 34598

My commission expires at death.

CURRICULUM VITAE OF
PATRICK A. JUNEAU

PATRICK A. JUNEAU, obtained a Bachelor degree from Louisiana State University in 1959. He subsequently served on active duty in the United States Army and attained the rank of Captain. While in the service, he was awarded the Army Commendation Medal. After completing his tour of duty, he entered Louisiana State University Law School where he obtained his Juris Doctor degree in 1965. He has been actively engaged in the private practice of law since 1965 and was admitted to practice in all Federal and State Courts in the State of Louisiana, the United States District Court for the Eastern and Southern Districts of Texas, the United States Courts of Appeal for the Fifth, Eighth and Eleventh Circuits, and the United States Supreme Court. He is a member of the Louisiana State Bar Association and the American Bar Association. He is a past President of the Louisiana Association of Defense Counsel. In 1973 he was elected to and served as a member of the Louisiana Constitutional Convention, the body which drafted the new Constitution for the State of Louisiana. He has been a guest lecturer at the Louisiana State University and Tulane University Law Schools' Continuing Legal Education programs and has planned and spoken at seminars on such topics of products, environmental, maritime, professional liability litigation and mediation. He has also served on the faculty of the Louisiana State University Trial Advocacy Program. In 2018, he was a speaker at the JPRI International Conference in Seoul, Republic of Korea on the subject of Complex Litigation. He is also a Fellow of the American College of Trial Lawyers and a Fellow of the International Academy of Trial Lawyers. In 1996 he was awarded the Curtis R. Boisfontaine Trial Advocacy Award by the Louisiana Bar Foundation. He was named the LSU Law Center 2006 Distinguished Alumnus of the Year. During his trial practice, he tried in excess of two hundred (200) civil jury cases to a conclusion. For his work in the field of personal injury defense litigation, he has been recognized in "The Best Lawyers in America" published by Woodward/White. In 2015 he was inducted into the Lafayette Bar Association Hall of Fame.

Mediation and Special Master Experience

He has served as the mediator in over four thousand (4,000) cases. The mediated cases have involved both state and federal court actions. He has been appointed the designated mediator by federal and state courts and has also served as the court appointed Special Master in numerous federal and state cases including the following complex and multi-party matters: *In Re: Combustion, Inc.* U.S. District Court, Middle District of Louisiana - MDL (toxic tort litigation involving 10,800 claimants and superfund site); *In Re: New Orleans Train Car Leakage Fire Litigation*, Orleans Parish, Louisiana (toxic tort litigation involving 9,300 claimants); *In Re: Silicone Gel Breast Implant Products Liability Litigation* (Louisiana Breast Implant Litigation); *In Re: New Iberia Train Leakage Litigation*, U.S. District Court, Western District of Louisiana - (toxic tort litigation involving over 3,300 claimants); *In Re: Chemical Release at Bogalusa*, Washington Parish, Louisiana (toxic chemical litigation involving approximately 18,000 claimants); *Colonial Pipeline Litigation*, U.S. District Court, Middle District of Louisiana (sub-surface release involving 5,600 claimants); *Mary Self, et al v. Illinois Central Railroad*, U.S. District Court, Eastern District of Louisiana (toxic tort litigation involving over 2,800 claimants); *Bryson Adams, et al v. Environmental Purification Advancement Corp.*, U.S. District Court, Western District of Louisiana (toxic tort action involving over 3,500 claimants and superfund site); *In Re: Propulsid Product Liability Litigation*, U.S. District Court, Eastern District of Louisiana - MDL (product liability claims involving thousands of claimants throughout the United States); *Icon Class Action*, 27th Judicial District Court, St. Landry Parish, Louisiana (product liability claim involving the crawfish industry); *Juanita Thibodeaux, et al v. Conoco Phillips Company, et al*, 14th Judicial District Court, Calcasieu Parish, Louisiana (chemical release litigation involving over 18,000 claimants); *In Re: Educational Testing Services Praxis Principles of Learning and Teaching*, U.S. District Court, Eastern District of Louisiana - MDL

(nationwide settlement class involving educational testing with over 3,000 claimants); *In Re: Guidant Corp. Implantable Defibrillators Product Liability Litigation*, U.S. District Court, District of Minnesota - MDL (nationwide product liability action involving over 8,500 claimants); *Clark Gunderson, MD, et al. vs. F.A. Richard and Associates*, 14th Judicial District Court, Calcasieu Parish, Louisiana (medical bill discounting litigation involving F.A. Richard and over 2,215 medical providers); *Clark Gunderson, MD, et al. vs. Focus*, 14th Judicial District Court, Calcasieu Parish, Louisiana (medical discounting litigation involving Focus and over 2,304 medical providers); *Clark Gunderson, MD, et al vs. AIGDC, et al*, 14th Judicial District Court, Calcasieu Parish, Louisiana (medical bill discounting litigation involving AIGDC and over 1,664 medical providers); *Clark Gunderson, MD, et al vs. Amerisafe Risk Services, Inc. and American Interstate Ins. Co., et al*, 14th Judicial District Court, Calcasieu Parish, Louisiana (medical bill discounting litigation involving Amerisafe Risk Services and American Interstate and over 290 medical providers); *Clark Gunderson, MD, et al vs. Claims Management, Inc. and Wal-Mart Stores, Inc., et al*, 14th Judicial District Court, Calcasieu Parish, Louisiana (medical bill discounting litigation involving CMI and Wal-Mart and over 1,369 medical providers); *Opelousas Trust Authority, et al vs. Summit Consulting Inc. of Louisiana*, 27th Judicial District Court, St. Landry Parish, Louisiana (medical bill discounting litigation involving over 1,087 medical providers); *Barbara Pellerin, etc. vs. Our Lady of Lourdes Regional Medical Center*, 15th Judicial District Court, Lafayette Parish, Louisiana (medical procedure litigation involving over 305 claimants); *Mary Gallien, et al vs. Lafayette General Medical Center*, 15th Judicial District Court, Lafayette Parish, Louisiana (medical procedure litigation involving over 108 claimants); *Barbara Pellerin, et al vs. Louisiana Medical Mutual Ins. Co., et al.*, 15th Judicial District Court, Lafayette Parish, Louisiana (medical procedure litigation involving over 415 claimants); *Gwendolyn Guillory, et al vs. Union Pacific Corp., et al*, 14th Judicial District Court, Calcasieu Parish, Louisiana (chemical release litigation involving over 500 claimants); and *Darcy Guidry, et al vs. American Public Life Ins. Co., et al*, 14th Judicial District Court, Calcasieu Parish, Louisiana (insurance premium litigation involving over 3,002 claimants); *In Re: Vioxx Products Liability Litigation*, U.S. District Court, Eastern District of Louisiana - MDL (nationwide product liability action involving over 80,000 claims); *George Raymond Williams, M.D. vs. SIF Consultants, et al*, 27th Judicial District Court, St. Landry Parish, Louisiana (medical discounting litigation involving over 1,000 medical providers); *George Raymond Williams, M.D. vs. Hammerman Gainer, Inc., et al*, 27th Judicial District Court, St. Landry Parish, Louisiana (medical discounting litigation involving over 780 medical providers); *In Re: Kugel Mesh Hernia Repair Patch Litigation*, U.S. District Court, District of Rhode Island - MDL (product liability litigation involving over 1,000 claimants); *In Re: Avandia Marketing, Sales Practices Products Liability Litigation*, U.S. District Court, Eastern District of Pennsylvania - MDL (product liability litigation involving over 30,000 claimants); *Rose Goudeau, et al vs. The Administrators of the Tulane Educational Fund, et al*, Orleans Parish, Louisiana (willed body litigation involving over 2,000 claims); *Opelousas General Hospital Authority,, et al. vs. FairPay Solutions, Inc.*, 27th Judicial District Court, St. Landry Parish, Louisiana (medical discounting litigation involving over 200 medical providers); *In Re: Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices, and Products Liability Litigation*, U.S. District Court, Central District of California – MDL; *Toyota Motor Cases*, Superior Court, Complex Department, Los Angeles County, California; *In re: Takata Airbag Products Liability Litigation*, U.S. District Court, Southern District of Florida – MDL (massive settlement involving thousands of claims throughout the United States); *In Re: Oil Spill by the Oil Rig “Deepwater Horizon,”* U.S. District Court, Eastern District of Louisiana – MDL (massive settlement class action involving over 450,000 claims); and *In Re: Hurricane Laura and Hurricane Delta Claims*, U.S. District Court, Western District of Louisiana (all claims resulting from Hurricanes Laura and Delta).

He is a charter member of the Academy of Court Appointed Masters.

**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 NAFA,
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

**[Proposed] Order Appointing Patrick A.
Juneau As Settlement Special Master**

After full consideration of the Plaintiffs, Toyota Defendants' and Denso International America, Inc.'s, Joint Stipulation Requesting an Order Appointing Patrick A. Juneau as Settlement Special Master, supporting Affidavit of Patrick A. Juneau, and good cause appearing:

IT IS ORDERED BY THE COURT, pursuant to Federal Rule of Civil Procedure 53, that Patrick A. Juneau, Esq. is appointed as Special Master and he shall proceed with all reasonable diligence and shall exercise his rights and responsibilities as follows:

- 1) The Settlement Special Master shall, among other things, administer, coordinate and preside over settlement negotiations and assist the parties with settlement related issues, including settlement negotiations and settlement implementation. This specifically includes the power to order parties and party representatives with full power of settlement to attend settlement meetings.
- 2) The Settlement Special Master may communicate ex parte with the Court at the Settlement Special Master's discretion without providing notice to the parties, but the Settlement Special Master shall not reveal to the Court without the consent of the parties the substance of the Settlement Special Master's discussions with the parties.
- 3) Parties agree that they will each pay fifty (50) percent of the Settlement Special Master's cost and fees.
- 4) The Special Master shall be compensated, in the amount of:
 - a) For Mr. Juneau:
 - \$8,000 for a full day, including up to 10 hours of hearing/meeting time;
 - \$5,000 for a half day, including up to 4 hours of hearing/meeting time;
 - \$750 for other professional time;
 - plus actual expenses;
 - b) \$450/hour for attorneys who assist Mr. Juneau; and
 - c) \$100/hour for paralegals who assist Mr. Juneau.
- 5) The Settlement Special Master shall submit monthly billings of fees and expenses in the form of a Summary Statement for Court approval, with a copy to Plaintiffs' Counsel and to Toyota Motor Sales, U.S.A., Inc. The Summary Statements shall contain a signature line for the Court stating "Approved for Disbursement." Once approved, the Court shall send the Summary Statement to Plaintiffs' Counsel and to Toyota Motor Sales, U.S.A.,

Inc., who shall submit payment within thirty days of receipt. Any objection to a Summary Statement not made within fifteen days of receipt shall be deemed waived.

- 6) The Settlement Special Master may initiate contact and communicate with Plaintiffs' Counsel and Toyota's counsel as he deems appropriate with respect to, among other things, the efficient administration and management of the settlement process and confirmatory discovery.
- 7) If the Special Master is required to issue any decisions, the Special Master's rulings shall be filed and served pursuant to Rule 53(d). See Fed. R. Civ. P. 53(d)-(e) (noting that "[a] master who issues an order must file it and promptly serve a copy on each party. The clerk must enter the order on the docket[;]" and "[a] master must report to the court as required by the appointing order. The master must file the report and promptly serve a copy on each party, unless the court orders otherwise."). Furthermore, if any party wishes to file an objection to any order, decision or recommendation issued by the Special Master shall file those objections in the form of a Motion for Review of Special Master's Order no later than 14 days from the date of issuance of the Special Master's order, decision and/or recommendation. The Motion for Review must be filed and noticed for the first available hearing date on the court's calendar and the briefing on the Motion for Review shall be filed in accordance with the hearing date unless otherwise ordered by the court. Failure to file a motion for review within 14 days shall constitute a waiver of all objections to the Special Master's order. The court will not consider any legal arguments or evidence that were not presented to the Special Master. In considering any motion for review, the court will apply the standard of review set forth in Rule 53(f).
- 8) The Settlement Special Master shall not have the authority to: a) conduct any pretrial or trial proceedings, except for conferences as the Settlement Special Master deems necessary for purposes of administering and managing the settlement process; b) sanction any party; or c) conduct evidentiary hearings.

9) The Settlement Special Master shall be bound by confidentiality of the settlement discussions, which shall include any papers submitted to the Settlement Special Master as part of the settlement negotiations. Confidential documents shall not be filed with the Court.

DATED: _____

Hon. James R. Cho
United States Magistrate Judge