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1 UNITED STATES DISTRICT COURT
2 CENTRAL DISTRICT OF CALIFORNIA

3
4 IN RE: TOYOTA MOTOR CORP.
5 UNINTENDED ACCELERATION
6 MARKETING, SALES PRACTICES, AND
7 PRODUCTS LIABILITY LITIGATION

Case No.: 8:10ML2151 JVS (FMOx)
**JOINT ORDER RE: CONTACT WITH
PUTATIVE CLASS MEMBERS**

8 This document relates to:
9 ALL CASES

10 WHEREAS, on January 19, 2011, the Court entered the First Amended
11 Stipulated Protective Order [Dkt. No. 627], which incorporated certain provisions of
12 the Stipulated Interim Protective Order re: Personally Identifiable Information (“PII
13 Order”) [Dkt. No. 276] pertaining to contact with individuals identified in PII
14 produced by Toyota;

15 WHEREAS, the PII Order previously entered by the Court contemplated the
16 entry of a further Order dealing with communications with absent putative class
17 members;

18 WHEREAS, counsel for both parties wish to implement a procedure for
19 contacting absent putative class members to protect against putative class members
20 being inappropriately influenced or subjected to harassment;

21 Accordingly, IT IS HEREBY ORDERED that the terms and conditions of this
22 Order shall govern contact with absent putative class members by Plaintiffs’ counsel,
23 Toyota’s counsel, and those acting on their behalf:

24 1. **Contact Permitted By Both Sides:** Plaintiffs’ Counsel, Toyota’s
25 Counsel, and those acting on their behalf shall be permitted to initiate informal oral
26 communications with any putative class member who is not already represented by
27 counsel, regardless of whether their identities are discovered through Toyota’s records
28 or otherwise, and regardless of whether they claim to have experienced UA, if the

1 procedures set forth below are followed.

2 **2. Script to Be Read to Putative Class Members:** Prior to speaking with
3 putative class members, Plaintiffs' Counsel, Toyota's Counsel, and their
4 representatives shall read a "script," attached as Exhibit A, that will inform the
5 individual:

6 a. That litigation has been commenced against Toyota regarding UA;

7 b. That the caller is contacting the individual on behalf of [plaintiffs or
8 Toyota];

9 c. That the individual does not have any obligation to speak with the
10 caller;

11 d. That the individual is free to end the conversation at any time;

12 e. That a toll-free number has been set up to allow class members to
13 opt-out of receiving unsolicited communications concerning this litigation or to
14 report harassment; and

15 f. [For putative class members whose contact information was gained
16 through PII produced by Toyota in this litigation:] that Toyota was required to
17 produce the individual's PII by Court order.

18 **3. Toll-Free Line to Report Harassment:** The parties shall set up a toll-
19 free number administered by a neutral third party that putative class members can call
20 to report harassment or to opt-out of receiving unsolicited contact concerning this
21 litigation. The cost of administering the toll-free number shall be shared by the
22 parties.

23 **4. Disclosure of Putative Class Member Contact and Depositions:** In the
24 event that either side intends to rely upon testimony from a putative class member in
25 support of their class certification briefing or at trial, the party shall notify the other
26 side of their intent and identify such individual(s) no later than May 15, 2012. The
27 other side will then be permitted to depose such individual(s).
28

1 5. **No Disruption of Business Operations:** This Order shall not prevent
2 Toyota or its dealers from acting in the normal course of their business or in any way
3 alter Toyota's normal continuing business operations. Nor shall this Order in any way
4 limit Toyota or Toyota's counsel's ability to communicate with authorized Toyota
5 dealers or Toyota employees and similar persons who are not exclusively customers of
6 Toyota.

7 6. **No Solicitation:** The parties shall not contact putative class members for
8 the purpose of soliciting clients to represent in this litigation.

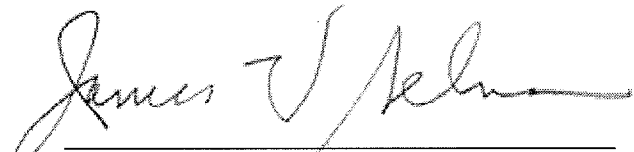
9 7. **Applicability of Other Orders:** The First Amended Stipulated
10 Protective Order [Dkt. 627] and the Stipulated Interim Protective Order re: Personally
11 Identifiable Information [Dkt. 276] are hereby amended to the extent necessary to
12 allow putative class member contact as set forth herein.

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14 Dated: February 03, 2012

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James V. Selna
United States District Judge

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Dated: January 31, 2012

Respectfully submitted,

By: _____/s/
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1 Dated: January 31, 2012

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EXHIBIT A: Telephone Script

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Litigation has been commenced against Toyota, in which plaintiffs allege that Toyota and Lexus vehicles may be subject to unintended acceleration. I am contacting you on behalf of [plaintiffs/Toyota].

*[For customers contacted as a result of PII found in Toyota's records:]
Before we speak further, I am required to advise you that, as part of this litigation, Toyota has been required to provide plaintiffs' counsel with records kept by Toyota that concern information or complaints you provided to Toyota when you contacted Toyota's customer call center about your vehicle or when you brought your vehicle to an authorized Toyota or Lexus dealership for service. Before providing these records to plaintiffs' counsel, Toyota removed identifying information to the extent permitted by the Court. However, Toyota was required to provide these records to plaintiffs' counsel without removing certain identifying information about you, including your name, address, telephone number, and vehicle identification number.*

I am also required to advise you that you do not have any obligation to speak with me and you have a right to end this conversation at any time.

Additionally, if you would like to ensure that you do not receive any further unsolicited contact related to this litigation, or if you would like to report harassing or abusive phone calls, a toll-free line has been set that will allow you to opt out of receiving unsolicited calls concerning this litigation. That number is: 1-800-xxx-xxxx.

Are you willing to speak with me concerning your Toyota/Lexus vehicle?