

# **EXHIBIT B**

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
SOUTHERN DIVISION

JOYCE WALKER, KIM BRUCE  
HOWLETT, and MURIEL SPOONER on  
behalf of themselves and all others  
similarly situated,

Plaintiffs,

vs.

LIFE INSURANCE COMPANY OF THE  
SOUTHWEST, a Texas corporation, and  
DOES 1-50,

Defendant.

Case No.: 10-09198 JVS(RNBx)

**[PROPOSED] ORDER RE: CONTACTS  
WITH CLASS MEMBERS**

[PROPOSED] ORDER RE: CONTACTS WITH CLASS MEMBERS

WHEREAS, on ~~January 19,~~ September 27, 2011, the Court entered the ~~First~~ Second Amended-Stipulated Protective Order [Dkt. No. 627], which incorporated certain provisions of the Stipulated Interim Protective Order re: Personally Identifiable Information (“PII Order”) [Dkt. No. 276] pertaining to contact with individuals identified in PII produced by Toyota; WHEREAS, the PII Order previously entered by the Court contemplated the entry of a further Order dealing with communications with absent putative class members [03], pertaining to confidential information produced by the parties;

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

Accordingly, IT IS HEREBY ORDERED that the terms and conditions of this Order shall govern contact with absent putative class members by Plaintiffs’ counsel, ~~Toyota~~ Life Insurance Company of the Southwest (“LSW”)’s counsel, and those acting on their behalf:

1. Contact Permitted By Both Sides: Plaintiffs’ Counsel, ~~Toyota~~ LSW’s Counsel, and those acting on their behalf shall be permitted to initiate informal oral

communications with any putative class member who is not already represented by counsel, regardless of whether their identities are discovered through FoyotaLSW's records or otherwise, ~~and regardless of whether they claim to have experienced UA~~, if the procedures set forth below are followed.

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

a. That litigation has been commenced against FoyotaLSW regarding UA~~certains of its equity-indexed universal life policies~~;

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

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

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

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

f. [For putative class members whose contact information was gained through PH~~personal identifying information~~ produced by FoyotaLSW in this litigation:] that FoyotaLSW was required to produce the individual's PH~~personal identifying information~~ by Court order.

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

4. Disclosure of Putative Class Member Contact and Depositions: In the event that either side intends to rely upon testimony from a putative class member in support of their class certification briefing or at trial, the party shall notify the other side of their intent and identify such individual(s) no later than ~~May 15,~~April 30, 2012. The other side will then be permitted to depose such individual(s).

5. No Contact with Minors: The parties shall not contact any person that they know or reasonably ought to know to be under the age of eighteen at the time that the contact occurs.

6. No Contact with Policyholders Who Are Not Class Members: Plaintiffs shall not contact any LSW policyholder who is not a member of the putative class. For greater certainty, this includes any individual who is an insured but who is not also a policy owner as well as any individual whose policy was issued before September 24, 2006.

7. No Disruption of Business Operations: This Order shall not prevent ToyotaLSW or its dealersagents from acting in the normal course of their business or in any way alter ToyotaLSW's normal continuing business operations. Nor shall this Order in any way limit ToyotaLSW or ToyotaLSW's counsel's ability to communicate with authorized Toyota-dealersLSW agents or ToyotaLSW employees and similar persons who are not exclusively customers of ToyotaLSW.

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

~~7.~~9. Applicability of Other Orders: The FirstSecond Amended Stipulated Protective Order [Dkt. 627] and the Stipulated Interim Protective Order re: Personally Identifiable Information [Dkt. 276] are 103] is hereby amended to the extent necessary to allow putative class member contact as set forth herein.

IT IS SO ORDERED.

Dated: \_\_\_\_\_

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James V. Selna  
United States District Judge

**EXHIBIT A: Telephone Script**

Litigation has been commenced against ~~Toyota~~Life Insurance Company of the Southwest, in which plaintiffs allege that ~~Toyota and Lexus vehicles may be subject to unintended acceleration~~LSW SecurePlus Paragon and SecurePlus Provider policies contain inadequate disclosures. I am contacting you on behalf of [~~plaintiffs/Toyota~~LSW].

[For customers contacted as a result of ~~PH~~personal identifying information found in ~~Toyota~~LSW's records:]

Before we speak further, I am required to advise you that, as part of this litigation, ~~Toyota~~LSW has been required to provide plaintiffs' counsel with records kept by ~~Toyota~~LSW 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~~you provided to LSW when you applied for your policy or when you purchased your policy. LSW did not provide any medical records or underwriting materials. All material provided by LSW was subject to a confidentiality order. However, LSW 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~~policy 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-xxxxxxx.

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

Document comparison by Workshare Professional on Thursday, March 01, 2012  
6:21:10 PM

Input:	
Document 1 ID	file://C:/Documents and Settings/25924/Desktop/1 toyota order.DOC
Description	1 toyota order
Document 2 ID	file://C:/Documents and Settings/25924/Desktop/2 modified order.DOC
Description	2 modified order
Rendering set	standard

Legend:	
<u>Insertion</u>	
<del>Deletion</del>	
<del>Moved from</del>	
<u>Moved to</u>	
Style change	
Format change	
<del>Moved deletion</del>	
Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:	
	Count
Insertions	41
Deletions	42
Moved from	0
Moved to	0
Style change	0
Format changed	0
Total changes	83