

OUTCOME DETAILS

**Supreme Court - Civil
at Supreme Court Sydney
on 8 December 2021**

2017/00340824-001 / Statement of Claim: Louise Haselhurst v Toyota Motor Corporation Australia Limited trading as Toyota Australia

HH makes orders in terms of the Proposed Minutes of Order initialled and dated today's date.

The Court notes that:

(A) In these orders:

“Administration Costs” means the costs of the Administrator incurred in the administration of the Registration and the Settlement Scheme payable from the total settlement sum.

“Affected Group Members” means those Group Members:

(i) for whom the Settlement Administrator holds email addresses pursuant to Orders 8, 9 and 19 of the orders made on 13 September 2021; and

(ii) does not include those Group Members:

1. where Epiq is able to identify that they were initially able to register because their email address can be matched to a VIN that was on the Claims Database as at 18 October 2021; or
2. who have opted out of the proceedings; or
3. whose email has returned as “undeliverable” to the Administrator; or
4. who have advised the Administrator that they do not wish to be contacted further in relation to the proceedings.

“Affected PRA 2020/18579 Group Members” means those Group Members:

(i) for whom the Settlement Administrator holds email addresses pursuant to Order 9 of the orders made on 13 September 2021 and has been identified as a PRA 2020/18579 Group Member by the Defendant; and

(ii) does not include those Group Members who have:

1. opted out of the proceedings; or
2. whose email has returned as “undeliverable” to the Administrator.

“Claims Database” means the confidential database established by the Administrator for the management of the Contact Data, NEVDIS Data, VIN List and any data provided for the purposes of facilitating the registration of eligible Group Members

"The Act" means the Civil Procedure Act 2005 (NSW).

Settlement administrator

1 By no later than 5 business days prior to the distribution of notices referred to in orders 4 to 8 below, Epiq in its capacity as the Settlement Administrator is to confirm in writing to the Plaintiffs and Defendants that it has uploaded to the Settlement Website all 2,108,428 VINs in the form provided to Epiq by the Defendants on 21 October 2021 (and as contained in Annexure 1 to the Deed of Release and Settlement dated 19 August 2021) for the purpose of determining preliminary eligibility of Group Members.

Supplementary notification of proposed settlement

2 The form and content of:

- (a) the email to Affected Group Members set out at Annexure A to these orders (Supplementary Email Notice);
- (b) the email to Affected PRA 2020/18579 Group Members set out at Annexure B to these orders (Supplementary ATGM Email); and
- (c) the notice set out at Annexure C to these orders (Supplementary Newspaper Notice),

are approved for the purposes of sections 175(4) and 176(1) of the Act (Supplementary Notices).

Distribution of Supplementary Notices

3 Pursuant to section 176(2) of the Act, notice is to be provided to Group Members in accordance with the procedures set out in orders 4 to 8 below.

4 Orders 7(a) and (b) of the orders made on 13 September 2021 be varied to so as to include, by [13] December 2021, the following additional text to accompany the link on the Australian domain of the Defendants' public websites and the Australian Facebook pages belonging to the Defendants:

IMPORTANT NOTE: If you tried to register to participate in the Takata Airbag Class Action Settlement at www.airbagclassaction.com between 10:00 am AEDT, 18 October 2021 and 10:00 am (AEDT), 27 October 2021, you may have incorrectly received a "Not Eligible" notification. This is because a number of VINs were inadvertently omitted from the Settlement Website. This issue was rectified on 27 October 2021.

If you received a "Not Eligible" notification during this period, please revisit the Settlement Website (www.airbagclassaction.com) and try to register again. Please make sure that you have entered your VIN correctly. If you have more than one vehicle, please enter each VIN individually.

If you have any difficulties with registering, please email the Settlement Administrator at info@airbagclassaction.com.

5 The solicitors for the Plaintiffs are to instruct Epiq that by no later than [13] December 2021, the following text is to be made visible in a prominent location of the landing page of the Settlement Website (as defined in the orders made on 13 September 2021):

IMPORTANT NOTE: If you tried to register to participate in the proposed settlement between 10:00 am AEDT, 18 October 2021 and 10:00 am (AEDT), 27 October 2021, you may have incorrectly received a "Not Eligible" notification. This is because a number of VINs were inadvertently omitted from the website. This issue was rectified on 27 October 2021.

If you received a "Not Eligible" notification during this period, please try to register again. Please make sure that you have entered your VIN correctly. If you have more than one vehicle, please enter each VIN individually.

If you have any difficulties with registering, please email the Settlement Administrator at info@airbagclassaction.com.

6 The solicitors for the Plaintiffs are to instruct Epiq, in the week commencing [13] December 2021, to send the:

(a) Supplementary Email Notice to each Affected Group Member for whom an email address has been provided pursuant to Orders 8, 9 and 19 of the orders made on 13 September 2021; and

(b) Supplementary ATGM Email Notice to each Affected PRA 2020/18579 Group Members for whom an email address has been provided in excel spreadsheet entitled 'ATGM Group members email addresses.xlsx' pursuant to Order 9 of the orders made on 13 September 2021.

7 The solicitors for the Plaintiffs are to instruct Epiq, in the week commencing [13] December 2021, to promptly provide written confirmation to the parties of the following:

(a) Confirmation that it has sent the Supplementary Email Notice to Affected Group Members and the date (or dates) the Supplementary Email Notices was (or were) sent; and

(b) Confirmation that it has sent the Supplementary ATGM Email Notice to the Affected PRA 2020/18579 Group Members and the date the Supplementary ATGM Email Notices was sent.

8 The solicitors for the Plaintiffs will, in the week commencing [13] December 2021, cause a copy of the Supplementary Newspaper Notice to be published in a weekday edition of the following newspapers:

- (a) The West Australian;
- (b) The Advertiser;
- (c) The Age;
- (d) The Mercury;
- (e) The Sydney Morning Herald;
- (f) The Canberra Times;
- (g) Courier Mail; and
- (h) Northern Territory News.

9 The costs of and incidental to orders 5 to 8 above will form part of the Administration Costs to be approved by the Court.

10 Order 37 of the orders made on 13 September 2021 is varied, such that the 4:00 pm AEDT on 18 February 2022 is fixed as the ATGM Opt-Out Deadline.

11 By [13] December 2021, the solicitors for the Plaintiff are to amend the version of the ATGM Notice published on the Settlement Website and the Court Website, to amend any references to the ATGM Opt-Out Deadline from "17 January 2022" to "18 February 2022".

12 Order 41 of the orders made on 13 September 2021 is varied such that notice to PRA 2020/18579 Group Members be given by:

- (a) order 10 of the orders made 13 September 2021; and

(b) the sending of the Supplementary ATGM Email Notice as described at order 6(b) of these orders.

Data protection

13 Epiq must not use the VINs for any purpose other than for the purposes of complying with these orders.

Miscellaneous

14 By no later than [13] December 2021, the solicitors for the Plaintiffs are to provide Epiq with a copy of these orders.

15 Liberty to apply on three days' notice.

ANNEXURE A Supplementary Email Notice

[**To be sent to AFFECTED GROUP MEMBERS with the following email subject line
IMPORTANT UPDATE: Takata Airbags Class Actions – Settlement Website]

Dear Sir/Madam

IMPORTANT UPDATE: Takata Airbags Class Actions –Settlement Website

We have previously written to you about the proposed settlement of the Takata Airbag Class Actions. You are receiving this follow up email because the Settlement Website (www.airbagclassaction.com) was affected by a temporary error.

If you tried to register to participate in the proposed settlement between 10:00 am (AEDT) on 18 October 2021 and 10:00 am (AEDT) on 27 October 2021, you may have incorrectly received a 'Not Eligible' notification which said that you are not eligible to participate. This issue arose because a number of VINs were inadvertently omitted from the Settlement Website. This issue was rectified on 27 October 2021.

PLEASE TRY TO REGISTER AGAIN before 4:00 pm AEDT on 18 February 2022. Please make sure to enter the VIN correctly. If you have more than one vehicle, each VIN must be entered separately. If you have any difficulties registering, please contact the Settlement Administrator at info@airbagclassaction.com.

If you have successfully registered on the Settlement Website (www.airbagclassaction.com), or submitted an objection, please ignore this email.

If you have not yet registered, but would like to do so please visit the Settlement Website (www.airbagclassaction.com).

IMPORTANT NOTE: The deadline to register for a settlement payment is 4:00 pm AEDT on 18 February 2022. Group Members are also entitled to object to the terms of settlement. The deadline to object is 4:00 pm AEDT on 18 February 2022.

To view the court-approved settlement notices please visit:
www.airbagclassaction.com/Home/Notices

This communication has been made pursuant to Court orders available here: [insert]

ANNEXURE B
ATGM Email Notice

[**To be sent to ATGM GROUP MEMBERS in excel spreadsheet 'ATGM Group members email addresses.xlsx' with the following email subject line IMPORTANT UPDATE: Takata Airbags Class Actions – Settlement Website]

Dear Sir/Madam

IMPORTANT UPDATE: Takata Airbags Class Actions – Proposed Settlement

We have previously written to you about the proposed settlement of a Takata Airbag Class Action against Toyota. You are receiving this email because you may have owned or leased a Toyota Corolla vehicle (Model Years 2003-2005) affected by recall notice PRA 2020/18579 issued in September 2020, and:

- you may not have been aware of information concerning your “opt out” rights in that class action; and/or
- you may have been affected by an error with the settlement website when you tried to register for the settlement of that class action.

Opt out

You may have seen a public notice issued in May 2020 in relation to the Takata Airbag Class action which did not identify you as a group member. However, in September 2020 recall notice PRA 2020/18579 was issued concerning Takata Airbags in certain Toyota Corolla vehicles (Model Years 2005-2005). Owners or lessees of these Toyota Corolla vehicles may be Group Members in the Takata Airbag Class Action.

Owners or lessees of these vehicles should read the Settlement and Opt Out notice available at www.airbagclassaction.com/Content/Documents/ATGM%20Notice.pdf, to determine whether you are a Group Member and to consider your rights, including your right to opt out of the class action (see section 7 of the notice).

[Please note that the deadline to opt out of the Toyota Proceedings if you are affected by this issue has now been extended from 17 January 2022 to 18 February 2022.]

Registration

Your ability to register for the settlement in this class action may also have been affected by a temporary error on the Settlement Website (www.airbagclassaction.com). If you tried to register to participate in the proposed settlement between 10:00 am (AEDT) on 18 October 2021 and 10:00 am (AEDT) on 27 October 2021, you may have incorrectly received a 'Not Eligible' notification which said that you are not eligible to participate. This issue arose because a number of VINs were inadvertently omitted from the Settlement Website. This issue was rectified on 27 October 2021.

PLEASE TRY TO REGISTER AGAIN before 4:00 pm AEDT on 18 February 2022. Please make sure to enter the VIN correctly. If you have more than one vehicle, each VIN must be entered separately. If you have any difficulties registering, please contact the Settlement Administrator at info@airbagclassaction.com.

If you do not wish to opt out of these proceedings and you have already successfully registered on the Settlement Website (www.airbagclassaction.com), or submitted an objection, please ignore this email.

IMPORTANT NOTE: The deadline to register for a settlement payment is 4:00 pm AEDT on 18 February 2022. Group Members are also entitled to object to the terms of settlement. The deadline to object is 4:00 pm AEDT on 18 February 2022.

If you have any questions about the Settlement and Opt out Notice, or the Proposed Settlement, please contact the Settlement Administrator at info@airbagclassactions.com, or Quinn Emanuel at takata@quinnemanuel.com.

This communication has been made pursuant to Court orders available here: [insert]

ANNEXURE C Newspaper Advertisement

Takata Airbag Class Actions – Update to the Settlement Website

The Supreme Court of New South Wales has ordered that this notice be published to notify Group Members of important information in relation to the proposed settlement of the Takata Airbag Class Actions. The Takata Airbag Class Actions refers to six separate proceedings that were commenced on behalf of consumers in relation to approximately 2 million Toyota, Lexus, Subaru, Honda, BMW, Nissan and Mazda branded vehicles affected by the Takata airbag recalls.

IMPORTANT NOTE: If you tried to register to participate in the proposed settlement between 10:00am (AEDT) on 18 October 2021 and 10:00 am (AEDT) on 27 October 2021, you may have incorrectly received a 'Not Eligible' notification which said that you are not eligible to participate. This issue arose because a number of VINs were inadvertently omitted from the Settlement Website. This issue was rectified on 27 October 2021.

PLEASE TRY TO REGISTER AGAIN before 4:00 pm AEDT on 18 February 2022. Please make sure to enter the VIN correctly. If you have more than one vehicle, each VIN must be entered separately. If you have any difficulties registering, please contact the Settlement Administrator at info@airbagclassaction.com.

If you have successfully registered on the Settlement Website (www.airbagclassaction.com), or submitted an objection, please ignore this notice.

If you have not yet registered, but would like to do so please visit the Settlement Website (www.airbagclassaction.com).

Please Note: The deadline to register for a settlement payment is 4:00 pm AEDT on 18 February 2022. Group Members are also entitled to object to the terms of settlement. The deadline to object is 4:00 pm AEDT on 18 February 2022.

To view the court-approved settlement notices, please visit:
www.airbagclassaction.com/Home/Notices

Note 1: If you owned or leased a Toyota Corolla vehicle (Model Years 2003-2005) affected by recall notice PRA 2020/18579 issued in September 2020, then you should also visit the Settlement and Opt Out Notice at www.airbagclassaction.com/Content/Documents/ATGM%20Notice.pdf

Justice M Ball

Signed

Date