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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

CARLOS COLLADO, et al.

Case Nos. 2:10-cv-3113-R-RC  
2:10-cv-03124-R-SS

v.

TOYOTA MOTOR SALES, U.S.A., INC.

**~~PROPOSED~~ ORDER CERTIFYING  
SETTLEMENT CLASS AND  
DIRECTING DISSEMINATION OF  
CLASS NOTICE**

ELLIOT FIXLER

Date: January 10, 2011

Time: 10:00 a.m.

v.

Judge: Hon. Manuel L. Real

TOYOTA MOTOR SALES, U.S.A., INC.

1 Plaintiffs' motion for certification of a settlement class and for an order directing  
2 dissemination of class notice came on for hearing on January 10, 2011, at 10:00 a.m.,  
3 before the undersigned. The Court having considered the motion and the parties'  
4 proposed settlement, Plaintiffs' motion is granted as follows:

5 1. The Court certifies the following class for settlement purposes only  
6 pursuant to Rule 23(b)(3) of the Federal Rules of Civil Procedure:

7 All purchasers and/or lessees of any 2006, 2007, 2008, or 2009 model year  
8 Toyota Prius vehicle originally factory equipped with genuine high  
9 intensity discharge ("HID") headlights who reside in the United States.

10 Excluded from the class are all claims for personal injury, property damage, and  
11 subrogation. Also excluded from the class are Toyota Motor Sales, U.S.A. Inc. and  
12 Toyota Motor Corporation; any affiliate, parent, or subsidiary of Toyota Motor Sales,  
13 U.S.A. Inc. or Toyota Motor Corporation; any entity in which Toyota Motor Sales,  
14 U.S.A. Inc. or Toyota Motor Corporation have a controlling interest; any officer,  
15 director, or employee of Toyota Motor Sales, U.S.A. Inc. or Toyota Motor Corporation;  
16 any successor or assign of Toyota or Toyota Motor Corporation; any Judge to whom the  
17 Actions are assigned; anyone who purchased a class vehicle for the purpose of resale,  
18 and any owners or lessees of class vehicles that were not manufactured for export  
19 specifically into the United States.

20 2. The Court finds that, for the purpose of settlement only, the requirements of  
21 Rule 23 of the Federal Rules of Civil Procedure are met by the class. Joinder of all class  
22 members in a single proceeding would be impractical, if not impossible, because of their  
23 numbers and dispersion. Common issues exist among class members and predominate  
24 over questions affecting only individual class members; in particular, each class  
25 member's claims depend on whether the HID headlight system originally installed in  
26 class vehicles suffered from an inherent defect, and arises from Toyota's alleged  
27 concealment of that inherent defect from consumers. Plaintiffs' claims are typical of  
28 those of the class, as Plaintiffs own or owned class vehicles and complain of the same

1 allegedly inherent headlight system defect that forms the basis of all class members'  
2 claims. Plaintiffs and their counsel will fairly and adequately protect the interests of the  
3 class; Plaintiffs have no interests antagonistic to those of the class, and have retained  
4 counsel experienced and competent to prosecute this matter on behalf of the class.  
5 Finally, a class settlement is superior to other available methods for a fair resolution of  
6 the controversy.

7         3. The Court thus appoints Plaintiffs—Carlos Collado, Richard Hock, Bill  
8 Urban, Enrique Cantu, William Askew, James Freeman, Elliot Fixler, Evan Moore, Geri  
9 Kennedy, and James Clifford—to serve as class representatives. Further, pursuant to  
10 Rule 23(g)(1), the Court appoints Plaintiffs' counsel—consisting of Girard Gibbs LLP;  
11 Wasserman, Comden Casselman, & Esensten, LLP; Arias, Ozzello & Gignac LLP;  
12 Initiative Legal Group, APC; and Cohen Milstein Sellers & Toll PLLC—to serve as  
13 class counsel.

14         4. Pursuant to Rule 23(c)(2)(B) and Rule 23(e), the Court orders that the class  
15 be given notice of the pendency of this action and the parties' proposed settlement in a  
16 form substantially similar to that attached hereto as Exhibit 1. The notice shall be sent  
17 by first class mail to all class members who can reasonably be identified from Defendant  
18 Toyota's records. The notice shall be accompanied by a claim form in a form  
19 substantially similar to that attached hereto as Exhibit 2. As set forth in the parties'  
20 Settlement Agreement, Defendant Toyota shall bear all costs associated with providing  
21 class notice.

22         5. The Court has preliminarily reviewed the parties' proposed settlement and  
23 finds that its terms appear sufficiently fair, reasonable, and adequate to warrant  
24 dissemination of notice of the proposed settlement to the class and the scheduling of a  
25 formal fairness hearing. The Court finds that the Settlement Agreement contains no  
26 obvious deficiencies and that the parties entered into the settlement in good faith,  
27 following arm's length negotiation between their respective counsel.

28         6. Toyota shall complete the mailing of class notice no later than February 9,

1 2011.

2 7. The Court sets May 23, 2011, as the deadline for the filing of final approval  
3 and fee application papers.

4 8. The Court sets June 10, 2011, as the deadline for Toyota to provide notice  
5 to each class member who has timely submitted a claim, stating whether the claim was  
6 approved, the amount of the reimbursement, and all other information required by the  
7 Settlement Agreement, including the right to arbitration via the Arbitration Request  
8 Form attached hereto as Exhibit 3.


9 9. The Court sets June 24, 2011, as the deadline by which class members  
10 must: (a) submit their comments or objections to the settlement and/or the Plaintiffs' fee  
11 application; or (b) opt out of the settlement class. The procedures and requirements for  
12 commenting on and objecting to the settlement as well as for opting out of the settlement  
13 class shall be those listed in the notice attached hereto as Exhibit 1.

14 10. The Court sets July 1, 2011, as the deadline for the parties to file any reply  
15 in support of final approval of the proposed settlement and for class counsel to file any  
16 reply in support of the fee application.

17 11. The Court sets July 18, 2011, at 10:00 a.m. as the date and time of the  
18 fairness hearing, at which the Court will consider whether to grant final approval of the  
19 settlement and will entertain any application for attorneys' fees, expenses, and/or  
20 incentive awards.

21  
22 IT IS SO ORDERED.

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25 DATED: Jan. 10, 2011

  
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Hon. Manuel L. Real  
United States District Court Judge