

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA**

**IN RE: TAKATA AIRBAG PRODUCTS  
LIABILITY LITIGATION**

**Case No. 1:15-md-02599-FAM**

**THIS DOCUMENT RELATES TO:  
ECONOMIC LOSS TRACK CASES AGAINST  
BMW, FORD, HONDA, MAZDA, NISSAN,  
SUBARU, AND TOYOTA DEFENDANTS**

**REPORT BY THE SETTLEMENT SPECIAL ADMINISTRATOR ON THE  
IMPLEMENTATION OF THE OUTREACH PROGRAMS PURSUANT TO THE BMW,  
FORD, HONDA, MAZDA, NISSAN, SUBARU, AND TOYOTA SETTLEMENT  
AGREEMENTS**

**STATUS REPORT NO. 11 FILED OCTOBER 20, 2020**

The Settlement Special Administrator of the BMW, Ford, Honda, Mazda, Nissan, Subaru, and Toyota Settlement Agreements (collectively, the “Settlement Agreements”) submits this Report to the Court to provide information and insight as to the ongoing efforts of the Outreach Programs under the Settlement Agreements<sup>1</sup>.

As explained in further detail below, the Outreach Programs have been designed through discussion with the Parties, the National Highway Traffic Safety Administration, and the Independent Monitor of the Takata recalls to utilize techniques and approaches not previously applied in the recall industry, with a focus on personalized, targeted direct campaigns aimed at increasing the volume of outreach attempts per consumer via traditional and non-traditional channels with the goal of maximizing the recall remedy completion rate to the extent practicable given the applicable provisions of the Settlement Agreements. Consistent with this, the Settlement

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<sup>1</sup> The data and information contained in this report is generally as of September 2020.

Special Administrator and Outreach Program vendors regularly confer and communicate with the automobile manufacturers to coordinate concerted efforts to ensure that outreach to affected vehicle owners is conducted as efficiently and as effectively as possible and to continually improve the overall process.

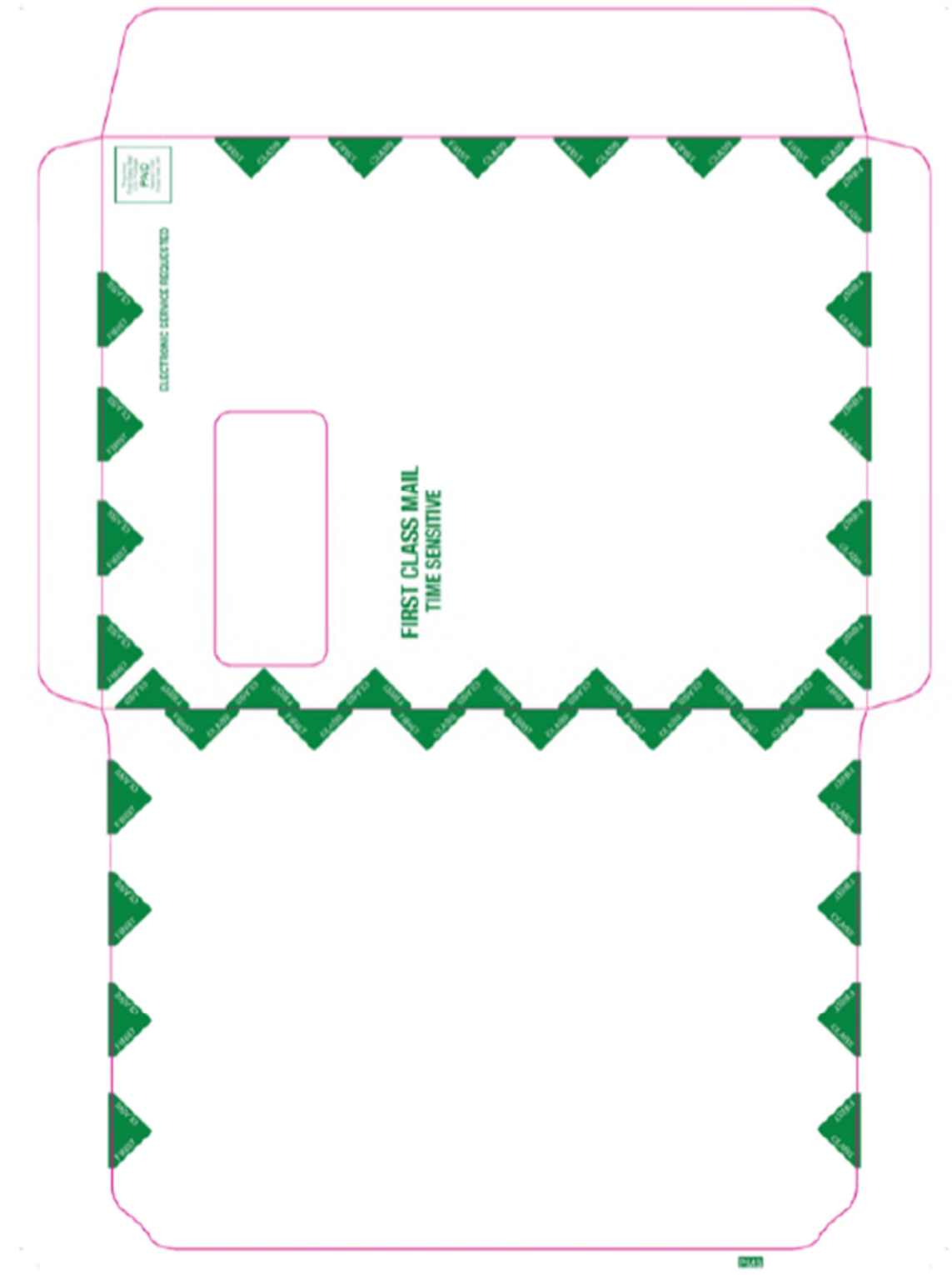
**1. Direct Outreach**

a. Current and Future Campaigns in Direct Outreach to Affected Consumers


As inbound response rates for consumers to schedule repair appointments have returned to pre-COVID 19 levels, the Settlement Special Administrator and Outreach Program vendors have ramped back up to normal outreach levels using normal channels as of June and July. The Settlement Special Administrator and Outreach Program vendors have also begun contacting owners of vehicles in Priority Groups 11 and 12, for which “like for like” or temporary inflator remedies had previously been performed and for which final remedies are now occurring.

In addition to the various initiatives described in prior Reports (*e.g.*, the Commercial Vehicle and Concierge Service Programs, the use of “QR codes” in outreach pieces, including a reminder card with mail outreach, and introduction of the “hand raiser” campaign), the Settlement Special Administrator and Outreach Program vendors are continuing to roll out unique outreach approaches and tests into the Fall of 2020, including, for example, a new specialized campaign whereby vehicle owners will be sent a large, official-looking 9 inch by 12 inch envelope containing both a letter from a personal call center agent as well as that call center agent’s business card. The purpose of the large, specialized envelope is to draw the recipient’s attention to it in the clutter of the mail. The personalized agent letter and card then reinforce the importance of the recall as though the letter was sent to the recipient from a specific call center agent.

Example Envelope:



Example Letter:



**AIRBAG RECALL  
PERSONAL AGENT PROGRAM**

[NAME]  
[ADDRESS]

[DATE]  
RECALL ID: [XXXX-XXX]  
LAST 8 OF VIN:  
\*\*\*\*\*[XXXXXXXX]

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Dear [First and Last Name],

My name is Kerri Smith and I'm part of the Personal Agent team here to help you schedule your **FREE** airbag safety recall repair. A defective part inside the airbag of your **[Year] [Model]** could explode, causing **SERIOUS INJURY**, even **DEATH**. Although the process for getting your repair is quick, **FREE** and easy, we are here to:

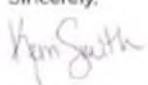
- Schedule your **FREE** airbag safety recall repair appointment at a time that works for your schedule at your preferred dealer
- Help arrange **FREE** alternate transportation for the day of your **FREE** airbag safety recall repair
- Get your vehicle to the dealer
- Call or email you reminders in advance of the appointment, if scheduling online

I am ready today to assist you. **Please call me at your earliest convenience at [XXX-XXX-XXXX]**. If you no longer own this vehicle or believe you have already acted on this recall, call to let me know so that I can remove you from further communications regarding this airbag safety recall repair.


Finally, please note that both this personal service and the airbag safety recall repair are **FREE**.

I look forward to connecting and helping you with this urgent safety matter.

Sincerely,



Kerri Smith  
Recall Personal Agent  
[XXX-XXX-XXXX]  
Or text "Fix" to [XXX-XXX-XXXX]



[Agent Name]  
Airbag Recall Business Agent  
[XXX-XXX-XXXX]  
[Email Address]  
Text "Fix" to [XXX-XXX-XXXX]  
Let me help you schedule your **FREE** recall repair.

SAFEAIRBAGS.COM

Additionally, the Settlement Special Administrator and Outreach Program vendors are introducing “mob mentality” themed creative assets. These pieces are intended to highlight the significant percentage of vehicles for which the recall remedy has been performed. In doing so, the recipient who has not yet done so finds his or her inaction with respect to the recall to be inconsistent with the “mob”, thereby hopefully spurring action to be in conformity with the majority of individuals who have had the remedy performed.

b. Continued Efforts with State Departments

As reported, the Settlement Special Administrator, the automobile manufacturers, and the Independent Monitor for the Takata recalls have engaged various state departments to endorse the deployment of letters on behalf of their respective states to inform affected citizens of the Takata inflator recall and its severity, as well as to provide information on how to have the recall repair completed. In addition to the states in which these letters have previously been mailed<sup>2</sup>, letters for the States of Michigan and Tennessee were recently mailed, and similar letters are anticipated to be mailed in the coming months in Florida and Vermont. The Settlement Special Administrator, the automobile manufacturers, and the Independent Monitor for the Takata recalls continue to contact state departments to seek their cooperation in this valuable and effective effort.

c. Overall Deployment and Response

A total of 315,876,917 outbound deployments have been made by the Settlement Special Administrator and Outreach Program vendors to affected consumers. These deployments are broken out by primary channels below:

| <u>Channel</u>     | <u>Volume</u> | <u>Total Appointments</u> |
|--------------------|---------------|---------------------------|
| Direct Mail Pieces | 111,071,831   | 1,239,415                 |

<sup>2</sup> Louisiana, Michigan, New York, Mississippi, Alabama, Kentucky, Wisconsin, Minnesota, North Carolina, Virginia, Arkansas, Florida, Georgia, Pennsylvania, South Carolina, Ohio and Nebraska.

|  |            |                 |
|--|------------|-----------------|
| Emails                                     | 73,645,291 | 44,280          |
| Outbound Calls                             | 34,816,393 | 369,638         |
| Digital <sup>3</sup> /Facebook Impressions | 96,343,402 | 76 <sup>4</sup> |

d. Overall Results

The Settlement Special Administrator and Outreach Program vendors have performed a total of 1,729,169 appointments and “warm transfers” to allow consumers to schedule appointments directly with dealers, and 7,169,054 recall remedies have been completed since the transition of outreach to the Settlement Special Administrator and Outreach Program vendors<sup>5</sup>.

**2. Additional Activities and Efforts**

In ongoing consultation with the Parties, the National Highway Traffic Safety Administration, and the Independent Monitor of the Takata recalls, the Settlement Special Administrator has also undertaken several other activities to be performed in addition to and in conjunction with direct outreach to consumers.

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<sup>3</sup> In May 2020, the Settlement Special Administrator and Outreach Program vendors began to deploy Digital campaigns on platforms other than Facebook. The volume of impressions placed on these other Digital platforms outnumbered and will continue to outnumber those on Facebook on a monthly basis, thus significantly raising the volume count for this Outreach method for the foreseeable future.

<sup>4</sup> Social media deployment such as Facebook is an extremely low-cost channel used primarily to maintain consumer awareness and a social presence to support other outreach activities which more regularly result in appointments and repairs, such as direct mail and outbound phone calls. Of note, the number of Appointments from the Digital/Facebook channels provided on this Status Report dropped by 15 from the prior Status Report. This is a result of attribution logic updates to the Outreach Program database, which the Settlement Special Administrator and Outreach Program vendors regularly monitor in order to most accurately determine which channels are resulting in appointments and repairs.

<sup>5</sup> Considering the significant efforts put forth towards indirect outreach methods such as mass media and public relations-type activities, Status Reports now provide the total number of recall remedies performed, irrespective of whether direct outreach had been performed on a vehicle. As previously mentioned, consumers often schedule repair appointments directly with their local dealerships rather than by calling the Outreach Programs’ call center to do so. As such, the total recall remedy completion count presented herein cannot be attributed solely to those direct activities conducted by the Settlement Special Administrator and Outreach Program vendors and exceeds the number of appointments and “warm transfers” set by Outreach Program vendors. This is also consistent with the fact that each automobile manufacturer continues significant and extensive outreach efforts beyond those activities performed by the Settlement Special Administrator in the Outreach Programs under the Settlement Agreements.

In terms of earned media, the Settlement Special Administrator and Outreach Program vendors have continued deploying public relations materials to news outlets throughout the areas mentioned in prior Status Reports. In total as of September 2020, B-roll news footage has run 1,530 times across over 30 states; the news syndicate press releases have run in 215 publications across 20 states; and 56 print/online stories have been generated across United States. The Settlement Special Administrator's public relations team plans to continue to focus its activities on Zone A and B states going forward, in addition to target states in which DMV-type letters are being deployed in order to bolster the legitimacy and effectiveness of those communications.

### **3. Conclusion**

The Settlement Special Administrator offers this Report to ensure that the Court is informed of the status of the Outreach Programs to date. If the Court would find additional information helpful, the Settlement Special Administrator stands ready to provide it at the Court's convenience.

/s/ Patrick A. Juneau

PATRICK A. JUNEAU  
Settlement Special Administrator

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that, on October 20, 2020 I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify the foregoing document is being served this day on all counsel of record via transmission of Notice of Electronic Filing generated by CM/ECF.

/s/ Matthew P. Weinshall

Matthew P. Weinshall