

**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. 13 FILED APRIL 26, 2021**

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 the mid Q1 2021.

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 the Outreach Program progresses, the overall remedy count continues to climb as more and more consumers have their vehicles repaired. However, as a corollary to this, the vehicles for which the recall remedy has not been completed become more and more difficult to locate, and their owners become more and more difficult to identify. This in turn means that each incremental remedy costs incrementally more to attain.

In order to combat this, the Settlement Special Administrator and Outreach Program vendors are engaging various data append providers to help locate affected vehicles and their owners. For example, the Settlement Special Administrator and Outreach Program vendors are contracting with data providers who can spot vehicles affected by the Takata recall on the road and provide that location by latitude and longitude coordinates. Using this information, the Outreach Program can essentially corroborate the addresses being utilized for outreach by comparing them to the geographical vicinity where the vehicles were regularly sighted, thereby identifying addresses to which outreach will most likely result in a response and therefore a remedy. In this way, the Settlement Special Administrator and Outreach Program vendors can best utilize the funds under the settlement agreements to maximize recall remedies to the extent practicable.

In conjunction with these data strategies, the Settlement Special Administrator and

Outreach Program vendors are undertaking several unique outreach techniques to urge consumers to have their affected vehicles remedied. As mentioned, the above-referenced vendors have the capability to identify affected vehicles on the road and to provide that location information to the Outreach Program. Additionally, however, when an affected vehicle is spotted on the road, in a parking lot for example, those vendors will place a recall notification on the vehicle to inform the driver of the outstanding Takata recall with instructions for how to schedule an appointment to have the remedy performed. This is beneficial because the notification will reach the driver irrespective of the accuracy of the name and address data associated with that vehicle which the Outreach Program would have used for purposes of mailings.

Example:



Additionally, the Settlement Special Administrator and Outreach Program vendors are developing outreach pieces centered around “Frequently Asked Questions” about the Takata recall, in the hopes of dispelling various myths of the recall and the remedy process to overcome various hurdles or objections that frequently impede consumers from having their vehicles repaired. These mailers will also include “jellybean” pictures of the make and model of the vehicle belonging to the recipient, thereby personalizing each letter to add to the legitimacy of the recall and the call to action.

Lastly, the flood of telemarketers has made outreach by outbound phone call extremely difficult since many people simply do not pick up their cellular phones if the incoming call is from a phone number that they do not recognize. In order to overcome this trust barrier, the Outreach Program has been accepted as one of the first projects to pilot the effectiveness of an extremely new and innovative technology called “branded display.” This technology does several things. First, when an outbound call is placed, an image will be displayed on the call recipient’s smartphone, for example, the automobile manufacturer’s logo. This display further identifies the caller as the manufacturer’s Takata recall team and provides that the reason for the call is the Takata inflator repair. This therefore communicates to the call recipient, before he or she even answers the call, that the caller is not a telemarketer but is in fact calling for a legitimate purpose, thus overcoming the increasingly common practice of not answering calls from unknown numbers. This will hopefully break through that barrier and result in more affected consumers answering calls from the Outreach Program thus resulting in more appointments scheduled and more remedies performed.

b. Continued Efforts with State Departments

As reported, the Settlement Special Administrator and the automobile manufacturers 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. These efforts generally have resulted in some of the highest response rates and remedy rates of any communications in the Outreach Program. In addition to the states in which these letters have previously been mailed<sup>2</sup>, similar letters are anticipated to be mailed in the coming months in Texas. The Settlement Special Administrator and the automobile manufacturers continue to contact state departments to seek their cooperation in this valuable and effective effort.

c. Overall Deployment and Response

A total of 443,581,337 outbound deployments across all available channels 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	152,121,240	1,584,359
Emails	100,134,054	56,931
Outbound Calls	41,706,667	418,515
Digital/Facebook Impressions	149,619,376	81 <sup>3</sup>

d. Overall Results

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

<sup>3</sup> Social media deployment on Facebook and other platforms 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.

The Settlement Special Administrator and Outreach Program vendors have performed a total of 2,197,006 appointments and “warm transfers” to allow consumers to schedule appointments directly with dealers, and 7,998,535 recall remedies have been completed since the transition of outreach to the Settlement Special Administrator and Outreach Program vendors<sup>4</sup>.

## **2. Additional Activities and Efforts**

In ongoing consultation with the Parties and the National Highway Traffic Safety Administration, the Settlement Special Administrator has also undertaken several other activities to be performed in addition to and in conjunction with direct outreach to consumers. 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 early March 2021, B-roll news footage has run 1,566 times across over 40 states, and 77 print/online stories have been generated across United States. The Settlement Special Administrator’s public relations team continues to focus its activities on Zone A and B states, with activities planned in states in which DMV-type letters are being deployed to support the effectiveness of those mailings.

## **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

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<sup>4</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.

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 April 26, 2021 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