

## **PLAN OF ALLOCATION FOR ALLEGED DIMINISHED VALUE FUND**

The law in various jurisdictions differs on the issue of whether, in order to bring claims, a Class Member's Subject Vehicle must have manifested an unintended acceleration ("UA") event as defined in the Claim Forms (all terms as defined in the Agreement, with the exception of the terms "Non-Manifestation States," "Manifestation States," and "Unclear States"). Allocation Counsel was appointed to represent the interests of Class Members in Manifestation States, Non-Manifestation States, and states where the law is unclear, respectively. The determination of Non-Manifestation States, Manifestation States, and Unclear States has been done solely by Plaintiffs' Class Counsel. The states are classified for the purposes of this allocation as provided below. The following lawyers were appointed as Allocation Counsel: Michael Kelly was appointed for Non-Manifestation States, Jayne Conroy for Manifestation States, and Ben Bailey for Unclear States. The allocation set forth below resulted from an allocation mediation supervised by Settlement Special Master Patrick Juneau.

As a part of the Settlement, Toyota has agreed to pay the sum of \$250,000,000 into the Alleged Diminished Value Fund in accordance with the terms of the Agreement. Plaintiffs' Class Counsel retained experts who carefully studied and modeled the alleged impact of adverse publicity concerning Toyota Subject Vehicles. These experts believe that the value of Toyota vehicles declined during the period September 1, 2009 to December 31, 2010 as a result of the above-referenced adverse publicity. These experts believe that the value of vehicles bought and sold, or leased and turned in at the end of the lease period, were not damaged if they were turned in outside that period.

Subject to any pro rata reduction as described in the Agreement, the allocation shall be as follows:

If an eligible class member purchased, leased, now resides or insured the residual value of a vehicle in a Non-Manifestation State:	100 percent of the amounts on the attached consumer matrix
If an eligible class member purchased, leased, now resides or insured the residual value of a vehicle registered in a Manifestation State:	30 percent of the amounts on the attached consumer matrix
If an eligible class member purchased, leased, now resides or insured the residual value of a vehicle registered in an Unclear State:	70 percent of the amounts on the attached consumer matrix

Class Members in Manifestation States and Unclear States will be entitled to the same payment as Class Members in a Non-Manifestation State if such Class Members, on or before December 1, 2012, reported to Toyota, a Toyota Dealer, or National Highway Transportation Safety Administration (“NHTSA”) that they believed that one or more of the following symptoms occurred in their Subject Vehicle: an unintended acceleration-related symptom as to which Toyota inspected the Subject Vehicle and was unable to identify the cause of the symptom; the possible loss of brake vacuum assist; an accelerator pedal that may be slow to return or stick in a partially depressed position; interference with the vehicle’s accelerator pedal with an incompatible or unsecured floor mat; increasing acceleration of the vehicle despite depressing only the brake pedal; acceleration (or failure to decelerate) when both the brake and accelerator pedals were depressed; rough or otherwise undesirable transmission shift sensation; the brakes did not respond as expected; unfamiliarity with the push-button on/off button; unexpected

operation of the cruise control system; one or more drivability concerns (e.g., hesitation, surging, lurching, etc.); or high engine RPM at idle.

If unclaimed funds remain after the Claim Period has expired and the unclaimed funds are sufficient to bring all eligible Manifestation States and Unclear States claimants up to 100% of eligible payment, the unclaimed funds shall be applied for those purposes. Any remaining unclaimed funds shall be distributed pursuant to Section II(A)(2)(c) of the Settlement Agreement.

If unclaimed funds remain after the Claim Period has expired and the amount of unclaimed funds is insufficient to bring all eligible Manifestation States and Unclear States claimants up to 100% of eligible payment, the remainder will be split 50% to Manifestation States claimants and 50% Unclear States claimants. In the event that either group of claimants is brought up to 100%, the balance of unclaimed funds will be applied to the other group of claimants.

**Non-Manifestation States:**

Alaska, Arizona, California, Connecticut, Hawaii, Idaho, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York (only if Subject Vehicle was sold during the period September 1, 2009 through December 31, 2010), Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Vermont, Washington, and West Virginia.

**Manifestation States:**

Arkansas, District of Columbia, Indiana, Mississippi, New Hampshire, North Carolina, North Dakota, South Carolina, Utah, and Wisconsin.

**Unclear States:**

Alabama, Colorado, Delaware, Florida, Georgia, New York (if Subject Vehicle not sold during the period September 1, 2009 through December 31, 2010), Virginia, and Wyoming.

## **PLAN OF ALLOCATION FOR CASH PAYMENT IN LIEU OF BOS**

The law in various jurisdictions differs on the issue of whether, in order to bring claims, a Class Member's Subject Vehicle must have manifested a UA event. Allocation Counsel was appointed to represent the interests of Class Members in Manifestation, Non-Manifestation States, and states where the law is unclear, respectively. The determination of Non-Manifestation States, Manifestation States, and Unclear States has been done solely by Plaintiffs' Class Counsel. The states are classified for the purposes of this allocation as provided below. The following lawyers were appointed as Allocation Counsel: Michael Kelly was appointed for Non-Manifestation States, Jayne Conroy for Manifestation States, and Ben Bailey for Unclear States. The allocation set forth below resulted from an allocation mediation supervised by Settlement Special Master Patrick Juneau.

As part of the Settlement, Toyota has agreed to pay the sum of \$250,000,000 for eligible Class Members who own or lease a Subject Vehicle as of the date the Preliminary Approval Ordered is entered, if they comply with the Claims requirements of the Settlement, unless: (a) their Subject Vehicle is not a hybrid vehicle; (b) they already actually received BOS on their Subject Vehicle; or (c) they are eligible to receive BOS on their Subject Vehicle. The maximum per vehicle claim that can be made on this fund is \$125 ("BOS fund maximum payment"), which is Plaintiffs' Class Counsel's or their experts' estimated value for BOS. Class Members in Non-Manifestation States, Manifestation States, and Unclear States will be entitled to the same respective percentages of the maximum as found in the Plan of Allocation for the Alleged

Diminished Value Fund. So, for example, if the BOS fund maximum payment to a Class Member in a Non-Manifestation State would be \$125, a Class Member in a Unclear State would receive \$87.50 (70% of \$125), and a Class Member in an Manifestation State would receive \$37.50 (30% of \$125).

Subject to any pro rata reduction as provided in the Agreement, the allocation shall be as follows:

If an eligible class member purchased, leased or now resides in a Non-Manifestation State:	100 percent of the BOS fund maximum payment
If an eligible class member purchased, leased or now resides in a Manifestation State:	30 percent of the BOS fund maximum payment
If an eligible class member purchased, leased or now resides in an Unclear State	70 percent of the BOS fund maximum payment

Class Members in Manifestation States and Unclear States will be entitled to the same payment as Class Members in a Non-Manifestation State if such Class Members, on or before December 1, 2012, reported to Toyota, a Toyota Dealer, or NHTSA that they believed that one or more of the following symptoms occurred in their Subject Vehicle: an unintended acceleration-related symptom as to which Toyota inspected the Subject Vehicle and was unable to identify the cause of the symptom; the possible loss of brake vacuum assist; an accelerator pedal that may be slow to return or stick in a partially depressed position; interference with the vehicle’s accelerator pedal with an incompatible or unsecured floor mat; increasing acceleration of the vehicle despite depressing only the brake pedal; acceleration (or failure to decelerate) when both the brake and accelerator pedals were depressed; rough or otherwise undesirable transmission shift sensation; the

brakes did not respond as expected; unfamiliarity with the push-button on/off button; unexpected operation of the cruise control system; one or more drivability concerns (e.g., hesitation, surging, lurching, etc.); or high engine RPM at idle.

If unclaimed funds remain after the claims period has expired and the unclaimed funds are sufficient to bring all eligible Manifestation States and Unclear States claimants up to 100% of eligible payment, the unclaimed funds shall be applied for those purposes. Any remaining unclaimed funds shall be distributed pursuant to Section II(A)(2)(c) of the Settlement Agreement.

If unclaimed funds remain after the claims period has expired and the amount of unclaimed funds is insufficient to bring all eligible Manifestation States and Unclear States claimants up to 100% of eligible payment, the remainder will be split 50% to Manifestation States claimants and 50% Unclear States claimants. In the event that either group of claimants is brought up to 100%, the balance of unclaimed funds will be applied to the other group of claimants.

**Non-Manifestation States:**

Alaska, Arizona, California, Connecticut, Hawaii, Idaho, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Vermont, Washington, and West Virginia.

**Manifestion States:**

Arkansas, District of Columbia, Indiana, Mississippi, New Hampshire, North Carolina, North Dakota, South Carolina, Utah, and Wisconsin.

**Unclear States:**

Alabama, Colorado, Delaware, Florida, Georgia, New York, Virginia, and Wyoming.