

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

NED SIMERLEIN, JAMES ECKHOFF, MARICEL
LOPEZ, CRAIG KAISER and JOHN F.
PRENDERGAST, individually and on behalf of all
others similarly situated,

CASE NO. 3:17-CV-01091-VAB

v.

TOYOTA MOTOR CORPORATION,
TOYOTA MOTOR NORTH AMERICA, INC.,
TOYOTA MOTOR SALES, USA, INC.,
TOYOTA MOTOR ENGINEERING &
MANUFACTURING NORTH AMERICA, INC.
and TOYOTA MOTOR MANUFACTURING,
INDIANA, INC.

STATE OF FLORIDA)
): ss.
COUNTY OF MIAMI-DADE)

BEFORE ME, undersigned authority, personally came and appeared PATRICK A. JUNEAU, who, after being duly sworn, did depose and say:

1. I am an attorney at law and duly licensed to practice law in the State of Louisiana since 1965.
2. I have thoroughly familiarized myself with the issues involved in the above-referenced case, Simerlein et al. v. Toyota Motor Corporation et al., Case No. 3:17-cv-01091-VAB (D. Conn.), and as a result of my knowledge of this litigation, I can attest and affirm that there are no grounds for disqualification under 28 U.S.C. § 455 that would prevent me from serving as the Settlement Claims Administrator in the above-captioned matter.

3. My curriculum vitae is attached hereto as Exhibit A, which accurately reflects my experience and appointments as Special Master and/or otherwise addressing settlement and related issues in other class actions and mass torts.

4. I am a charter member of the Academy of Court Appointed Masters. I have contributed to the development of the book “Appointing Special Masters and Other Judicial Adjuncts: A Benchbook for Judges and Lawyer” (January 2013). I am a past president of the Louisiana Association of Defense Counsel, and a Fellow of both the American College of Trial Lawyers and the International Academy of Trial Lawyers.

5. I have served as a court-appointed Special Master or Administrator to oversee and distribute billions of dollars in settlement funds to hundreds of thousands of class members in numerous large, high-profile, complex and multi-party federal and state mass and class action cases. Below are six examples of my experience in these types of litigations:

- *In re: Takata Airbag Products Liability Litigation (Economic Loss Class Actions)*, (MDL No. 2599, 15-02599-MD-MORENO, S.D. Fla.) (Honorable Federico A. Moreno)

There have been six (6) economic loss class action settlements, including Toyota, Mazda, BMW, Subaru, Nissan, and Honda, that have all been finally approved. In this regard, I have been appointed by the Court as Settlement Special Administrator to oversee and implement the terms of the settlement agreements regarding a multi-year and multi-faceted Outreach Program and claims process. The settlements cover all claims of economic damages linked to the airbag inflators.

- *In re: Oil Spill by the Oil Rig “Deepwater Horizon” in the Gulf of Mexico*, (Case No. 10-md-02179, E.D. La.) (Honorable Carl J. Barbier)

This MDL includes a multi-billion dollar settlement program to compensate individuals and businesses from the gulf states, including Florida, affected by the Deepwater Horizon oil spill. The settlement was intended to avoid piecemeal

litigation by setting up a mechanism to resolve hundreds of thousands of claims for economic damages. I was appointed Claims Administrator to oversee the Claims Administration Vendors, who processed the claims in accordance with the Settlement Agreement. The Settlement Program has been issuing payments for nearly five years. During that time, my claims facility has processed more than 386,000 claim forms. Over \$11 billion in offers of payment from the settlement fund have been accepted by claimants.

- *In re: Vioxx Products Liability Litigation* (Case No. 05-md-01657, E.D. La.) (Honorable Eldon Fallon)

This MDL is a multidistrict products liability litigation which involved allegations that the prescription drug Vioxx increased the risk of cardiovascular thrombotic events such as myocardial infarctions and ischemic strokes. Merck agreed to pay \$4.85 billion dollars to resolve the claims of the class and individual plaintiffs. The settlement involved about 50,000 claims. In my role as Special Master, I provided review and oversight to ensure that the settlement and claims program was administered as per the terms of the settlement.

- *In re: Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices, and Products Liability Litigation* (Case No. 10-ml-02151, C.D. Cal.) (Honorable James V. Selna)

This MDL involved allegations that certain model and model year Toyota, Lexus and Scion vehicles contain defects that have led to sudden “unintended acceleration” events. I was appointed Settlement Special Master in both the economic loss class actions and in the products liability cases. As Settlement Special Master, I successfully presided over and mediated many settlement related proceedings, including the resolution of the economic loss class actions, with an estimated value of over \$1 billion, and numerous products liability cases.

- *In re: Guidant Corp. Implantable Defibrillators Product Liability Litigation* (Case No. 05-md-1708, D. Minn.) (Honorable Donovan W. Frank)

This is an MDL involving claims of alleged defects in Guidant Corp.'s implantable defibrillators. As reflected in published reports, Guidant agreed to pay \$240 million to settle the claims of over 8,500 plaintiffs that were pending in federal or state courts nationwide. I was appointed as Assistant Special Master and had the authority to engage support personnel to assist in the management of the implementation, administration, and allocation of the settlement.

- *In re: Avandia Marketing, Sales Practices Products Liability Litigation* (Case No. 07-md-01871, E.D. Pa.) (Honorable Cynthia M. Rufe)

This action arose from allegations that certain diabetes drugs manufactured by GSK, Avandia and /or two sister drugs containing Avandia, caused an increased risk of heart attack and other physical injury, and that GSK failed to provide adequate warnings concerning that risk. As reflected in published reports, the settlement involved at least \$4.7 billion for over 50,000 claims. I was appointed as Special Master, and had the authority to administer, coordinate, and preside over settlement negotiations. I also had the authority to conduct any proceedings necessary for purposes of administering and managing the settlement process.

FURTHER AFFIANT SAYETH NOT.



PATRICK A. JUNEAU

STATE OF FLORIDA)
) ss.
COUNTY OF MIAMI-DADE)

Sworn to (or affirmed) and subscribed before me this 10th day of December 2018, by PATRICK A. JUNEAU, [] personally known to me to be the person who executed this Affidavit or [X] who has produced identification in the form of Louisiana Drivers License #000474578E.
expiration date 12-13-2021

WITNESS my hand and official seal

Jennifer Morgan
(Signature of Notary Public)

SEAL OR STAMP

JENNIFER MORGAN
(Print, type, or stamp commission name of Notary Public)

My Commission Expires:

Nov. 22, 2021



Exhibit A

CURRICULUM VITAE
OF
PATRICK A. JUNEAU

PATRICK A. JUNEAU, obtained a Bachelor of Arts degree (government) from Louisiana State University in 1959. He subsequently served on active duty in the United States Army and attained the rank of Captain. While in the service, he was awarded the Army Commendation Medal. After completing his tour of duty, he entered Louisiana State University Law School where he obtained his Juris Doctor degree in 1965. He has been actively engaged in the private practice of law since 1965 and is admitted to practice in all Federal and State Courts in the State of Louisiana, the United States District Court for the Eastern and Southern Districts of Texas, the United States Courts of Appeal for the Fifth, Eighth and Eleventh Circuits, and the United States Supreme Court. He is a member of the Louisiana State Bar Association and the American Bar Association. He is a past President of the Louisiana Association of Defense Counsel. In 1973 he was elected to and served as a member of the Louisiana Constitutional Convention, the body which drafted the new Constitution for the State of Louisiana. He has been a guest lecturer at the Louisiana State University and Tulane University Law Schools' Continuing Legal Education programs and has planned and spoken at seminars on such topics of products, environmental, maritime, professional liability litigation and mediation. He has also served on the faculty of the Louisiana State University Trial Advocacy Program. He is also a Fellow of the American College of Trial Lawyers and a Fellow of the International Academy of Trial Lawyers. In 1996 he was awarded the Curtis R. Boisfontaine Trial Advocacy Award by the Louisiana Bar Foundation. He was named the LSU Law Center 2006 Distinguished Alumnus of the Year. During his trial practice, he has tried in excess of two hundred (200) civil jury cases to a conclusion. For his work in the field of personal injury defense litigation, he has been recognized in "The Best Lawyers in America" published by Woodward/White. In 2015 he was inducted into the Lafayette Bar Association Hall of Fame.

Mediation and Special Master Experience

He has served as the mediator in over four thousand (4,000) cases. The mediated cases have involved both state and federal court actions. He has been appointed the designated mediator by federal and state courts and has also served as the court appointed Special Master in numerous federal and state cases including the following complex and multi-party matters: *In Re: Combustion, Inc.* U.S. District Court, Middle District of Louisiana - MDL (toxic tort litigation involving 10,800 claimants and superfund site); *In Re: New Orleans Train Car Leakage Fire Litigation*, Orleans Parish, Louisiana (toxic tort litigation involving 9,300 claimants); *In Re: Silicone Gel Breast Implant Products Liability Litigation* (Louisiana Breast Implant Litigation); *In Re: New Iberia Train Leakage Litigation*, U.S. District Court, Western District of Louisiana - (toxic tort litigation involving over 3,300 claimants); *In Re: Chemical Release at Bogalusa*, Washington Parish, Louisiana (toxic chemical litigation involving approximately 18,000 claimants); *Colonial Pipeline Litigation*, U.S. District Court, Middle District of Louisiana (sub-surface release involving 5,600 claimants); *Mary Self, et al v. Illinois Central Railroad*, U.S. District Court, Eastern District of Louisiana (toxic tort litigation involving over 2,800 claimants); *Bryson Adams, et al v. Environmental Purification Advancement Corp.*, U.S. District Court, Western District of Louisiana (toxic tort action involving over 3,500 claimants and superfund site); *In Re: Propulsid Product Liability Litigation*, U.S. District Court, Eastern District of Louisiana - MDL (product liability claims involving thousands of claimants throughout the United States); *Icon Class Action*, 27th Judicial District Court, St. Landry Parish, Louisiana (product liability claim involving the crawfish industry); *Juanita Thibodeaux, et al v. Conoco Phillips Company, et al*, 14th Judicial District Court, Calcasieu Parish, Louisiana (chemical release litigation involving over 18,000 claimants); *In Re: Educational Testing Services Praxis*

Principles of Learning and Teaching, U.S. District Court, Eastern District of Louisiana - MDL (nationwide settlement class involving educational testing with over 3,000 claimants); *In Re: Guidant Corp. Implantable Defibrillators Product Liability Litigation*, U.S. District Court, District of Minnesota - MDL (nationwide product liability action involving over 8,500 claimants); *Clark Gunderson, MD, et al. vs. F.A. Richard and Associates*, 14th Judicial District Court, Calcasieu Parish, Louisiana (medical bill discounting litigation involving F.A. Richard and over 2,215 medical providers); *Clark Gunderson, MD, et al. vs. Focus*, 14th Judicial District Court, Calcasieu Parish, Louisiana (medical discounting litigation involving Focus and over 2,304 medical providers); *Clark Gunderson, MD, et al vs. AIGDC, et al*, 14th Judicial District Court, Calcasieu Parish, Louisiana (medical bill discounting litigation involving AIGDC and over 1,664 medical providers); *Clark Gunderson, MD, et al vs. Amerisafe Risk Services, Inc. and American Interstate Ins. Co., et al*, 14th Judicial District Court, Calcasieu Parish, Louisiana (medical bill discounting litigation involving Amerisafe Risk Services and American Interstate and over 290 medical providers); *Clark Gunderson, MD, et al vs. Claims Management, Inc. and Wal-Mart Stores, Inc., et al*, 14th Judicial District Court, Calcasieu Parish, Louisiana (medical bill discounting litigation involving CMI and Wal-Mart and over 1,369 medical providers); *Opelousas Trust Authority, et al vs. Summit Consulting Inc. of Louisiana*, 27th Judicial District Court, St. Landry Parish, Louisiana (medical bill discounting litigation involving over 1,087 medical providers); *Barbara Pellerin, etc. vs. Our Lady of Lourdes Regional Medical Center*, 15th Judicial District Court, Lafayette Parish, Louisiana (medical procedure litigation involving over 305 claimants); *Mary Gallien, et al vs. Lafayette General Medical Center*, 15th Judicial District Court, Lafayette Parish, Louisiana (medical procedure litigation involving over 108 claimants); *Barbara Pellerin, et al vs. Louisiana Medical Mutual Ins. Co., et al.*, 15th Judicial District Court, Lafayette Parish, Louisiana (medical procedure litigation involving over 415 claimants); *Gwendolyn Guillory, et al vs. Union Pacific Corp., et al*, 14th Judicial District Court, Calcasieu Parish, Louisiana (chemical release litigation involving over 500 claimants); and *Darcy Guidry, et al vs. American Public Life Ins. Co., et al*, 14th Judicial District Court, Calcasieu Parish, Louisiana (insurance premium litigation involving over 3,002 claimants); *In Re: Vioxx Products Liability Litigation*, U.S. District Court, Eastern District of Louisiana - MDL (nationwide product liability action involving over 80,000 claims); *George Raymond Williams, M.D. vs. SIF Consultants, et al*, 27th Judicial District Court, St. Landry Parish, Louisiana (medical discounting litigation involving over 1,000 medical providers); *George Raymond Williams, M.D. vs. Hammerman Gainer, Inc., et al*, 27th Judicial District Court, St. Landry Parish, Louisiana (medical discounting litigation involving over 780 medical providers); *In Re: Kugel Mesh Hernia Repair Patch Litigation*, U.S. District Court, District of Rhode Island - MDL (product liability litigation involving over 1,000 claimants); *In Re: Avandia Marketing, Sales Practices Products Liability Litigation*, U.S. District Court, Eastern District of Pennsylvania - MDL (product liability litigation involving over 30,000 claimants); *Rose Goudeau, et al vs. The Administrators of the Tulane Educational Fund, et al*, Orleans Parish, Louisiana (willed body litigation involving over 2,000 claims); *Opelousas General Hospital Authority,, et al. vs. FairPay Solutions, Inc.*, 27th Judicial District Court, St. Landry Parish, Louisiana (medical discounting litigation involving over 200 medical providers); *In Re: Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices, and Products Liability Litigation*, U.S. District Court, Central District of California – MDL; *Toyota Motor Cases*, Superior Court, Complex Department, Los Angeles County, California; *In re: Takata Airbag Products Liability Litigation*, U.S. District Court, Southern District of Florida – MDL; and *In Re: Oil Spill by the Oil Rig "Deepwater Horizon,"* U.S. District Court, Eastern District of Louisiana – MDL (massive settlement class action involving thousands of claims).

He is a charter member of the Academy of Court Appointed Masters.