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10 *Co-Lead Counsel for Plaintiffs*

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12 UNITED STATES DISTRICT COURT
13 CENTRAL DISTRICT OF CALIFORNIA

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15 *In re ZF-TRW Airbag Control Units
Products Liability Litigation*

16 ALL CASES AGAINST
17 MITSUBISHI

MDL No. 2905

Judge: John A. Kronstadt

**18 MITSUBISHI PLAINTIFFS' REPLY
19 IN SUPPORT OF MOTION FOR
20 FINAL APPROVAL OF CLASS
21 SETTLEMENT, AND AWARD OF
22 ATTORNEYS' FEES, EXPENSES,
23 AND SERVICE AWARDS TO
24 SETTLEMENT CLASS
25 REPRESENTATIVES**

26 Date: April 7, 2025

27 Time: 8:30 a.m.

28 Dept.: Courtroom 10B

1 The results are in: out of a Settlement Class associated with 94,785
2 Mitsubishi Class Vehicles, not a single Mitsubishi Settlement Class Member
3 objected and only 9 submitted a timely opt out request. Supplemental Declaration
4 of Jennifer M. Keough on Settlement Notice Program Progress (“Supplemental
5 Keough Decl.”) ¶¶ 20-21. At just .009%, this is an exceptionally small fraction.
6 Equally noteworthy, with more than a year remaining in the Claims Period,
7 Mitsubishi Settlement Class Members have already submitted 8,473 claims,
8 representing an 8.9% claims rate. Indeed, the national mean class action claims rate
9 is 5%.¹

10 Given the success of the direct notice program in reaching “more than 93%
11 of potential Class Members,” it is particularly significant that there are no
12 objections and only nine opt-outs. *Id.* ¶ 22. This strong indication of support from
13 the Class and weighs in favor of final approval. *See, e.g., Hanlon v. Chrysler Corp.*,
14 150 F.3d 1011, 1027 (9th Cir. 1998) (“[T]he fact that the overwhelming majority of
15 the class willingly approved the offer and stayed in the class presents . . . positive
16 commentary as to its fairness.”); *Foster v. Adams & Assocs., Inc.*, No. 18-CV-
17 02723-JSC, 2022 WL 425559, at *6 (N.D. Cal. Feb. 11, 2022) (“Courts have
18 repeatedly recognized that the absence of a large number of objections to a
19 proposed class action settlement” is a factor suggesting “that the terms of a
20 proposed class settlement [] are favorable to the class members.”) (citation
21 omitted); *Franco v. Ruiz Food Prods., Inc.*, 2012 WL 5941801, *14 (E.D. Cal.
22 2012) (positive reaction of class weighed in favor of final approval where there
23 were no objections to the settlement and less than 1% of class members opted out);
24 *Chun-Hoon v. McKee Foods Corp.*, 716 F. Supp. 2d 848, 852 (N.D. Cal. 2010)
25 (approving settlement where 4.86% of the class opted out).

26 While this response is strong, it is not unexpected given the strength of the
27

28 ¹ *See Consumers and Class Actions: A Retrospective and Analysis of Settlement Campaigns*, FTC Staff Report (Sept. 2019) at 21.

1 Settlement. To summarize, the Settlement provides Mitsubishi Settlement Class
2 Members who file a claim with direct cash payments from an \$8.5 million non-
3 reversionary fund. Those who submit a claim can receive individual payments of up
4 to \$250 per Class Vehicle. If funds remain after all claims are paid and can be
5 feasibly distributed, a second payment of up to \$750 will be issued to those
6 claimants.²

7 Beyond direct cash payments, the Settlement also establishes an innovative
8 Settlement Inspection Program. This program requires Mitsubishi to actively
9 investigate and document airbag non-deployments in Mitsubishi Class Vehicles that
10 may be caused by electrical overstress for the next ten years.

11 For their work in securing this Settlement, Settlement Class Counsel request
12 a fee amounting to \$2.5 million, or 29.4% of the common fund. As explained in the
13 Mitsubishi Plaintiffs' Final Approval motion, this fee request is reasonable and
14 appropriate under the circumstances and is well in line with awards in this district
15 and throughout the circuit. *See* ECF 1017 at 25-40. Indeed, in granting preliminary
16 approval of the Settlement, this Court found that a fee request in the range of \$2.3
17 to \$2.55 million was within a reasonable range given the facts and circumstances of
18 this case. *See* ECF 983 at 24. Settlement Class Counsel also seeks reimbursement
19 of reasonable costs they incurred in achieving this Settlement in the amount of
20 \$50,000, and Settlement Class Representative service awards of \$2,500 for their
21 time and effort in prosecuting the case. *See* ECF 1017 at 40-42.

22 For these reasons and those set forth in the Mitsubishi Plaintiffs' Final
23 Approval motion, the Settlement Class Representatives and Settlement Class
24 Counsel respectfully request that the Court: (1) certify the Settlement Class; (2)
25 grant final approval to the Settlement; and (3) approve Settlement Class Counsel's

26 ² If it is not feasible and/or economically reasonable to attempt a second
27 distribution, or if the \$8.5 million dollar fund is not exhausted after the second cash
28 distribution, then the remaining Settlement funds will be distributed to *cy pres*
recipients recommended by the Parties, subject to the Court's approval.

1 motion for \$2,500,000 in attorneys’ fees, \$50,000 in reasonable costs, and a \$2,500
2 service award for each Settlement Class Representative. A proposed order is
3 attached.

4 Dated: March 20, 2025

/s/ Roland Tellis

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CERTIFICATE OF SERVICE

I hereby certify that on March 20, 2025, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record, including counsel for Defendants.

/s/ Adam Tamburelli
Adam Tamburelli