

I. ACTIVITIES IN THE REPORTING PERIOD.

A. APPROVAL OF TWENTY-THIRD IRF DISTRIBUTION REQUEST.

1. On October 10, 2023, the Special Master filed the *Special Master's Request for Approval of Twenty-Third Distribution of Individual Restitution Fund* [Docket No. 191] (the "Twenty-Third IRF Distribution Request"), seeking Court-approval for: (i) a twenty-third distribution from the IRF to compensate eight (8) eligible Claims; and the denial of four (4) ineligible Claims.

2. Consistent with the procedures set forth in the Minutes of July 25, 2019 Conference with Special Master (the "July 2019 Minutes Order") [Docket No. 110], the Special Master notified the affected Claimants: (i) of their point award and the monetary value of the award (if any); (ii) of the filing of the Twenty-Third IRF Distribution Request; and (iii) that such Claimants may object to the Twenty-Third IRF Distribution Request by submitting a written response to the Special Master on or before November 7, 2023 (the "Objection Deadline").

3. As the Court is aware, there are two conditions that must be met for Claimants with compensable Claims to receive payment from the IRF. First, all Claimants must execute and submit to the Special Master the Court-approved release agreement (a "Release"). Additionally, if any Claimant was represented by counsel, such counsel must execute and submit to the Special Master a fee rider (a "Fee

Rider”) acknowledging and agreeing to abide by the restriction on attorney’s fees set forth in the IRF Methodology Order. [Docket No. 78, Page ID 2219].

4. On November 28, 2023, the Court entered an order granting the Special Master’s Request. *See Order Granting Special Master’s Request For Approval Of Twenty-Third Distribution Of Individual Restitution Fund* [Docket No. 193]. Accordingly, the Special Master will begin processing and making these payments, subject to the Modified Points Schedule and 2021 Point Value, on a rolling basis following receipt of the necessary documentation.

II. GOING FORWARD EFFORTS.

A. CLAIM EVALUATION AND PROCESSING EFFORTS.

5. While global public health agencies have declared an end to the COVID-19 pandemic, the Special Master continues to monitor closely the pandemic’s effect on claim filing activity and rupture incidents, both of which materially decreased during the pandemic. Though it remains too early to make any definitive conclusions regarding the pandemic’s effect on claim filing activity, the Special Master continues to observe a modest increase in claim filings as transportation activity returns to pre-COVID-19 levels. The Special Master will continue to monitor claim filing trends and inform the Court accordingly.

6. As stated above, the Special Master and his team will continue to receive claims for compensation from the IRF and TATCTF (in his capacity as

Trustee of that Trust), and will continue the process of reviewing, evaluating, and distributing funds on account of claims. The Special Master and his team will also continue to evaluate the claims data and recall completion rate data in connection with any future point-value evaluations. The Special Master and his claims evaluation team remain committed to completing its initial evaluation of Claims within thirty (30) days of the Special Master's receipt thereof.

B. STATUS OF NEXT LIABILITY RE-ESTIMATION.

7. As previously reported to the Court, the Special Master, in coordination with NERA, the original equipment manufacturers, and members of the plaintiffs' bar, conducted a comprehensive liability re-estimation in March 2021 (the "2021 Liability Re-Estimation"). [Docket No. 143, Ex. A]. Based on the 2021 Liability Re-Estimation, the Special Master requested that the Court approve an increase to the point value from \$71 to \$178. On May 11, 2021, the Court entered an order approving the increased point value. [Docket. No. 146]. Since then, the point value has been adjusted annually to reflect inflation. The current value of a point is \$201.00.

8. As the Court is aware, the Special Master is conducting another liability re-estimation that is near completion. Liability re-estimations require a detailed examination of, among other things, (i) assets currently held by the IRF, (ii) projected investment rates of return, (iii) projected rates of inflation, (iv) auto recall

completion rates, (v) an analysis of unrecalled vehicles that remain on the road, and (vi) existing claims data. The Special Master, with the assistance of his professionals, has just about completed the detailed and time-intensive work required by a liability re-estimation, with the goal of producing the most accurate, yet conservative, liability projection. It appears that the current liability re-estimation may result in a higher point value, which would result in, among other things, supplemental payments to previously compensated claimants.

9. In conjunction with the IRF's liability re-estimation analysis, the Takata Airbag Tort Compensation Trust Fund (the "TATCTF") is conducting its own re-estimation analysis. As the Court is aware, the Special Master attempts to coordinate work related to claim evaluation and fund administration (including liability re-estimations) between the TATCTF and the IRF. Since inception of both funds, coordination between the IRF and the TATCTF has resulted in significant efficiencies that have materially inured to the benefit of victims. But as a result of coordination efforts, the timing for finalizing the IRF's re-estimation report is somewhat intertwined with ongoing work for the TATCTF.

10. Although the TATCTF re-estimation analysis has yet to be finalized, the Special Master intends to file a motion seeking modification of the IRF point value later this month. The Special Master remains confident that both the TATCTF and IRF re-estimations will be completed by the time the Court considers the soon-

to-be-filed motion. This proposed sequencing ensures that supplemental payments owed to eligible IRF and TATCTF Claimants can still be issued concurrently. The Special Master will be prepared to address any questions regarding the motion to modify the IRF point value and the underlying re-estimation analysis at our next status conference (or any other time convenient for the Court).

CONCLUSION

11. The Special Master will continue to perform his responsibilities and duties consistent with the Appointment Order and all other directives of this Court.

Dated: December 11, 2023

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'E. D. Green', written over a horizontal line.

Eric D. Green, Special Master