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13
 14 UNITED STATES DISTRICT COURT
 15 FOR THE NORTHERN DISTRICT OF CALIFORNIA

16
 17 CARIN and GEORGE EDWIN MILLIGAN,
 18 California residents, on behalf of themselves
 and all others similarly situated,

19 Plaintiffs,

20 v.

21 TOYOTA MOTOR SALES, U.S.A., INC., a
 22 California corporation and TOYOTA
 23 MOTOR NORTH AMERICA, INC., a New
 York corporation,

24 Defendant.

NO. C09-05418 RS

**[PROPOSED] ORDER OF FINAL
 JUDGMENT AND DISMISSAL**

(Clerk’s Action Required)

CLASS ACTION

1 WHEREAS, on January 6, 2012, the Court entered an Order Granting Final Approval of
2 Class Action Settlement and Granting Award of Attorneys' Fees, Costs, and Incentive
3 Payments to Class Representatives (Dkt. 80), which Order is incorporated herein by reference;

4 WHEREAS, the Settlement Agreement requires that the Court enter certain findings;

5 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED AS FOLLOWS:

6 1. The Court has jurisdiction over the subject matter of this action, all members of
7 the Settlement Class and Defendant;

8 2. The proposed Class meets Rule 23's requirements and certification is
9 appropriate for settlement purposes only. Pursuant to Federal Rules of Civil Procedure 23(a)
10 and 23(b)(3), the Court has certified, for settlement purposes only, the following class:

11 All persons in the United States, including the Commonwealth of
12 Puerto Rico, who currently own or lease or who previously owned
13 or leased a model-year 2001-2003 Toyota RAV4 vehicle with
14 automatic transmissions ("Class Vehicle"). Excluded from the
15 Settlement Class are the following: a) officers and directors of
16 Toyota (as defined below) b) the Judge to whom this case is
17 assigned and any member of the Judge's immediate family; and c)
18 persons who have submitted a timely and valid request for
19 exclusion from the Settlement Class;

20 3. The Named Plaintiffs and Class Counsel have fairly and adequately represented
21 the interests of the Settlement Class Members at all times in this case and in the related action
22 of *Washington v. Toyota Motor Sales USA, Inc.*;

23 4. The proposed Class Settlement is the result of arm's length negotiations and is
24 fair, reasonable, and adequate;

25 5. The form and manner of disseminating class Notice as set forth in this
26 Settlement Agreement and ordered by the Court was accomplished as directed, constituted the
best practicable notice under the circumstances, met or exceeded the requirements of due
process, and constituted due and sufficient notice to all members of the Settlement Class;

 6. The Parties shall effectuate the terms of the Settlement Agreement;

1 7. Toyota, as defined in the Settlement Agreement, is hereby released and
2 otherwise discharged from all further liability for the Released Claims to Settlement Class
3 members;

4 8. Each of the Settlement Class members and any of their predecessors, successors,
5 representatives, parent companies, subsidiaries, affiliates, heirs, executors, administrators,
6 attorneys, successors, and assignees, are permanently barred from instituting, filing,
7 commencing, prosecuting, maintaining, continuing to prosecute, directly or indirectly, as an
8 individual or collectively, representatively, derivatively, or on behalf of them, or in any other
9 capacity of any kind whatsoever, any action in any state or federal court or any other tribunal,
10 forum, or proceeding of any kind, against Toyota that asserts any of the Released Claims;

11 9. This Litigation is DISMISSED WITH PREJUDICE and without costs to any
12 Party, other than as specified in the Settlement Agreement and this Order;

13 10. This Judgment is the Final Judgment in the suit as to all Class Member Released
14 Claims.

15 11. Without affecting the finality of this Judgment in any way, this Court retains
16 jurisdiction over: (a) implementation of the Settlement and the terms of the Settlement
17 Agreement; (b) distribution of the Class Settlement Amount, the Class Representative Incentive
18 Awards, and the Attorneys' Fees and Costs Amount; and (c) all other proceedings related to the
19 implementation, interpretation, administration, consummation, and enforcement of the terms of
20 the Settlement Agreement and/or the Settlement, and the administration of Claims by
21 Settlement Class Members.

22 12. This Court finds that there is no just reason for delay and expressly directs
23 Judgment and immediate entry by the Clerk of the Court.
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1 **IT IS SO ORDERED.**

2 DATED this 2nd day of February, 2012.

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6 UNITED STATES DISTRICT JUDGE

7 Presented by:

8
9 TERRELL MARSHALL DAUDT & WILLIE PLLC

10 By: /s/ Beth E. Terrell, CSB #178181

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CERTIFICATE OF SERVICE

I, Beth E. Terrell, hereby certify that on February 2, 2012, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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DATED this 2nd day of February, 2012.

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