

24<sup>TH</sup> JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 583-318

SARAH AND JEFF MECKSTROTH,  
Individually and as Representatives of the Class of Persons Similarly Situated

VERSUS

TOYOTA MOTOR SALES, U.S.A., INC.  
and CLIFTON LEBLANC LEXUS OF NEW ORLEANS

DIVISION "O"

BRANDY HEBERT  
DEPUTY CLERK  
PARISH OF JEFFERSON, LA

2006 OCT - 6 AM 11:00

FILED FOR RECORD

FILED: \_\_\_\_\_

DEPUTY CLERK

**MOTION TO CLARIFY NOTICE DATE, REQUEST FOR  
EXCLUSION (OPT OUT) DEADLINE AND OBJECTION DEADLINE**

NOW INTO COURT, through undersigned counsel, comes defendant, Toyota Motor Sales U.S.A, Inc., who suggests as follows:

1. On September 28, 2006, this Court issued an Order preliminarily approving a proposed settlement between defendant and the putative class. Said Order stated that the Notice Date (as defined by the Settlement Agreement entered into the record of this matter) was to be 6 weeks after the date the Order was signed. The Order further stated that the Request for Exclusion (Opt Out) Deadline and Objection Deadline (both as defined in the Settlement Agreement entered into the record of this matter) were to be 45 days after the Notice Date.
2. Thereafter, on September 30, 2006 and October 4, 2006, the Court issued two additional Orders amending the Order signed September 28, 2006. Neither amended Order specifically stated that the time to calculate deadlines was to run from the date the original Order was signed, September 28, 2006.
3. Thus, to make the record clear, defendant moves the Court to order that the Notice Date (as defined by the Settlement Agreement entered into the record of this matter) be 6 weeks after signing of the October 4, 2006 Amended Order, i.e. November 15, 2006 and that the Request for Exclusion (Opt Out) Deadline and Objection Deadline (both as defined by the Settlement Agreement entered into the record of this matter) be 45 days after the Notice Date, i.e. December 30, 2006.
4. Defendant represents that this motion has been discussed with and reviewed by plaintiffs' counsel and plaintiffs do not oppose this motion.

Respectfully submitted,

**DUPLASS, ZWAIN, BOURGEOIS, MORTON  
PFISTER & WEINSTOCK**



**LAWRENCE J. DUPLASS #5199**

**GARY M. ZWAIN #13809**

**JOSEPH G. GLASS #25397**

Three Lakeway Center, Suite 2900

3838 North Causeway Boulevard

Metairie, Louisiana 70002

Telephone (504) 832-2700

Facsimile: (504) 837-3119

**ATTORNEYS FOR DEFENDANT,  
TOYOTA MOTOR SALES, USA, INC.**

**CERTIFICATE OF SERVICE**

I CERTIFY that a copy of the above and foregoing pleading has been served upon counsel for all parties to this proceeding, by placing same in the United States First Class mail, properly addressed and postage prepaid, on this 6<sup>th</sup> day of October, 2006.



ATTORNEY AT LAW

24<sup>TH</sup> JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 583-318

DIVISION "O"

SARAH AND JEFF MECKSTROTH,  
Individually and as Representatives of the Class of Persons Similarly Situated

VERSUS

TOYOTA MOTOR SALES, U.S.A., INC.  
and CLIFTON LEBLANC LEXUS OF NEW ORLEANS

FILED: \_\_\_\_\_

\_\_\_\_\_  
DEPUTY CLERK

ORDER

Considering the foregoing,

IT IS ORDERED that defendants', Toyota Motor Sales, USA, Inc., Motion to Clarify Notice Date, Request for Exclusion (Opt Out) Deadline and Objection Deadline be and the same is hereby GRANTED.

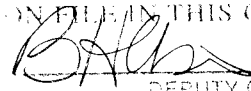
IT IF FURTHER ORDERED that the Notice Date (as defined by the Settlement Agreement entered into the record of this matter) is November 15, 2006 and that the Request for Exclusion (Opt Out) Deadline and Objection Deadline (both as defined by the Settlement Agreement entered into the record of this matter) is December 30, 2006.

Gretna, Louisiana this 6 day of October, 2006.

S/ROSS P. LaDART

\_\_\_\_\_  
J U D G E

A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE.

  
\_\_\_\_\_  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA