

TOYOTA RECALL INVESTIGATION PROTOCOL

We have prepared the following guidelines to assist you and your colleagues in identifying and investigating potential subrogation claims arising out of the recall of designated Toyota vehicles. Please contact us should you have any questions regarding the investigation and evidence preservation protocol which is recommended.

CLAIMS IDENTIFICATION AND INVESTIGATION PROTOCOL:

- The models affected by the Toyota recalls are as follows:

2005-2010 Avalon

2010 Prius

2007-2010 Camry

2009-2010 RAV4

2009-2010 Corolla

2008-2010 Sequoia

2008-2010 Highlander

2005-2010 Tacoma

2009-2010 Matrix

2007-2010 Tundra

2004-2009 Prius

2009-2010 VENZA1

2009-2010 Pontiac Vibe2

Any collision or potential contribution/indemnification claims involving these vehicles immediately should be flagged as a potential recall claim.

- Upon notification of any such claim, the adjuster should obtain as much detail as is available regarding the circumstances surrounding the incident, focusing on the issue of sudden acceleration, the vehicle's mechanical operation, the actions of the operator to control or stop the vehicle, use of the brake and/or emergency brake, and related matters.
- Copies of all pertinent policy incident reports on a state or local level should be obtained.
- A recorded statement should be obtained from the insured and any witnesses to record the details while the incident is recent. Again, all circumstances surrounding the mechanical operation of the vehicle and the occurrence of the incident should be obtained, as well as all available information concerning ownership, including any prior owners, and the accident, maintenance and service history of the vehicle.
- Comprehensive photographs and videos of the vehicle and relevant component parts should be obtained. To the extent there is any damage to any other third-party property, whether vehicles or real property, photographs similarly should be taken of all such property. If feasible, the accident scene also should be photographed and videotaped, including any tire skid marks or similar evidence which would be relevant to an accident reconstruction analysis.

EVIDENCE PRESERVATION PROTOCOL:

- We promptly will place Toyota on notice of the claim as soon as we receive the necessary information from your designated representative.
- If the vehicle is a total loss, Liberty should retain it on a salvage hold until Toyota inspects the vehicle or declines to do so, by written response to our written claims notification. We then will confirm in writing to Toyota that the vehicle is being disposed of for salvage.

- If the vehicle has only minor damage and is readily repairable, we still will provide Toyota with written notice of the opportunity to conduct an inspection. Upon receipt of Toyota's written confirmation that the inspection has taken place, or its written confirmation that it does not wish to inspect the vehicle, we then will notify your designated representative so that repairs can be made. In similar fashion, we will address and authorize the performance by Toyota of any recall related repairs.
- In all circumstances, to avoid issues of spoliation, the black box should not be removed from any vehicle. Rather, it should remain in the vehicle until experts are retained and all examination and testing procedures have been performed. We then will need to coordinate removal and/or analysis of the black box data by Toyota and its experts.
- To the extent repairs are completed on the vehicle, an itemization of all repairs should be prepared and all component parts which are removed and replaced should be retained and catalogued.

Please let us know should you have any questions for comments regarding any of these procedures.