Product Quality and Service Support, Quality Compliance
Published October 30, 2017
Approved By: Tom Trisdale, General Manager – Field Action & Liaison

Toyota Motor Sales, USA, Inc. 6565 Headquarters Drive Plano, TX 75024 (469) 292-4000

To: All Toyota and Lexus Dealers
From: Product Support Division

## \*\*TAKATA (TK HOLDINGS INC.) Chapter 11 - Customer Notifications\*\*

TAKATA Safety Recalls E04/DSF/F0L/G0P/G0R/H0A Multiple Models and Model Years Front Passenger and Driver Airbag Inflator Module

In Late-June 2017, airbag manufacturer Takata ("TK Holdings Inc.") filed for bankruptcy as a result of financial difficulties associated with the recall of affected airbag inflators.

Legal notifications from TK Holdings Inc. are currently being sent out to all owners of Toyota vehicles that were or may be affected by any one of the TAKATA recalls. Please note that these notifications are separate from those, previously circulating in July-August, which were associated with settlement of the Economic Loss Class Action Lawsuit. The TK Holdings Inc. bankruptcy notifications started around Mid-October. Dealers will likely see an influx of customer inquiries due to these mailings.

• These notifications advise customers of their deadline to assert any claim against TK Holdings Inc.; they also remind customers to go to their closest dealer to schedule their recall repair if their vehicle is under recall and has not been repaired. If dealers are receiving questions from customers about the claims process or bankruptcy proceedings, they should be referred to the phone numbers and website on the notice (see below). If dealers are receiving questions from concerned customers regarding the recall status of their vehicle or availability of repair parts, they should check <a href="https://www.toyota.com/recall">www.toyota.com/recall</a> or <a href="https://www.safercar.gov">www.safercar.gov</a>.

Dealers should schedule an appointment as soon as possible to remedy any customer's vehicle that is under a current recall and where repair parts are available if, as a result of these notifications, the repair is discovered not to have been completed.

If you have questions or would like to familiarize yourself with this Chapter 11 Notification from TK Holdings Inc., please refer to the attached PDF of the actual Notification being mailed.

- Please direct customer questions for recall status to the following websites and phone numbers provided by TK Holdings Inc., or to <a href="https://www.toyota.com/recall\_or\_www.safercar.gov">www.toyota.com/recall\_or\_www.safercar.gov</a>.
- <u>www.AirbagRecall.com</u> or call 1.888.327.4236 for more information about obtaining free replacement airbags.

For information about the claims process or bankruptcy proceedings:

- Register your email address at <u>TKRestructuring.com/PPIC</u>. You will receive no further notices in the bankruptcy cases unless you do so and may miss important information.
- Call 833-619-7579 (U.S. toll-free) or 920-238-6810 (international), email tkppic@primeclerk.com, or visit <u>TKRestructuring.com/PPIC</u> if you have questions.

As a reminder, if customers have questions about the economic loss class action settlement, they should check <u>AutoAirBagsSettlement.com</u>.

Thank you for your cooperation. TOYOTA MOTOR SALES, U.S.A., INC.

In re: TK HOLDINGS INC., et al., Debtors Chapter 11 Case No. 17-11375 (BLS)

## IMPORTANT LEGAL NOTICE FOR OWNERS OF VEHICLES WITH TAKATA AIRBAG INFLATORS

This Notice was authorized by a federal court. Read it carefully.
 Your rights are at stake.

Why have I received this notice? TK Holdings Inc. and certain of its affiliates listed on the reverse side of this notice (collectively, the "Debtors") have filed chapter 11 bankruptcy cases in the United States. The Debtors are subsidiaries of Takata Corporation, a Japanese corporation engaged in the manufacture and sale of airbag inflators and other automotive components. Takata Corporation and its worldwide affiliates (including the Debtors) are referred to collectively as "Takata." Takata Corporation has filed a bankruptcy proceeding in Japan. This notice relates only to the Debtors located in the U.S. and Mexico.

You have been identified as the current or former registered owner of a vehicle with one or more Takata-manufactured airbag inflators containing phase-stabilized ammonium nitrate propellant ("PSAN Inflators"), which are or may be defective and could rupture, creating a risk of personal injury or death. This notice sets forth the deadline for asserting claims against the Debtors in the U.S. bankruptcy proceedings and provides other important deadlines and information about the chapter 11 cases. If your vehicle contains a defective or potentially defective airbag inflator and is under recall, contact your nearest dealership immediately to schedule a free repair.

**Do I have a claim against the Debtors?** You (or, in the case of a wrongful-death claim, the estate you represent) may have claims against the Debtors, including for monetary loss, personal injury, or death (in each case, whether past or future) on account of your current or past ownership of a vehicle containing a PSAN Inflator regardless of whether such PSAN Inflator is subject to a recall or has already been repaired or you have thus far suffered no loss, injury, or death on account of your PSAN Inflator (as such claims may be deemed to have accrued before the Debtors filed for bankruptcy). To assert a claim, you must file a proof of claim by the deadline and in accordance with the instructions on the reverse side of this notice. If you fail to do so, your claim may be barred and you may receive no recovery.

What else should I do? The Debtors strongly recommend that you:

- Carefully review this notice, including the reverse side, in its entirety.
- Please visit www.AirbagRecall.com or call 1.888.327.4236 for more information about obtaining free replacement airbags.
- Register your email address at <u>TKRestructuring.com/PPIC</u>. You will receive no further notices in the chapter 11 cases unless you do so and may miss important information.
- Call 833-619-7579 (U.S. toll-free) or 920-238-6810 (international), email tkppic@primeclerk.com, or visit <a href="mailto:TKRestructuring.com/PPIC">TKRestructuring.com/PPIC</a> if you have questions.
- Contact an attorney for legal advice concerning the chapter 11 cases.

TK Holdings Inc. Return Mail P.O. Box 3004 Monroe, WI 53566-3004

[PRIMECLERKID] - Barcode
\*\*\*[PRIMECLERKID] - Human Readable

[GIVEN NAME] [MIDDLE INITIAL] [SURNAME/ FIRM NAME] [SURNAME SUFFIX] - wrap as necessary [ADDRESS FIELDS FROM NCOA/CASS] - including country



Visit <a href="www.AirbagRecall.com">www.AirbagRecall.com</a> to see if you're at risk of injury or death, or call 1.888.327.4236 for more information about the safety of your vehicle.

Commencement of Chapter 11 Cases. On June 25, 2017 (the "Petition Date"), Debtors Takata Americas; TK Finance, LLC; TK China, LLC; TK Holdings Inc.; Takata Protection Systems Inc.; Interiors in Flight Inc.; TK Mexico Inc.; TK Mexico LLC; TK Holdings de Mexico S. de R.L. de C.V.; Industrias Irvin de Mexico, S.A. de C.V.; Takata de Mexico, S.A. de C.V.; and Strosshe-Mex, S. de R.L. de C.V each filed a voluntary petition for relief under chapter 11 cases imposed an automatic stay against most collection activities. This means that creditors generally may not take action to collect debts from the Debtors' property outside of the chapter 11 cases.

Restructuring Proceedings of Debtors' Japanese Affiliates. Takata Corporation, Takata Kyushu Corporation, and Takata Service Corporation (collectively, "Takata Japan") have commenced proceedings under the Civil Rehabilitation Act ("CRA") in Tokyo, Japan. Takata Japan has also sought recognition by the Bankruptcy Court of its CRA proceedings under Chapter 15 of the Bankruptcy Code. Parties who believe they have claims against Takata Japan can obtain information about the CRA proceedings at <a href="https://www.takata.com">www.takata.com</a>.

**Further Notices**. You should register your email address at <u>TKRestructuring.com/PPIC</u>. You will not receive notice of any further documents filed in the chapter 11 cases unless you do so. All documents filed with the Bankruptcy Court are available for inspection at the Office of the Clerk of the Court or free of charge at: TKRestructuring.com/PPIC.

**Restitution Fund:** Individuals who have suffered, or will suffer, personal injury caused by the malfunction of a PSAN Inflator may be eligible for compensation from Restitution Funds established by order of the Federal Court for the E.D. of Michigan. The Court has appointed a Special Master, Prof. Eric D. Green, to administer the claimant compensation process and make recommendations regarding the distribution of funds. If you believe you may qualify for compensation from the Restitution Funds, please visit www.takataspecialmaster.com for further information.

Deadline for Filing Proof of Claim. December 27, 2017, at 5:00 p.m. (Eastern Time) (the "PPIC Bar Date") is the last date and time to assert claims against any of the Debtors for monetary losses, personal injuries (including death), or asserted damages arising out of or relating to an airbag containing a PSAN Inflator or their component parts manufactured or sold by Takata prior to the Petition Date (a "PPIC Claim"). You must file a proof of claim for a PPIC Claim (a "PPIC Proof of Claim") even if you are included in a class action lawsuit or other representative action filed against the Debtors. Information about how to file a PPIC Proof of Claim, including the ability to file such claim electronically, is available at TKRestructuring.com/PPIC. If you fail to file a PPIC Proof of Claim before the PPIC Bar Date: (a) you may be forever barred, estopped, and enjoined from asserting a PPIC Claim against the Debtors even if your loss or injury does not occur until some point in the future; (b) the Debtors and their property may be forever discharged from any and all indebtedness or liability with respect to such claim; and (c) you may not receive any distribution in these chapter 11 cases on account of such claim. Filing a proof of claim submits a creditor to the jurisdiction of the Bankruptcy Court, with consequences a lawyer can explain. The PPIC Bar Date does not apply to claims for personal injury or wrongful death sustained after the Petition Date arising from or relating to a PSAN Inflator or its component parts manufactured by Takata. This means that you may be entitled to seek a distribution under the Plan upon injury or death even if you do not file a proof of claim by the PPIC Bar Date. However, you will remain subject to the other terms of the Plan—including the releases, injunctions, and "sale free and clear" provisions described below—to the same extent as other holders of claims.

Plan and Disclosure Statement. The Debtors will soon file a chapter 11 plan of reorganization (the "Plan") and accompanying disclosure statement (the "Disclosure Statement"). The Plan will describe the proposed treatment of claims against, and interests in, the Debtors; the Disclosure Statement will provide information about the Plan and the Debtors. The Bankruptcy Court will hold hearings to consider, and has set deadlines to object to, the adequacy of the Disclosure Statement and confirmation of the Plan.

- Disclosure Statement Hearing. January 3, 2018 at 10:00 a.m. (Eastern Time), with objections due no later than December 27, 2017, at 4:00 p.m. (Eastern Time);
- Confirmation Hearing. February 13, 2018 at 10:00 a.m. (Eastern Time), with objections due no later than February 6, 2018, at 4:00 p.m. (Eastern Time).

Carefully review the Plan and Disclosure Statement, available at: <u>TKRestructuring.com/PPIC</u>. If you register at <u>TKRestructuring.com/PPIC</u>, you will receive an electronic copy of the Plan and Disclosure Statement and other notices. If you fail to register, this will be the only notice you will receive. The Plan will bind all creditors and interest holders upon its confirmation. If you wish to object to the adequacy of the Disclosure Statement or confirmation of the Plan, you must properly file and serve an objection by the applicable deadline listed above.

Discharge. Confirmation of the Plan may result in a discharge of debts of the Debtors, which may include all or a part of your debt. See 11 U.S.C. § 1141(d). A discharge means that creditors may never try to collect against the Debtors, except as provided in the Plan.

RELEASES. In addition to the discharge described above, the Plan will likely contain broad releases of third-party claims and related injunction provisions. If approved, these provisions could release claims you hold against certain third parties, including the manufacturer of your vehicle and the Plan Sponsor (defined below). The foregoing is a summary only. You should carefully review the full text of the Plan's release, injunction, and related provisions and any applicable release "opt out" provision at TKRestructuring.com/PPIC.

SALE "FREE AND CLEAR." The Debtors have proposed Joyson KSS Auto Safety S.A., together with one or more of its current or future subsidiaries or affiliates, as their "Plan Sponsor." The Plan will provide for the Plan Sponsor's acquisition of substantially all assets of the Debtors (with specified exclusions generally related to Takata's PSAN Inflator business). The Plan Sponsor will buy these acquired assets free and clear of all claims, liens, charges, encumbrances, and other interests (collectively, "Claims and Interests"), except for certain specifically assumed liabilities. The Plan Sponsor will not assume any claims of the Debtors or Takata unless it expressly agrees to do so. Without limiting the foregoing, the Plan Sponsor is not assuming any claims or liabilities related in any way to the PSAN Inflators (and the propellant), including PPIC Claims. If you do not file an objection to the Plan with the Bankruptcy Court by the deadline above, your right to challenge the sale of the Debtors' assets "free and clear" of Claims and Interests and the related injunction will be forfeited. The Bankruptcy Court's approval of the sale of the Debtors' assets "free and clear" and the related injunction means that you will be forever barred from asserting any Claims and Interests against the Plan Sponsor and/or the Plan Sponsor's predecessors, assigns, subsidiaries, affiliates, equity holders, current and former officers and directors, employees, agents, professionals, and various other related persons. You should review the full text of this provision at TKRestructuring.com/PPIC.