No.	EXHIBIT	CITES	DISPUTED MATERIAL	TOYOTA'S RESPONSE	PLAINTIFFS' RESPONSE
1 (Prev. No. 7)	Exhibit K (Ernest Bastien deposition transcript and exhibits), which is attached to Dkt. #1239 as Exhibit A	000685-712, Highly Confidential Section, (filed under seal)	Mr. Bastien testifies regarding the organization chart marked as Exhibit 47, which had been marked as Highly Confidential, including names and offices. Mr. Bastien discussed names on the org chart and his dealings with those people generally.	***No Change from Prior Designation.*** Bastien's testimony involves Exhibit 47, which is an organizational chart that includes photographs of various personnel in addition to their names and titles and other employee data. It is marked "HIGHLY CONFIDENTIAL PURSUANT TO COURT ORDER." Mr. Bastien repeatedly refers to this exhibit. Toyota's position is that its employees' personal data, particularly photographs of its employees, should not be provided to the public. Courts have recognized that employee data is sensitive information subject to a protective order. *See Vieste, LLC v. Hill Redwood Development*, No. C-09-04024 JSW, 2011 U.S. Dist. Lexis 29137, at *14 (N.D. Cal. March 9, 2011); *Hill v. Eddie Bauer*, 242 F.R.D. 556, 563 (C.D. Cal. 2007). Plaintiffs have not met their burden to show that Toyota's employees' personal information and photographs must be publicly disclosed at this time.	The only basis for asserting confidentiality of Exhibit 47 is the presence of photos; therefore, testimony regarding the names of people on the chart and Mr. Bastien's dealings with such people is not protected. The exhibit itself is dealt with separately. Such general information about organizational structure does not warrant confidential treatment. *See In re Hydroxycut Mktg. & Sales Practices Litig.*, 2011 U.S. Dist. LEXIS 34058, at *5 (S.D. Cal. Mar. 29, 2011); *see also Contratto v. Ethicon, Inc.*, 227 F.R.D. 304, 310 (N.D. Cal. 2005); *Young v. Actions Semiconductor Co.*, 2007 U.S. Dist. LEXIS 54633, at *11-13 (S.D. Cal. July 27, 2007); *Minter v. Wells Fargo Bank, N.A.*, 2010 U.S. Dist. LEXIS 136006, at *22 (D. Md. Dec. 23, 2010).

No.	EXHIBIT	CITES	DISPUTED MATERIAL	TOYOTA'S RESPONSE	PLAINTIFFS' RESPONSE
2 (Prev. No. 10)	Exhibit K (Ernest Bastien deposition transcript and exhibits), which is attached to Dkt. #1239 as Exhibit A	000770-71, Exhibits 47 (filed under seal)	Exhibit 47 is another organizational chart.	***No Change from Prior Designation.*** Please see above for details regarding Toyota's factual and legal justifications for maintaining the confidentiality of this material.	Exhibit 47 is an organizational chart that does not contain confidential information, other than photographs of personnel. Such photos should be redacted. Such general information about organizational structure does not warrant confidential treatment. *See In re Hydroxycut Mktg. & Sales Practices Litig.*, 2011 U.S. Dist. LEXIS 34058, at *5 (S.D. Cal. Mar. 29, 2011); *see also Contratto v. Ethicon, Inc.*, 227 F.R.D. 304, 310 (N.D. Cal. 2005); *Young v. Actions Semiconductor Co.*, 2007 U.S. Dist. LEXIS 54633, at *11-13 (S.D. Cal. July 27, 2007); *Minter v. Wells Fargo Bank, N.A.*, 2010 U.S. Dist. LEXIS 136006, at *22 (D. Md. Dec. 23, 2010).
3 (Prev. No. 12)	Exhibit M (Steve Curtis deposition transcript and exhibits), which is attached to Dkt. #1239 and Exhibit B	001509-11, Exhibits 147-148 (filed under seal)	Exhibit 147 comes from a company monitoring media and on-line coverage of Toyota and discusses such public information. Exhibit 148 is an email regarding how to respond to media coverage.	***Exhibit 147 - Agree to De-Designate with Redactions*** Exhibit 147 is a report from Nielsen, a public relations firm retained by Toyota to not only monitor, but analyze various online topics. It includes proprietary recommendations by Nielsen regarding how to deal with public sentiment. Thus, it is appropriate for Toyota to redact information related to its corporate strategy. *See Stone*, 2011 U.S. Dist. LEXIS 14280, at *6-8; *see also, In re Adobe Systems, Inc.*, 141 F.R.D. at	As to Exhibit 147, Plaintiffs need to review any proposed redactions. This document discusses "buzz" from online and "Twitter Activity." The fact that Toyota monitors its press and generally assesses how Toyota is doing online does not touch upon its competitive position and is not confidential. As to Exhibit 148, this email discusses Toyota's response to an L.A. Times article from 2009. This was not confidential in the first place, but given that Toyota' response has already been made, it is also stale. *Hartford Cas. Ins. Co. v. Am. Dairy & Food Consulting*

No.	EXHIBIT	CITES	DISPUTED MATERIAL	TOYOTA'S RESPONSE	PLAINTIFFS' RESPONSE
				162. **Exhibit 148 - *No Change from Prior Designation.*** This Exhibit is an email sent by Jim Lentz to Yoshi Inaba that discusses Toyota's corporate strategy for dealing with the public's perception of the UA incidents and NHTSA investigations. Information regarding a corporation's public relations and marketing strategies has been protected as confidential information which could cause competitive harm if made public. *See Stone*, 2011 U.S. Dist. LEXIS 14280 at 6-8; *see also, In re Adobe Systems, Inc.*, 141 F.R.D. at 162. Toyota considers its public relations and marketing strategy competitively sensitive, and, believes that public dissemination of this information would be harmful to Toyota's business. Courts have recognized this rationale as a legitimate justification for maintaining the confidentiality of such information. *See Gulf & Western Industries*, 615 F.2d at 530; *Brookdale University*	*Labs., Inc.*, 2010 U.S. Dist. LEXIS 71865 (E.D. Cal. June 21, 2010); *Zavala v. Wal-Mart Corp.*, 2007 U.S. Dist. LEXIS 67282, at *26-28 (D.N.J. Sept. 12, 2007); *In re Bank One Sec. Litig.*, 222 F.R.D. 582, 589 (N.D. Ill. 2004) (finding defendant failed to demonstrate that meeting minutes from years ago "has any current significance worthy of protection"); *Minter v. Wells Fargo Bank, N.A.*, 2010 U.S. Dist. LEXIS 136006, at *39-40 (D. Md. Dec. 23, 2010) (finding formation documents from 1993 were stale). Toyota must do more than allege that its marketing materials are protected. *SuccessFactors, Inc. v. Softscape, Inc.*, 2008 U.S. Dist. LEXIS 79771, at *4-5 (N.D. Cal. Aug. 19, 2008). "General deposition testimony about a company's 'internal marketing information and competitive strategies' is not confidential." *Id.* Such general information does not warrant confidential treatment. *See In re Hydroxycut Mktg. & Sales Practices Litig.*, 2011 U.S. Dist. LEXIS 34058, at *5 (S.D. Cal. Mar. 29, 2011); *see also Contratto v. Ethicon, Inc.*, 227 F.R.D. 304, 310 (N.D. Cal. 2005); *Young v. Actions Semiconductor Co.*, 2007 U.S. Dist. LEXIS 54633, at *11-13 (S.D. Cal. July 27, 2007); *Minter v.*

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				Hospital and Medical Center, Inc. v. Health Insurance Plan of Greater New York, 2008 WL 4541014, at *2 (E.D.N.Y Oct. 7, 2008); *Bradburn Parent/Teacher Store, Inc. v. 3M*, 2004 WL 1146665 at *2-3 (E.D. Pa. May 19, 2004). Plaintiffs have failed to overcome their burden by demonstrating why information regarding Toyota's public relations and marketing strategies must be publicly disclosed at this time.	*Wells Fargo Bank, N.A.*, 2010 U.S. Dist. LEXIS 136006, at *22 (D. Md. Dec. 23, 2010). A document that "generally summarizes past research" is not confidential. *Contratto v. Ethicon, Inc.*, 227 F.R.D. 304, 310 (N.D. Cal. 2005); *Young v. Actions Semiconductor Co.*, 2007 U.S. Dist. LEXIS 54633, at *11-13 (S.D. Cal. July 27, 2007). The cases cited by Toyota do not apply. *Bradburn Parent/Teacher Store, Inc. v. 3M*, 2004 WL 1146665, at *2-3 (E.D. Pa. May 19, 2004) involved detailed strategic plans, documents identifying competitive strengths and weaknesses, financial projections, sales data and customer lists. *Stone*, 2011 U.S. Dist. LEXIS 14280 involved trade secrets in an unopposed motion to seal. *In re Adobe Systems, Inc. Securities Litig.*, 141 F.R.D. 155, 162 (N.D. Cal. 1992) involved a motion to modify a protective order, but did not address a substantive challenge to confidentiality. These cases are not analogous.
4 (Prev. No. 13)	Exhibit M (Steve Curtis deposition	001527-36, Exhibits 153 (filed under	Exhibit 153 is an email discussing "Radio & Broadcast talking points" and Exhibit 154 is a "Q	**Exhibit 153 - *Agree to De-Designate with Redactions*** Toyota agrees to de-designate the	This information was prepared for public dissemination. It was never intended the content of these talking points would be kept secret.

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	transcript and exhibits), which is attached to Dkt. #1239 and Exhibit B	seal)	and A" for the Call Center, addressing media coverage talking points. There is no justification for sealing these documents.	portion of Exhibit 153 that discusses coordinating and scheduling media sound bites, with redactions to the portion of the email that details its public relations strategy. Information regarding a corporation's public relations and marketing strategies has been protected as confidential information which could cause competitive harm if made public. *See Stone*, 2011 U.S. Dist. LEXIS 14280, at *6-8; *see also, In re Adobe Systems, Inc.*, 141 F.R.D. at 162. Toyota considers its marketing strategy, and the public relations consultants used to implement it, competitively sensitive, and, believes that public dissemination of this information would be harmful to Toyota's business. Courts have recognized this rationale as a legitimate justification for maintaining the confidentiality of such information. *See Gulf & Western Industries*, 615 F.2d at 530; *Brookdale University Hospital and Medical Center, Inc. v. Health Insurance Plan of Greater New York*, 2008 WL 4541014, at *2 (E.D.N.Y Oct. 7,	Toyota must do more than allege that its marketing materials are protected. *SuccessFactors, Inc. v. Softscape, Inc.*, 2008 U.S. Dist. LEXIS 79771, at*4-5 (N.D. Cal. Aug. 19, 2008). "General deposition testimony about a company's 'internal marketing information and competitive strategies' is not confidential." *Id.* Such general information does not warrant confidential treatment. *See In re Hydroxycut Mktg. & Sales Practices Litig.*, 2011 U.S. Dist. LEXIS 34058, at *5 (S.D. Cal. Mar. 29, 2011); *see also Contratto v. Ethicon, Inc.*, 227 F.R.D. 304, 310 (N.D. Cal. 2005); *Young v. Actions Semiconductor Co.*, 2007 U.S. Dist. LEXIS 54633, at *11-13 (S.D. Cal. July 27, 2007); *Minter v. Wells Fargo Bank, N.A.*, 2010 U.S. Dist. LEXIS 136006, at *22 (D. Md. Dec. 23, 2010). Moreover, it is outdated and stale. *Hartford Cas. Ins. Co. v. Am. Dairy & Food Consulting Labs., Inc.*, 2010 U.S. Dist. LEXIS 71865 (E.D. Cal. June 21, 2010); *Zavala v. Wal-Mart Corp.*, 2007 U.S. Dist. LEXIS 67282, at *26-28 (D.N.J. Sept. 12, 2007); *In re Bank One Sec. Litig.*, 222 F.R.D. 582, 589 (N.D. Ill. 2004) (finding defendant failed to demonstrate that meeting minutes from

No.	EXHIBIT	CITES	DISPUTED MATERIAL	TOYOTA'S RESPONSE	PLAINTIFFS' RESPONSE
				2008); *Bradburn Parent/Teacher Store, Inc. v. 3M*, 2004 WL 1146665, at *2-3 (E.D. Pa. May 19, 2004). Plaintiffs have failed to overcome their burden by demonstrating why information regarding Toyota's public relations consultants must be publicly disclosed at this time, nor how this information is relevant to a choice of law determination.	years ago "has any current significance worthy of protection"); *Minter v. Wells Fargo Bank, N.A.*, 2010 U.S. Dist. LEXIS 136006, at *39-40 (D. Md. Dec. 23, 2010) (finding formation documents from 1993 were stale). The cases cited by Toyota do not apply. *Bradburn Parent/Teacher Store, Inc. v. 3M*, 2004 WL 1146665, at *2-3 (E.D. Pa. May 19, 2004) involved detailed strategic plans, documents identifying competitive strengths and weaknesses, financial projections, sales data and customer lists. *Stone*, 2011 U.S. Dist. LEXIS 14280 involved trade secrets in an unopposed motion to seal. These documents are not analogous. These documents are not analogous.
5 (Prev. No. 15)	Exhibits N.1 (Masanori Hirose deposition transcripts and exhibits), which is attached to Dkt. #1239 as Exhibit C	001613-15 (Dep. at 42:6-44:14)	Mr. Hirose discusses the development of control specifications used by Denso in coding the brake-override subroutine and comparisons to what other companies were doing. Although the specific way in which Toyota develops its specifications may be confidential or proprietary, a general discussion of such	***No Change from Prior Designation.*** This document includes information regarding how brake override was developed, and the benchmarking that Toyota did by comparing the brake override systems of other manufacturers. The system that Toyota used to evaluate competing manufacturers is proprietary, competitively sensitive information. Competitors could use this information in an attempt to undercut how Toyota's	This testimony does not reveal trade secrets or otherwise competitively sensitive information. There are no formulas or specifications; instead it describes generally business procedures. Toyota has not met its burden of proving confidentiality is warranted. A document that "generally summarizes past research" is not confidential. *Contratto v. Ethicon, Inc.*, 227 F.R.D. 304, 310 (N.D. Cal. 2005). Such general information does not warrant confidential treatment. *See In*

No.	EXHIBIT	CITES	DISPUTED MATERIAL	TOYOTA'S RESPONSE	PLAINTIFFS' RESPONSE
			procedures does not warrant protection.	brake override feature was developed. For example, an automobile competitor could run advertising campaigns stating *in detail* the features of its brake override system that were considered by not utilized by Toyota for legitimate reasons. *See Gulf & Western Industries, Inc. v. U. S.*, 615 F.2d 527, 530 (C.A.D.C., 1979). Toyota considers its evaluation of competing manufacturers' products competitively sensitive, and, believes that public dissemination of this information would be harmful to Toyota's business. Courts have recognized this rationale as a legitimate justification for maintaining the confidentiality of such information. *See Gulf & Western Industries*, 615 F.2d at 530; *Brookdale University Hospital and Medical Center, Inc. v. Health Insurance Plan of Greater New York*, 2008 WL 4541014 at *2 (E.D.N.Y Oct. 7, 2008); *Bradburn Parent/Teacher Store, Inc. v. 3M*, 2004 WL 1146665, at *2-3 (E.D. Pa. May 19, 2004). Plaintiffs have failed to overcome their burden by demonstrating why	*re Hydroxycut Mktg. & Sales Practices Litig.*, 2011 U.S. Dist. LEXIS 34058, at *5 (S.D. Cal. Mar. 29, 2011); *see also Contratto v. Ethicon, Inc.*, 227 F.R.D. 304, 310 (N.D. Cal. 2005); *Young v. Actions Semiconductor Co.*, 2007 U.S. Dist. LEXIS 54633, 11-13 (S.D. Cal. July 27, 2007); *Minter v. Wells Fargo Bank, N.A.*, 2010 U.S. Dist. LEXIS 136006, at*22 (D. Md. Dec. 23, 2010). Moreover, this information is stale and useless to Toyota's competitors. *Hartford Cas. Ins. Co. v. Am. Dairy & Food Consulting Labs., Inc.*, 2010 U.S. Dist. LEXIS 71865 (E.D. Cal. June 21, 2010); *Zavala v. Wal-Mart Corp.*, 2007 U.S. Dist. LEXIS 67282, at *26-28 (D.N.J. Sept. 12, 2007); *In re Bank One Sec. Litig.*, 222 F.R.D. 582, 589 (N.D. Ill. 2004) (finding defendant failed to demonstrate that meeting minutes from years ago "has any current significance worthy of protection"); *Minter v. Wells Fargo Bank, N.A.*, 2010 U.S. Dist. LEXIS 136006, at *39-40 (D. Md. Dec. 23, 2010) (finding formation documents from 1993 were stale). The cases cited by Toyota do not apply. *Bradburn Parent/Teacher Store, Inc. v. 3M*, 2004 WL 1146665, at *2-3 (E.D. Pa. May 19, 2004) involved detailed strategic plans, documents identifying

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				information regarding Toyota's benchmarking activities and internal evaluations of its competitors must be publicly disclosed at this time.	competitive strengths and weaknesses, financial projections, sales data and customer lists. These documents are not analogous.
6 (Prev. No. 16)	Exhibits N.1 (Masanori Hirose deposition transcripts and exhibits), which is attached to Dkt. #1239 as Exhibit C	001654- 56 (Dep. at 96:17-98:17)	Mr. Hirose testifies regarding his knowledge of the Bosch system, which is not Toyota's confidential information. He also discusses Toyota's comparison of that system in designing their brake-override.	***No Change from Prior Designation.*** This document includes information regarding how brake override was developed, and the benchmarking that Toyota did by comparing the brake override systems of other manufacturers. The system that Toyota used to evaluate competing manufacturers is proprietary, competitively sensitive information. Competitors could use this information in an attempt to undercut how Toyota's brake override feature was developed. For example, an automobile competitor could run advertising campaigns stating *in detail* the features of its brake override system that were considered by not utilized by Toyota for legitimate reasons. *See Gulf & Western Industries, Inc. v. U. S.*, 615 F.2d 527, 530 (C.A.D.C., 1979). Toyota considers its evaluation of competing manufacturers' products	Testimony regarding the Bosch system, which Toyota did not develop is not confidential. Nor is the fact that Toyota compared competitor systems. A document that "generally summarizes past research" is not confidential. *Contratto v. Ethicon, Inc.*, 227 F.R.D. 304, 310 (N.D. Cal. 2005). The "detail" of which Toyota speaks is not there. Nor is the fact that the information could make Toyota look bad enough to keep this testimony sealed. This testimony does not reveal trade secrets or otherwise competitively sensitive information. There are no formulas or specifications; instead it describes generally business procedures. Toyota has not met its burden of proving confidentiality is warranted. A document that "generally summarizes past research" is not confidential. *Contratto v. Ethicon, Inc.*, 227 F.R.D. 304, 310 (N.D. Cal. 2005). Such general information does not warrant confidential treatment. *See In re Hydroxycut Mktg. & Sales Practices*

No.	EXHIBIT	CITES	DISPUTED MATERIAL	TOYOTA'S RESPONSE	PLAINTIFFS' RESPONSE
				competitively sensitive, and, believes that public dissemination of this information would be harmful to Toyota's business. Courts have recognized this rationale as a legitimate justification for maintaining the confidentiality of such information. *See Gulf & Western Industries*, 615 F.2d at 530; *Brookdale University Hospital and Medical Center, Inc. v. Health Insurance Plan of Greater New York*, 2008 WL 4541014 at *2 (E.D.N.Y Oct. 7, 2008); *Bradburn Parent/Teacher Store, Inc. v. 3M*, 2004 WL 1146665 at *2-3 (E.D. Pa. May 19, 2004). Plaintiffs have failed to overcome their burden by demonstrating why information regarding Toyota's benchmarking activities and internal evaluations of its competitors must be publicly disclosed at this time.	*Litig.*, 2011 U.S. Dist. LEXIS 34058, at *5 (S.D. Cal. Mar. 29, 2011); *see also Contratto v. Ethicon, Inc.*, 227 F.R.D. 304, 310 (N.D. Cal. 2005); *Young v. Actions Semiconductor Co.*, 2007 U.S. Dist. LEXIS 54633, at *11-13 (S.D. Cal. July 27, 2007); *Minter v. Wells Fargo Bank, N.A.*, 2010 U.S. Dist. LEXIS 136006, at *22 (D. Md. Dec. 23, 2010). Moreover, this information is stale and useless to Toyota's competitors. *Hartford Cas. Ins. Co. v. Am. Dairy & Food Consulting Labs., Inc.*, 2010 U.S. Dist. LEXIS 71865 (E.D. Cal. June 21, 2010); *Zavala v. Wal-Mart Corp.*, 2007 U.S. Dist. LEXIS 67282, at *26-28 (D.N.J. Sept. 12, 2007); *In re Bank One Sec. Litig.*, 222 F.R.D. 582, 589 (N.D. Ill. 2004) (finding defendant failed to demonstrate that meeting minutes from years ago "has any current significance worthy of protection"); *Minter v. Wells Fargo Bank, N.A.*, 2010 U.S. Dist. LEXIS 136006, at *39-40 (D. Md. Dec. 23, 2010) (finding formation documents from 1993 were stale). The cases cited by Toyota do not apply. *Bradburn Parent/Teacher Store, Inc. v. 3M*, 2004 WL 1146665 at *2-3 (E.D. Pa. May 19, 2004) involved detailed strategic plans, documents identifying competitive strengths and weaknesses,

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					financial projections, sales data and customer lists. These documents are not analogous.
7 (Prev. No. 17)	Exhibits N.1 (Masanori Hirose deposition transcripts and exhibits), which is attached to Dkt. #1239 as Exhibit C	001697-1710, Highly Confidential Section (filed under seal)	Mr. Hirose testifies regarding an email, Exhibit 106, which discusses comparisons to competitors, but does not disclose proprietary or sensitive information.	***No Change from Prior Designation.*** Please see above for details regarding Toyota's factual and legal justifications for maintaining the confidentiality of this material.	Testimony regarding the fact that Toyota compared its competitors' systems is not confidential. A document that "generally summarizes past research" is not confidential. *Contratto v. Ethicon, Inc.*, 227 F.R.D. 304, 310 (N.D. Cal. 2005). Such general information does not warrant confidential treatment. *See In re Hydroxycut Mktg. & Sales Practices Litig.*, 2011 U.S. Dist. LEXIS 34058, at *5 (S.D. Cal. Mar. 29, 2011); *see also Contratto v. Ethicon, Inc.*, 227 F.R.D. at 310.
8 (Prev. No. 19)	Exhibits N.1 (Masanori Hirose deposition transcripts and exhibits), which is attached to Dkt. #1239 as Exhibit C	001722-27, Exhibit 100 (filed under seal)	Exhibit 100 is a string of emails marked "PRIVILEGED AND CONFIDENTIAL," which discuss communications with NHTSA. They summarize calls and meetings with ODI/NHTSA and provide some input as to further response; therefore, it should not be considered confidential.	***No Change from Prior Designation.*** This document is a confidential briefing regarding the NHTSA investigation. It further discusses Toyota's strategy for the investigation, and the need for Toyota to formulate a public statement. This is a confidential document; it is not a communication directly with NHTSA. These emails were intended to be confidential corporate communications that would not be publically disseminated. To this end, all	Toyota is not claiming a privilege as to this document; therefore, it has the burden of proving confidentiality. It is a recounting of its communications with a public agency, simply summarizing conversations and discussing general plans. This testimony does not reveal trade secrets or otherwise competitively sensitive information. Toyota has not met its burden of proving confidentiality is warranted. Information provided to a governmental agency regarding "corrective actions taken" are not

No.	EXHIBIT	CITES	DISPUTED MATERIAL	TOYOTA'S RESPONSE	PLAINTIFFS' RESPONSE
				emails were clearly labeled "PRIVILEGED AND CONFIDENTIAL" by the authors at the time that they were created. Toyota considers its internal evaluation of the NHTSA investigation confidential, and, believes that public dissemination of this information would be harmful to Toyota's business. Courts have protected the confidentiality of this exact type of internal analysis under FRCP Rule 26(c). *See Muehlbauer v. GMC*, 2009 U.S. Dist. LEXIS 26971 (N.D. Ill. Mar. 31, 2009). Plaintiffs have failed to overcome their burden by demonstrating why information regarding Toyota's internal evaluations the NHTSA investigation must be publicly disclosed at this time.	confidential, even though "adverse to defendants' litigation position." *Contratto v. Ethicon, Inc.*, 227 F.R.D. 304, 312 (N.D. Cal. 2005). Moreover, this information is stale and could not be used against Toyota. *Hartford Cas. Ins. Co. v. Am. Dairy & Food Consulting Labs., Inc.*, 2010 U.S. Dist. LEXIS 71865 (E.D. Cal. June 21, 2010); *Zavala v. Wal-Mart Corp.*, 2007 U.S. Dist. LEXIS 67282, at *26-28 (D.N.J. Sept. 12, 2007); *In re Bank One Sec. Litig.*, 222 F.R.D. 582, 589 (N.D. Ill. 2004) (finding defendant failed to demonstrate that meeting minutes from years ago "has any current significance worthy of protection"); *Minter v. Wells Fargo Bank, N.A.*, 2010 U.S. Dist. LEXIS 136006, at *39-40 (D. Md. Dec. 23, 2010) (finding formation documents from 1993 were stale).
9 (Prev. No. 20)	Exhibits N.1 (Masanori Hirose deposition transcripts and exhibits), which is attached to	001732-37, Exhibit 103 (filed under seal)	Exhibit 103 is a string of emails conveying communications with NHTSA and discussing followup options; therefore, it should not be considered confidential.	***No Change from Prior Designation.*** Please see above for details regarding Toyota's factual and legal justifications for maintaining the confidentiality of this material.	Information provided to a governmental agency regarding "corrective actions taken" are not confidential, even though "adverse to defendants' litigation position." *Contratto v. Ethicon, Inc.*, 227 F.R.D. 304, 312 (N.D. Cal. 2005). This information is also stale since Toyota has provided its response to NHTSA. General plans of a business

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	Dkt. #1239 as Exhibit C				should not be kept confidential into perpetuity. *Hartford Cas. Ins. Co. v. Am. Dairy & Food Consulting Labs., Inc.*, 2010 U.S. Dist. LEXIS 71865 (E.D. Cal. June 21, 2010); *Zavala v. Wal-Mart Corp.*, 2007 U.S. Dist. LEXIS 67282, at *26-28 (D.N.J. Sept. 12, 2007); *In re Bank One Sec. Litig.*, 222 F.R.D. 582, 589 (N.D. Ill. 2004) (finding defendant failed to demonstrate that meeting minutes from years ago "has any current significance worthy of protection"); *Minter v. Wells Fargo Bank, N.A.*, 2010 U.S. Dist. LEXIS 136006, at *39-40 (D. Md. Dec. 23, 2010) (finding formation documents from 1993 were stale).
10 (Prev. No. 21)	Exhibits N.1 (Masanori Hirose deposition transcripts and exhibits), which is attached to Dkt. #1239 as Exhibit C	001743, Exhibit 106 (filed under seal)	Exhibit 106 is an email discussing the NHTSA investigation and inquiring about competitor vehicles. There is no justification for sealing this document.	***No Change from Prior Designation.*** Please see above for details regarding Toyota's factual and legal justifications for maintaining the confidentiality of this material.	This general information about the NHTSA investigation is not confidential. It is also stale and no longer useful. Information provided to a governmental agency regarding "corrective actions taken" are not confidential, even though "adverse to defendants' litigation position." *Contratto v. Ethicon, Inc.*, 227 F.R.D. 304, 312 (N.D. Cal. 2005).
11 (Prev. No. 22)	Exhibits N.2 (Masanori Hirose deposition transcripts	001813- 16 (Dep. at 20:13-223:17)	Mr. Hirose testifies regarding the Bosch brake-override system and Denso's development of BOS, generally. The only potentially confidential	***No Change from Prior Designation.*** Please see above for details regarding Toyota's factual and legal justifications for maintaining	A document that "generally summarizes past research" is not confidential. *Contratto v. Ethicon, Inc.*, 227 F.R.D. 304, 310 (N.D. Cal. 2005). This is especially true when it is such a broad discussion of competitors – not

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	and exhibits), which is attached to Dkt. #1239 as Exhibit C		information is at 001814, wherein Mr. Hirose discusses Toyota's property, but he provides no details about it.	the confidentiality of this material.	proprietary systems. At least one court has recognized that information that "pertains to transactions or sources of technology," which was two years old, was outdated, observing that "[i]n the dynamic world of technology, this type of information often quickly becomes outdated and irrelevant." *Young v. Actions Semiconductor Co.*, 2007 U.S. Dist. LEXIS 54633, 11-13 (S.D. Cal. July 27, 2007).
12 (Prev. No. 23)	Exhibits N.2 (Masanori Hirose deposition transcripts and exhibits), which is attached to Dkt. #1239 as Exhibit C	001828- 49, Highly Confidential Section (filed under seal)	Mr. Hirose is questioned about the names of people on Exhibit 109, a report regarding a Toyota owner identified on Exhibit 110, names on an email discussing development of brake-override at Exhibit 113 and discussions referenced in Exhibit 114. There is very little content in this testimony, and contains no confidential, PII or proprietary information. To the extent the exhibits referenced may be confidential, that should be dealt with separately.	**1828-1841 - *Agree to De-Designate*.** **1842-1845 – *No Change from Prior Designation*** Plaintiffs must have misunderstood Toyota's position regarding this material, because Toyota did not agree to de-designate due to Mr. Hirose's substantive discussion of confidential Exhibit 114. Exhibit 114 is an internal communication discussing the development of the throttle control system. Thus, Exhibit 114, and any substantive testimony relating thereto is confidential for the same reasons discussed above.	The testimony at Bates Nos. 1842-1845 relate to Exhibit 114, but provides no substantive information about this exhibit. In fact, Mr. Hirose does not know the people on the email and cannot address its content. Even if Exhibit 114 is confidential, this testimony is not. Such general information about organizational structure does not warrant confidential treatment. *See In re Hydroxycut Mktg. & Sales Practices Litig.*, 2011 U.S. Dist. LEXIS 34058, at 5 (S.D. Cal. Mar. 29, 2011); *see also Contratto v. Ethicon, Inc.*, 227 F.R.D. 304, 310 (N.D. Cal. 2005); *Young v. Actions Semiconductor Co.*, 2007 U.S. Dist. LEXIS 54633, 11-13 (S.D. Cal. July 27, 2007); *Minter v. Wells Fargo Bank, N.A.*, 2010 U.S. Dist. LEXIS 136006, 22 (D. Md. Dec. 23, 2010).

No.	EXHIBIT	CITES	DISPUTED MATERIAL	TOYOTA'S RESPONSE	PLAINTIFFS' RESPONSE
					Moreover, this information is stale and useless to Toyota's competitors. *Hartford Cas. Ins. Co. v. Am. Dairy & Food Consulting Labs., Inc.*, 2010 U.S. Dist. LEXIS 71865 (E.D. Cal. June 21, 2010); *Zavala v. Wal-Mart Corp.*, 2007 U.S. Dist. LEXIS 67282, 26-28 (D.N.J. Sept. 12, 2007); *In re Bank One Sec. Litig.*, 222 F.R.D. 582, 589 (N.D. Ill. 2004) (finding defendant failed to demonstrate that meeting minutes from years ago "has any current significance worthy of protection"); *Minter v. Wells Fargo Bank, N.A.*, 2010 U.S. Dist. LEXIS 136006, 39-40 (D. Md. Dec. 23, 2010) (finding formation documents from 1993 were stale).
13 (Prev. No. 24)	Exhibits N.2 (Masanori Hirose deposition transcripts and exhibits), which is attached to Dkt. #1239 as Exhibit C	001853- 54, Exhibits 109-110	Exhibit 109 is an email discussing impacted vehicles in Canada, sticky pedal issues and brake-override generally. This does not warrant the "Highly Confidential" designation. Exhibit 110 discusses a specific vehicle and should simply be redacted to the extent it has PII information in it.	**Exhibit 109 – *No Change from Prior Designation.*** Plaintiffs mischaracterize the nature of this email. It does not discuss Toyota's confidential information generally. Instead, this email discusses proprietary information regarding Toyota's corporate strategy, the number of potentially impacted vehicles in Canada, and potential field fix methods. This type of information is competitively sensitive and was never intended to be publically disseminated.	A document that "generally summarizes past research" is not confidential. *Contratto v. Ethicon, Inc.*, 227 F.R.D. 304, 310 (N.D. Cal. 2005). Nor are such general discussions about recall activity. *See In re Hydroxycut Mktg. & Sales Practices Litig.*, 2011 U.S. Dist. LEXIS 34058, at 5 (S.D. Cal. Mar. 29, 2011); *see also Contratto v. Ethicon, Inc.*, 227 F.R.D. 304, 310 (N.D. Cal. 2005); *Young v. Actions Semiconductor Co.*, 2007 U.S. Dist. LEXIS 54633, 11-13 (S.D. Cal. July 27, 2007); *Minter v. Wells Fargo Bank, N.A.*, 2010 U.S. Dist. LEXIS 136006, 22 (D. Md. Dec. 23, 2010).

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				Toyota considers its internal evaluation of the sticky pedal and brake-override issues confidential, and, believes that public dissemination of this information would be harmful to Toyota's business. Courts have recognized this rationale as a legitimate justification for maintaining the confidentiality of such information. *See Gulf & Western Industries*, 615 F.2d at 530; *Brookdale University Hospital and Medical Center, Inc. v. Health Insurance Plan of Greater New York*, 2008 WL 4541014 at *2 (E.D.N.Y Oct. 7, 2008); *Bradburn Parent/Teacher Store, Inc. v. 3M*, 2004 WL 1146665 at *2-3 (E.D. Pa. May 19, 2004). Plaintiffs have failed to overcome their burden by demonstrating why information regarding Toyota's internal evaluations the NHTSA investigation must be publicly disclosed at this time. **Exhibit 110 – *Agree to Redact PII Information.***	Additionally, Toyota's plan to handle a response to sticky pedals is now stale. *Hartford Cas. Ins. Co. v. Am. Dairy & Food Consulting Labs., Inc.*, 2010 U.S. Dist. LEXIS 71865 (E.D. Cal. June 21, 2010); *Zavala v. Wal-Mart Corp.*, 2007 U.S. Dist. LEXIS 67282, 26-28 (D.N.J. Sept. 12, 2007); *In re Bank One Sec. Litig.*, 222 F.R.D. 582, 589 (N.D. Ill. 2004) (finding defendant failed to demonstrate that meeting minutes from years ago "has any current significance worthy of protection"); *Minter v. Wells Fargo Bank, N.A.*, 2010 U.S. Dist. LEXIS 136006, 39-40 (D. Md. Dec. 23, 2010) (finding formation documents from 1993 were stale).
14 (Prev. No. 25)	Exhibits N.2 (Masanori Hirose	001865-69, Exhibits 113-114 (filed	Exhibit 113 is an email, which appears to be discussing brake-override. There is a	***No Change from Prior Designation.*** Exhibits 113 and 114 both discuss	A document that "generally summarizes past research" is not confidential. *Contratto v. Ethicon, Inc.*, 227 F.R.D. 304, 310 (N.D. Cal. 2005).

No.	EXHIBIT	CITES	DISPUTED MATERIAL	TOYOTA'S RESPONSE	PLAINTIFFS' RESPONSE
	deposition transcripts and exhibits), which is attached to Dkt. #1239 as Exhibit C	under seal)	password, which Plaintiffs agree should be redacted. It is unclear, however, what is confidential within the remainder of the email string. Exhibit 114 discusses generally the effectiveness of a throttle control system, but also does not appear to contain confidential information that should be protected from public disclosure.	specific details regarding the development of the throttle control and brake override systems. They describe specific testing that Toyota plans to conduct, as well as Toyota's corporate strategy for dealing with the unintended acceleration claims. This information was never intended for public dissemination. Toyota considers its internal evaluation of the throttle control system and brake override confidential, and, believes that public dissemination of this information would be harmful to Toyota's business. Courts have recognized this rationale as a legitimate justification for maintaining the confidentiality of such information. *See Gulf & Western Industries*, 615 F.2d at 530; *Brookdale University Hospital and Medical Center, Inc. v. Health Insurance Plan of Greater New York*, 2008 WL 4541014 at *2 (E.D.N.Y Oct. 7, 2008); *Bradburn Parent/Teacher Store, Inc. v. 3M*, 2004 WL 1146665 at *2-3 (E.D. Pa. May 19, 2004). Plaintiffs have failed to overcome their burden by demonstrating why	Such general information does not warrant confidential treatment. *See In re Hydroxycut Mktg. & Sales Practices Litig.*, 2011 U.S. Dist. LEXIS 34058, at 5 (S.D. Cal. Mar. 29, 2011); *see also Contratto v. Ethicon, Inc.*, 227 F.R.D. at 310. The cases cited by Toyota do not apply. For example, *Bradburn Parent/Teacher Store, Inc. v. 3M*, 2004 WL 1146665 at *2-3 (E.D. Pa. May 19, 2004) involved detailed strategic plans, documents identifying competitive strengths and weaknesses, financial projections, sales data and customer lists. These documents are not analogous.

No.	EXHIBIT	CITES	DISPUTED MATERIAL	TOYOTA'S RESPONSE	PLAINTIFFS' RESPONSE
				information regarding Toyota's internal evaluation of the throttle control and brake override systems must be publicly disclosed at this time.	
15 (Prev. No. 26)	Exhibits 0.1 and 0.2 (Hijame Kitamura deposition transcripts and exhibits), which are attached to Dkt. #1239 as Exhibit D	001939-2014, Highly Confidential Section (filed under seal)	Mr. Kitamura discusses Exhibits 201-202, explaining the corporate structure and work flow within Toyota. He generally discusses codes used to identify "conditions" relating to vehicles and his and others' roles within Toyota. Toyota bears the burden of identifying specific confidential information within Mr. Kitamura's long explanation of Toyota's internal structures. The mere fact that Toyota has designated Exhibits 201 and 202 as Confidential does not render the 75 pages of testimony as protected material.	***No Change from Prior Designation.*** This entire portion of the transcript was designated confidential when the deposition was taken in November 2010. Plaintiffs have mischaracterized the nature of this testimony. In reality, Mr. Kitamura testifies at length regarding how Toyota responds to and processes customer complaints and conducts product recalls. He also discusses how CQE-J is organized and its areas of responsibility. Toyota believes that public dissemination of information regarding these aspects of its business operations would be harmful to Toyota's business. Courts have recognized this rationale as a legitimate justification for maintaining the confidentiality of such information. *See Brookdale University Hospital and Medical Center, Inc. v. Health Insurance Plan of Greater New York*, 2008 WL 4541014 at *2	Plaintiffs did not waive their right to challenge confidentiality by allowing this portion of the transcript to be designated as confidential. See Protective Order ¶¶ 20-21. Plaintiffs withdraw their challenge to the confidentiality designation of this testimony to the extent it specifically discusses Exhibit 202. As to the remainder, Plaintiffs position is unchanged. This does not constitute a waiver as to future confidentiality challenges. These documents reveal information such as corporate structure, work flow, general testing procedures, general marketing strategies and other information that does not warrant confidential treatment. There are no compelling reasons, nor good cause, for sealing documents that reveal information such as corporate structure and normal business practices and agreements – especially those "that do not reveal information of

No.	EXHIBIT	CITES	DISPUTED MATERIAL	TOYOTA'S RESPONSE	PLAINTIFFS' RESPONSE
				(E.D.N.Y Oct. 7, 2008); *Bradburn Parent/Teacher Store, Inc. v. 3M*, 2004 WL 1146665 at *2-3 (E.D. Pa. May 19, 2004). Plaintiffs have failed to overcome their burden and demonstrate why the specifics of internal processes relating to how Toyota responds to customer complaints and conducts recalls, and the organization of CQE-J, must be disclosed to the public at this time.	competitive value." *In re Hydroxycut Mktg. & Sales Practices Litig.*, 2011 U.S. Dist. LEXIS 34058 (S.D. Cal. Mar. 29, 2011) (finding defendant did not satisfy burden of establishing a compelling reason for sealing exhibits); *Navarro v. Eskanos & Adler*, 2007 U.S. Dist. LEXIS 24864, 4-8 (N.D. Cal. Mar. 22, 2007) (holding documents prepared for training purposes, compliance and supervision practices are not confidential); *Contratto v. Ethicon, Inc.*, 227 F.R.D. 304, 309 (N.D. Cal. 2005); *Young v. Actions Semiconductor Co.*, 2007 U.S. Dist. LEXIS 54633, 11-13 (S.D. Cal. July 27, 2007); *Minter v. Wells Fargo Bank, N.A.*, 2010 U.S. Dist. LEXIS 136006, 38-39 (D. Md. Dec. 23, 2010).
16 (Prev. No. 27)	Exhibits 0.1 and 0.2 (Hijame Kitamura deposition transcripts and exhibits), which are attached to Dkt. #1239 as Exhibit D	002017- 65, Exhibits 201 and 204 (filed under seal)	These exhibits are flow charts and organization charts for Toyota. There is no justification for sealing these documents.	***No Change from Prior Designation.*** Mr. Kitamura's testimony, described above, relates to these exhibits. Toyota therefore incorporates by reference its factual and legal justifications for maintaining the confidentiality of these exhibits.	Exhibit 201 is Customer Quality Engineering Div. Organization chart; which we maintain is not confidential. Exhibit 204 is a Chart of Meetings that was prepared in response to NHTSA requests for information, and does not contain confidential information. This compilation of the names and dates and general subjects of meetings could not be used by competitors in any way that warrants

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					protection. Information provided to a governmental agency regarding "corrective actions taken" are not confidential, even though "adverse to defendants' litigation position." *Contratto v. Ethicon, Inc.*, 227 F.R.D. 304, 312 (N.D. Cal. 2005). Testimony that "'discloses information relating to internal operational information and communications'" with are not confidential. *SuccessFactors, Inc. v. Softscape, Inc.*, 2008 U.S. Dist. LEXIS 79771, 5-7 (N.D. Cal. Aug. 19, 2008).
17 (Prev. No. 28)	Exhibits 0.1 and 0.2 (Hijame Kitamura deposition transcripts and exhibits), which are attached to Dkt. #1239 as Exhibit D	002085-2218, Highly Confidential Section (filed under seal)	Toyota should be required to identify what portions of the 79 pages of testimony and multiple Exhibits is confidential rather than filing 133 pages under seal without explanation. For example, Exhibit 203 at Bates 002170 is an organizational chart that does not warrant confidential treatment. Likewise, at Bates 002091, Mr. Kitamura is discussing how Toyota	***No Change from Prior Designation.*** This is the second day of Mr. Kitamura's testimony. Again, the entire portion of the transcript was designated confidential when the deposition was taken in November 2010. Plaintiffs have mischaracterized the nature of this testimony. In reality, Mr. Kitamura testifies at length regarding how Toyota responds to and processes customer complaints and conducts product recalls. He also discusses	Plaintiffs did not waive their right to challenge confidentiality by allowing this portion of the transcript to be designated as confidential. See Protective Order ¶¶ 20-21. Testimony that "'discloses information relating to internal operational information and communications'" are not confidential. *SuccessFactors, Inc. v. Softscape, Inc.*, 2008 U.S. Dist. LEXIS 79771, 5-7 (N.D. Cal. Aug. 19, 2008). There are no compelling reasons, nor

No.	EXHIBIT	CITES	DISPUTED MATERIAL	TOYOTA'S RESPONSE	PLAINTIFFS' RESPONSE
			maintains its records, which is not proprietary information.	how CQE-J is organized and its areas of responsibility. Toyota believes that public dissemination of information regarding these aspects of its business operations would be harmful to Toyota's business. Courts have recognized this rationale as a legitimate justification for maintaining the confidentiality of such information. *See Brookdale University Hospital and Medical Center, Inc. v. Health Insurance Plan of Greater New York*, 2008 WL 4541014 at *2 (E.D.N.Y Oct. 7, 2008); *Bradburn*, 2004 WL 1146665 at *2-3. Plaintiffs have failed to overcome their burden and demonstrate why the specifics of internal processes relating to how Toyota responds to customer complaints and conducts recalls, and the organization of CQE-J, must be disclosed to the public at this time.	good cause, for sealing documents that reveal information such as corporate structure and normal business practices and agreements – especially those "that do not reveal information of competitive value." *In re Hydroxycut Mktg. & Sales Practices Litig.*, 2011 U.S. Dist. LEXIS 34058 (S.D. Cal. Mar. 29, 2011) (finding defendant did not satisfy burden of establishing a compelling reason for sealing exhibits); *Navarro v. Eskanos & Adler*, 2007 U.S. Dist. LEXIS 24864, 4-8 (N.D. Cal. Mar. 22, 2007) (holding documents prepared for training purposes, compliance and supervision practices are not confidential); *Contratto v. Ethicon, Inc.*, 227 F.R.D. 304, 309 (N.D. Cal. 2005); *Young v. Actions Semiconductor Co.*, 2007 U.S. Dist. LEXIS 54633, 11-13 (S.D. Cal. July 27, 2007); *Minter v. Wells Fargo Bank, N.A.*, 2010 U.S. Dist. LEXIS 136006, 38-39 (D. Md. Dec. 23, 2010).
18 (Prev. No. 35)	Exhibit P (Robert Landis deposition transcript and exhibits), which is attached to	002466-67 (Dep. at 275:2-276:9)	Mr. Landis discusses general specs identified on documents. This information is not confidential and should not be redacted.	***No Change from Prior Designation.*** Plaintiffs mischaracterize this testimony. Mr. Landis was asked to compare and evaluate specific contents of Exhibits 1 and 20, both of which were designated as confidential. Plaintiffs do not challenge the confidentiality of	Such general information should not be sealed from public view. *In re Hydroxycut Mktg. & Sales Practices Litig.*, 2011 U.S. Dist. LEXIS 34058 (S.D. Cal. Mar. 29, 2011) (finding defendant did not satisfy burden of establishing a compelling reason for sealing exhibits); *Navarro v. Eskanos & Adler*, 2007 U.S. Dist. LEXIS 24864, 4-

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	Dkt. #1239 as Exhibit E			Exhibit 20. Exhibit 1, which Plaintiffs challenge, below, is a draft document listing U.S. vehicles with ETCS-i, and marked "privileged and confidential." Toyota considers a draft document listing the vehicles containing ETCS confidential business information, because it relates to Toyota's strategic plans. Courts recognize the legitimacy of protecting as confidential documents relating to past strategic plans. *See Bradburn*, 2004 WL 1146665 at *2. Plaintiffs have failed to overcome their burden and demonstrate why this draft document and testimony about its contents must be made available to the public at this time. This is especially true in light of the fact that there is no dispute as to the Toyota, Lexus and Scion models that contain ETCS-i and are included as Subject Vehicles for the purposes of this litigation.	8 (N.D. Cal. Mar. 22, 2007) (holding documents prepared for training purposes, compliance and supervision practices are not confidential); *Contratto v. Ethicon, Inc.*, 227 F.R.D. 304, 309 (N.D. Cal. 2005); *Young v. Actions Semiconductor Co.*, 2007 U.S. Dist. LEXIS 54633, 11-13 (S.D. Cal. July 27, 2007); *Minter v. Wells Fargo Bank, N.A.*, 2010 U.S. Dist. LEXIS 136006, 38-39 (D. Md. Dec. 23, 2010).
19 (Prev. No. 36)	Exhibit P (Robert Landis deposition transcript and exhibits),	002660-88, Highly Confidential Section (filed under seal)	Mr. Landis is questioned regarding Exhibits 15 and 18, which have been marked as Highly Confidential. He testifies regarding his knowledge of the persons in the email,	***No Change from Prior Designation.*** There is no "if" the documents are "found confidential." The documents were designated as confidential or highly confidential	Plaintiffs continue to challenge the designation of the exhibits referenced and given the general nature of the testimony, it is not confidential. There are no compelling reasons, nor good cause, for sealing documents that

No.	EXHIBIT	CITES	DISPUTED MATERIAL	TOYOTA'S RESPONSE	PLAINTIFFS' RESPONSE
	which is attached to Dkt. #1239 as Exhibit E		comparisons to competitors and brake override. Because this section quotes Exhibits 15 and 18, if Exhibit 15 or 18 is found to confidential, this language should be redacted. Otherwise, the sealed information is not confidential. Additionally, included in this section are Exhibits 1 and 2, which identify U.S. vehicles with ETCS-I and shows a general schematic of the ECU, respectively. These too are not confidential or highly sensitive information.	when produced (Exhibit 15 as TOY-MDLID00123973, Exhibit 18 as TOY-MDLID00135646-7). For Toyota's rationale regarding the confidentiality of Exhibit 1, please see above – and the same reasons apply to Exhibit 2. As Plaintiffs acknowledge, Mr. Landis testified regarding comparisons to competitors, and the emails at issue represent internal communications regarding how Toyota conducts product recalls. Exhibit 15 is not a communication *with* NHTSA; rather, it is an internal strategy communication *about* a NHTSA investigation. Exhibit 18 is an internal dialogue between employees regarding strategic reasons involving the implementation of new technology, and analysis of the feedback that they have received from consumers regarding same. Courts have protected the confidentiality of this exact type of internal analysis under FRCP Rule 26(c). *Muehlbauer v. GMC*, 2009 U.S. Dist. LEXIS 26971 (N.D. Ill. Mar. 31, 2009). Plaintiffs have failed to overcome	reveal information such as corporate structure and normal business practices and agreements – especially those "that do not reveal information of competitive value." *In re Hydroxycut Mktg. & Sales Practices Litig.*, 2011 U.S. Dist. LEXIS 34058 (S.D. Cal. Mar. 29, 2011) (finding defendant did not satisfy burden of establishing a compelling reason for sealing exhibits); *Navarro v. Eskanos & Adler*, 2007 U.S. Dist. LEXIS 24864, 4-8 (N.D. Cal. Mar. 22, 2007) (holding documents prepared for training purposes, compliance and supervision practices are not confidential); *Contratto v. Ethicon, Inc.*, 227 F.R.D. 304, 309 (N.D. Cal. 2005); *Young v. Actions Semiconductor Co.*, 2007 U.S. Dist. LEXIS 54633, 11-13 (S.D. Cal. July 27, 2007); *Minter v. Wells Fargo Bank, N.A.*, 2010 U.S. Dist. LEXIS 136006, 38-39 (D. Md. Dec. 23, 2010).

No.	EXHIBIT	CITES	DISPUTED MATERIAL	TOYOTA'S RESPONSE	PLAINTIFFS' RESPONSE
				their burden and demonstrate why the information contained in these Exhibits, and Mr. Landis' testimony regarding that information, must be disclosed to the public at this time.	
20 (Prev. No. 37)	Exhibit P (Robert Landis deposition transcript and exhibits), which is attached to Dkt. #1239 as Exhibit E	002779 (filed under seal)	This page is an email discussing the NHTSA investigation. There is no justification for sealing this information.	***No Change from Prior Designation.*** Please see above for details regarding Toyota's factual and legal justifications for maintaining the confidentiality of this material.	There is substantial information about NHTSA's investigations of Toyota in the public realm already. Toyota cannot keep this secret simply because it may make them look bad. Information provided to a governmental agency regarding "corrective actions taken" are not confidential, even though "adverse to defendants' litigation position." *Contratto v. Ethicon, Inc.*, 227 F.R.D. 304, 312 (N.D. Cal. 2005). Under *Contratto*, the mere fact that documents relate to a company's products, complaints and investigations does not provide grounds for withholding relevant information. 227 F.R.D. at 309. There are no compelling reasons, nor good cause, for sealing documents that reveal information such as corporate structure and normal business practices and agreements – especially those "that do not reveal information of competitive value." *In re Hydroxycut Mktg. & Sales Practices Litig.*, 2011

No.	EXHIBIT	CITES	DISPUTED MATERIAL	TOYOTA'S RESPONSE	PLAINTIFFS' RESPONSE
					U.S. Dist. LEXIS 34058 (S.D. Cal. Mar. 29, 2011) (finding defendant did not satisfy burden of establishing a compelling reason for sealing exhibits); *Navarro v. Eskanos & Adler*, 2007 U.S. Dist. LEXIS 24864, 4-8 (N.D. Cal. Mar. 22, 2007) (holding documents prepared for training purposes, compliance and supervision practices are not confidential); *Contratto v. Ethicon, Inc.*, 227 F.R.D. 304, 309 (N.D. Cal. 2005); *Young v. Actions Semiconductor Co.*, 2007 U.S. Dist. LEXIS 54633, 11-13 (S.D. Cal. July 27, 2007); *Minter v. Wells Fargo Bank, N.A.*, 2010 U.S. Dist. LEXIS 136006, 38-39 (D. Md. Dec. 23, 2010).
21 (Prev. No. 38)	Exhibit P (Robert Landis deposition transcript and exhibits), which is attached to Dkt. #1239 as Exhibit E	002784- 98 (filed under seal)	These are Exhibits 18 and 19, which are an email discussing recalls and brake-override and an excerpt from a manual describing the throttle control system. Neither of these merits protection under the Protective Order.	***No Change from Prior Designation.*** Please see above for details regarding Toyota's factual and legal justifications for maintaining the confidentiality of this material.	Under *Contratto*, the mere fact that documents relate to a company's products, complaints and investigations does not provide grounds for withholding relevant information. 227 F.R.D. at 309. This testimony does not reveal trade secrets or otherwise competitively sensitive information. There are no formulas or specifications; instead it describes generally business procedures. Toyota has not met its burden of proving confidentiality is warranted. A document that "generally summarizes past research" is not

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					confidential. *Contratto v. Ethicon, Inc.*, 227 F.R.D. 304, 310 (N.D. Cal. 2005). Such general information does not warrant confidential treatment. *See In re Hydroxycut Mktg. & Sales Practices Litig.*, 2011 U.S. Dist. LEXIS 34058, at 5 (S.D. Cal. Mar. 29, 2011); *see also Contratto v. Ethicon, Inc.*, 227 F.R.D. 304, 310 (N.D. Cal. 2005); *Young v. Actions Semiconductor Co.*, 2007 U.S. Dist. LEXIS 54633, 11-13 (S.D. Cal. July 27, 2007); *Minter v. Wells Fargo Bank, N.A.*, 2010 U.S. Dist. LEXIS 136006, 22 (D. Md. Dec. 23, 2010). Moreover, this information is stale and useless to Toyota's competitors. *Hartford Cas. Ins. Co. v. Am. Dairy & Food Consulting Labs., Inc.*, 2010 U.S. Dist. LEXIS 71865 (E.D. Cal. June 21, 2010); *Zavala v. Wal-Mart Corp.*, 2007 U.S. Dist. LEXIS 67282, 26-28 (D.N.J. Sept. 12, 2007); *In re Bank One Sec. Litig.*, 222 F.R.D. 582, 589 (N.D. Ill. 2004) (finding defendant failed to demonstrate that meeting minutes from years ago "has any current significance worthy of protection"); *Minter v. Wells Fargo Bank, N.A.*, 2010 U.S. Dist. LEXIS 136006, 39-40 (D. Md. Dec. 23, 2010) (finding formation documents from 1993 were stale).
22 (Prev. No.	Exhibit Q (John Lang deposition	003105-22, Highly Confidential	Mr. Lang is questioned about Exhibits 93 and 95. Because this section	***No Change from Prior Designation.***	Plaintiffs did not waive their right to challenge confidentiality by allowing this portion of the

No.	EXHIBIT	CITES	DISPUTED MATERIAL	TOYOTA'S RESPONSE	PLAINTIFFS' RESPONSE
42)	transcript and exhibits), which is attached to Dkt. #1239 as Exhibit F	Section (filed under seal)	repeats portions of Exhibits 93 and 95, if those exhibits are found to be confidential, this section should be redacted. The remainder of his testimony, however, is not confidential.	Lang's testimony surrounds Exhibits 93 and 95. Exhibit 93 is marked "HIGHLY CONFIDENTIAL PURSUANT TO COURT ORDER" and Exhibit 95 is marked "TOYOTA CONFIDENTIAL TREATMENT REQUESTED." Although Mr. Lang stated that he is not familiar with the exhibits, Plaintiffs' counsel read portions of the exhibits into the record. Therefore, parts of these confidential exhibits are reproduced in the deposition transcript. The transcript was designated "Highly Confidential" at the deposition. Exhibit 93 is an investigative report with sensitive commercial information, such as test reports, diagrams and schematics. Exhibit 95 is a Field Technical Report that contains sensitive commercial information regarding internal investigations. Toyota believes that public dissemination of information regarding these aspects of its business operations, such as test reports, diagrams, schematics and internal investigative reports, would be harmful to Toyota's business. Courts have recognized	transcript to be designated as confidential. See Protective Order ¶¶ 20-21. Plaintiffs withdraw their challenge to the confidentiality designation of the testimony at 86:5-88:17, which relates to Exhibit 93. This does not constitute a waiver as to future confidentiality challenges. However, for the remainder of this testimony, Plaintiffs have no change from their prior position. Under *Contratto*, the mere fact that documents relate to a company's products, complaints and investigations does not provide grounds for withholding relevant information. 227 F.R.D. at 309. The cases cited by Toyota do not apply. *Bradburn Parent/Teacher Store, Inc. v. 3M*, 2004 WL 1146665 at *2-3 (E.D. Pa. May 19, 2004) involved detailed strategic plans, documents identifying competitive strengths and weaknesses, financial projections, sales data and customer lists. *In re Adobe Systems, Inc. Securities Litig.*, 141 F.R.D. 155, 162 (N.D. Cal. 1992) involved a motion to modify a protective order, but did not address a substantive challenge to confidentiality. These cases are not analogous.

No.	EXHIBIT	CITES	DISPUTED MATERIAL	TOYOTA'S RESPONSE	PLAINTIFFS' RESPONSE
				this rationale as a legitimate justification for maintaining the confidentiality of such information. *See Brookdale University Hospital and Medical Center, Inc. v. Health Insurance Plan of Greater New York*, 2008 WL 4541014 at *2 (E.D.N.Y Oct. 7, 2008*); Bradburn Parent/Teacher Store, Inc. v. 3M*, 2004 WL 1146665 at *2-3 (E.D. Pa. May 19, 2004); , *In re Adobe Systems, Inc. Securities Litig*., 141 F.R.D. 155, 162 (N.D. Cal. 1992). Plaintiffs have not met their burden to demonstrate why specific tests, diagram, schematics and internal investigative reports should be disclosed to the public at this time.	
23 (Prev. No. 43)	Exhibit Q (John Lang deposition transcript and exhibits), which is attached to Dkt. #1239 as Exhibit F	003128- 47, Exhibits 90-91 (filed under seal)	Exhibit 90 is a list of codes, which is not marked as Confidential. Exhibit 91 is a chart of warranty claim data, which may contain PII that needs to be redacted.	***No Change from Prior Designation.*** Exhibit 90 is a list of Toyota's "T-codes." This is part of Toyota's business plan that describes how the company operates. Similarly, Exhibit 91 is a list of Toyota warranty claims. It also contains PII, such as identities of various dealers, phone numbers, and specific descriptions of problems with various vehicles as described by customers.	Plaintiffs withdraw their challenge to the confidentiality designation of Exhibit 90. This does not constitute a waiver as to future confidentiality challenges. Plaintiff's continue to challenge the designation of Exhibit 91. "[D]ocuments which analyze the complaints [and] contain a general description of the complaints, statistics, and a summary of the results of . . . studies" do not "contain trade secrets or otherwise confidential

No.	EXHIBIT	CITES	DISPUTED MATERIAL	TOYOTA'S RESPONSE	PLAINTIFFS' RESPONSE
				Toyota believes that public dissemination of information regarding these aspects of its business operations, such as its proprietary codes, would be harmful to Toyota's business. Courts have recognized this rationale as a legitimate justification for maintaining the confidentiality of such information. *See Brookdale University Hospital and Medical Center, Inc. v. Health Insurance Plan of Greater New York*, 2008 WL 4541014 at *2 (E.D.N.Y Oct. 7, 2008); *Bradburn Parent/Teacher Store, Inc. v. 3M*, 2004 WL 1146665 at *2-3 (E.D. Pa. May 19, 2004); , *In re Adobe Systems, Inc.*, 141 F.R.D. 155, 162 (N.D. Cal. 1992). Plaintiffs have not met their burden to demonstrate why Toyota's proprietary T-codes, problem codes should be disclosed to the public at this time.	information." *Contratto v. Ethicon, Inc.*, 227 F.R.D. 304, 309 (N.D. Cal. 2005). Testimony that "'discloses information relating to internal operational information and communications'" with are not confidential. *SuccessFactors, Inc. v. Softscape, Inc.*, 2008 U.S. Dist. LEXIS 79771, 5-7 (N.D. Cal. Aug. 19, 2008).
24 (Prev. No. 45)	Exhibit Q (John Lang deposition transcript and exhibits), which is attached to	003194- 96, Exhibit 97 (filed under seal)	Exhibit 97 is an email attaching a draft of a bulletin Toyota plans to send to dealers. It is not confidential.	***No Change from Prior Designation.*** Exhibit 97 is an e-mail and draft document discussing Toyota's strategy for dealing with the All Weather Floor Mat SSC. It is part of Toyota's business strategy that	Where a document is drafted for eventual dissemination to the public, they should not be designated confidential. *Contratto v. Ethicon*, Inc., 227 F.R.D. 304, 312 (N.D. Cal. 2005). Toyota must do more than allege that

No.	EXHIBIT	CITES	DISPUTED MATERIAL	TOYOTA'S RESPONSE	PLAINTIFFS' RESPONSE
	Dkt. #1239 as Exhibit F			was not publicly disseminated. Toyota considers a draft document describing potential business strategy for dealing with a SSC confidential, because it relates to Toyota's strategic plans. Courts recognize the legitimacy of protecting as confidential documents relating to past strategic plans. S*ee Bradburn*, 2004 WL 1146665 at *2; See *Jensen Enterprises, Inc. v. Oldcastle Precast, Inc.*, 2010 WL 3504967 (N.D. Cal. Sept. 7, 2010). Plaintiffs have not met their burden to demonstrate why this draft document concerning Toyota's potential strategy must be made available to the public at this time.	its marketing materials are protected. *SuccessFactors, Inc. v. Softscape, Inc.*, 2008 U.S. Dist. LEXIS 79771, 4-5 (N.D. Cal. Aug. 19, 2008). "General deposition testimony about a company's 'internal marketing information and competitive strategies' is not confidential." *Id.* Such general information does not warrant confidential treatment. *See In re Hydroxycut Mktg. & Sales Practices Litig.*, 2011 U.S. Dist. LEXIS 34058, at 5 (S.D. Cal. Mar. 29, 2011); *see also Contratto v. Ethicon, Inc.*, 227 F.R.D. 304, 310 (N.D. Cal. 2005); *Young v. Actions Semiconductor Co.*, 2007 U.S. Dist. LEXIS 54633, 11-13 (S.D. Cal. July 27, 2007); *Minter v. Wells Fargo Bank, N.A.*, 2010 U.S. Dist. LEXIS 136006, 22 (D. Md. Dec. 23, 2010). This was not confidential in the first place, but given that Toyota' response has already been made, it is also stale. *Hartford Cas. Ins. Co. v. Am. Dairy & Food Consulting Labs., Inc.*, 2010 U.S. Dist. LEXIS 71865 (E.D. Cal. June 21, 2010); *Zavala v. Wal-Mart Corp.*, 2007 U.S. Dist. LEXIS 67282, 26-28 (D.N.J. Sept. 12, 2007); *In re Bank One Sec. Litig.*, 222 F.R.D. 582, 589 (N.D. Ill. 2004) (finding defendant failed to demonstrate that meeting minutes from years ago "has any current significance

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					worthy of protection"); *Minter v. Wells Fargo Bank, N.A.*, 2010 U.S. Dist. LEXIS 136006, 39-40 (D. Md. Dec. 23, 2010) (finding formation documents from 1993 were stale). The cases cited by Toyota do not apply. *Bradburn Parent/Teacher Store, Inc. v. 3M*, 2004 WL 1146665 at *2-3 (E.D. Pa. May 19, 2004) involved detailed strategic plans, documents identifying competitive strengths and weaknesses, financial projections, sales data and customer lists. *In re Adobe Systems, Inc. Securities Litig*., 141 F.R.D. 155, 162 (N.D. Cal. 1992) involved a motion to modify a protective order, but did not address a substantive challenge to confidentiality. These cases are not analogous.
25 (Prev. No. 46)	Exhibits R.1 and R.2 (Tsutomo Miyazaki deposition transcripts and exhibits), which are attached to Dkt. #1239 as Exhibit G	003235-37 (Dep. at 38:6-40:12)	Mr. Miyazaki explains Toyota's reasons, generally, for using the electronic throttle system. There is no justification for redacting this information.	***No Change from Prior Designation.*** Mr. Miyazaki's testimony focuses on Toyota's specific reasons for deciding to use ETCS in its vehicles and the advantages Toyota gained from making that decision, which is part of Toyota's business strategy. Toyota's business strategy is sensitive commercial information subject to the protective order.	Testimony that "'discloses information relating to internal operational information and communications'" with are not confidential. *SuccessFactors, Inc. v. Softscape, Inc.*, 2008 U.S. Dist. LEXIS 79771, 5-7 (N.D. Cal. Aug. 19, 2008). The cases cited by Toyota do not apply. *Bradburn Parent/Teacher Store, Inc. v. 3M*, 2004 WL 1146665 at *2-3 (E.D. Pa. May 19, 2004) involved detailed strategic plans, documents identifying

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				Toyota believes that public dissemination of information regarding these aspects of its business operations, such as how Toyota made its decision to use ETCS, would be harmful to Toyota's business. Courts have recognized this rationale as a legitimate justification for maintaining the confidentiality of such information. *See Brookdale University Hospital and Medical Center, Inc. v. Health Insurance Plan of Greater New York*, 2008 WL 4541014 at *2 (E.D.N.Y Oct. 7, 2008); *Bradburn Parent/Teacher Store, Inc. v. 3M*, 2004 WL 1146665 at *2-3 (E.D. Pa. May 19, 2004); *In re Adobe Systems, Inc.*, 141 F.R.D. 155, 162 (N.D. Cal. 1992). Plaintiffs have not met their burden to show why Toyota's business strategy regarding its decisions to implement ETCS must be disclosed to the public. .	competitive strengths and weaknesses, financial projections, sales data and customer lists. *In re Adobe Systems, Inc. Securities Litig*., 141 F.R.D. 155, 162 (N.D. Cal. 1992) involved a motion to modify a protective order, but did not address a substantive challenge to confidentiality. These cases are not analogous.
26 (Prev. No. 47)	Exhibits R.1 and R.2 (Tsutomo Miyazaki deposition transcripts	003320-30, Highly Confidential Section (filed under seal)	Mr. Miyazaki has a paragraph long statement regarding the ETC system, which is not confidential in nature.	***No Change from Prior Designation.*** Mr. Miyazaki's testimony surrounds Exhibit 132, which is marked "HIGHLY CONFIDENTIAL PURSUANT	The general description of Toyota's systems is not protected. *Contratto v. Ethicon, Inc.*, 227 F.R.D. 304, 310 (N.D. Cal. 2005). Such general information does not warrant confidential treatment. *See In re Hydroxycut Mktg. & Sales Practices*

No.	EXHIBIT	CITES	DISPUTED MATERIAL	TOYOTA'S RESPONSE	PLAINTIFFS' RESPONSE
	and exhibits), which are attached to Dkt. #1239 as Exhibit G			TO COURT ORDER." Exhibit 132 has detailed information re: ETCS's history, design, components, diagnostics, fail safes, etc. Plaintiffs asked Mr. Miyazaki specific questions about non-linear throttle control systems. Information regarding Toyota's ETCS system is highly sensitive commercial information, subject to the protective order. Toyota believes that public dissemination of information regarding the history, design, implementation, components, diagnostics and fail safes of its ETCS system would be harmful to Toyota's business. Courts have recognized this rationale as a legitimate justification for maintaining the confidentiality of such information. *See Brookdale University Hospital and Medical Center, Inc. v. Health Insurance Plan of Greater New York*, 2008 WL 4541014 at *2 (E.D.N.Y Oct. 7, 2008*); Bradburn Parent/Teacher Store, Inc. v. 3M*, 2004 WL 1146665 at *2-3 (E.D. Pa. May 19, 2004). Plaintiffs have not met their burden to show why testimony describing Toyota's ETCS system design, fail safes, etc. should be disclosed to	*Litig.*, 2011 U.S. Dist. LEXIS 34058, at 5 (S.D. Cal. Mar. 29, 2011); *see also Contratto v. Ethicon, Inc.*, 227 F.R.D. 304, 310 (N.D. Cal. 2005); *Young v. Actions Semiconductor Co.*, 2007 U.S. Dist. LEXIS 54633, 11-13 (S.D. Cal. July 27, 2007); *Minter v. Wells Fargo Bank, N.A.*, 2010 U.S. Dist. LEXIS 136006, 22 (D. Md. Dec. 23, 2010). The cases cited by Toyota do not apply. *Bradburn Parent/Teacher Store, Inc. v. 3M*, 2004 WL 1146665 at *2-3 (E.D. Pa. May 19, 2004) involved detailed strategic plans, documents identifying competitive strengths and weaknesses, financial projections, sales data and customer lists. These documents are not analogous.

No.	EXHIBIT	CITES	DISPUTED MATERIAL	TOYOTA'S RESPONSE	PLAINTIFFS' RESPONSE
				the public at this time.	
27 (Prev. No. 52)	Exhibits R.1 and R.2 (Tsutomo Miyazaki deposition transcripts and exhibits), which are attached to Dkt. #1239 as Exhibit G	003557-77, Exhibits 126-128 and 134- 136	These appear to be primarily schematics and diagrams. Therefore, Plaintiffs do not challenge the designation of these documents as Confidential at this time. Plaintiffs reserve the right to challenge these documents at a later date. However, Exhibit 135 is an email string discussing NHTSA communications and should not be designated confidential. Exhibit 136 appears to be a drawing from deponent and likewise is not confidential.	Plaintiffs do not challenge Exhibits 126-128 and 134. ***Exhibit 135 - No Change from Prior Designation.*** Exhibit 135 is marked "CONFIDENTIAL PURSUANT TO COURT ORDER" and was designated confidential at the time of the deposition. It is an internal e-mail string discussing Toyota's strategy on the best way to respond to NHTSA. It is not a communication with NHTSA. Rather, it contains internal communications between Christopher Tinto, Christopher Santucci and Michiteru Kato discussing who would be the most qualified person in the organization to respond to NHTSA requests. Toyota believes that public dissemination of information regarding its internal decisions on how to respond to NHTSA would be harmful to Toyota's business. Courts support protection of this type of internal analysis. *See Jensen Enterprises, Inc. v. Oldcastle Precast, Inc.*, 2010 WL	Discussions between NHTSA and Toyota regarding investigations and recalls are not confidential. *Contratto v. Ethicon, Inc.*, 227 F.R.D. 304, 310 (N.D. Cal. 2005). Such general information does not warrant confidential treatment. *See In re Hydroxycut Mktg. & Sales Practices Litig.*, 2011 U.S. Dist. LEXIS 34058, at 5 (S.D. Cal. Mar. 29, 2011); *see also Contratto v. Ethicon, Inc.*, 227 F.R.D. 304, 310 (N.D. Cal. 2005); *Young v. Actions Semiconductor Co.*, 2007 U.S. Dist. LEXIS 54633, 11-13 (S.D. Cal. July 27, 2007); *Minter v. Wells Fargo Bank, N.A.*, 2010 U.S. Dist. LEXIS 136006, 22 (D. Md. Dec. 23, 2010).

No.	EXHIBIT	CITES	DISPUTED MATERIAL	TOYOTA'S RESPONSE	PLAINTIFFS' RESPONSE
				3504967 (N.D. Cal. Sept. 7, 2010); *Muehlbauer v. GMC*, 2009 U.S. Dist. LEXIS 26971 (N.D. Ill. Mar. 31, 2009). Plaintiffs have not met their burden to show why Toyota's internal e-mail discussing its business strategy on how to respond to NHTSA should be disclosed to the public at this time. **Exhibit 136 - *Agree to De-Designate*.**	
28 (Prev. No. 53)	Exhibits S.1 and S.2 (Takashi Nakanishi deposition transcripts and exhibits), which are attached to Dkt. #1239 as Exhibit H	003593-98 (Dep. at 15:15-20:22)	Mr. Nakanishi testifies regarding Exhibit 187 generally and should not be designated confidential.	***No Change from Prior Designation.*** Mr. Nakanishi's testimony covers the specific types of testing done by TMC and methods of benchmarking used. Exhibit 187 is a "Highly Confidential" document. Information regarding Toyota's various tests and methods of testing is highly sensitive commercial information, subject to the protective order. Toyota believes that public dissemination of information regarding its testing would be harmful to Toyota's business. Courts have recognized this rationale as a legitimate justification for maintaining the confidentiality of such information. *See Brookdale University Hospital*	This testimony does not reveal trade secrets or otherwise competitively sensitive information. There are no formulas or specifications; instead it describes generally business procedures. Toyota has not met its burden of proving confidentiality is warranted. A document that "generally summarizes past research" is not confidential. *Contratto v. Ethicon, Inc.*, 227 F.R.D. 304, 310 (N.D. Cal. 2005). Such general information does not warrant confidential treatment. *See In re Hydroxycut Mktg. & Sales Practices Litig.*, 2011 U.S. Dist. LEXIS 34058, at 5 (S.D. Cal. Mar. 29, 2011); *see also Contratto v. Ethicon, Inc.*, 227 F.R.D. 304, 310 (N.D. Cal. 2005); *Young v. Actions Semiconductor Co.*, 2007 U.S.

No.	EXHIBIT	CITES	DISPUTED MATERIAL	TOYOTA'S RESPONSE	PLAINTIFFS' RESPONSE
				and Medical Center, Inc. v. Health Insurance Plan of Greater New York, 2008 WL 4541014 at *2 (E.D.N.Y Oct. 7, 2008); *Bradburn Parent/Teacher Store, Inc. v. 3M*, 2004 WL 1146665 at *2-3 (E.D. Pa. May 19, 2004). Plaintiffs have not met their burden to show why testimony describing Toyota's specific types of testing and competitor benchmarking should be disclosed to the public at this time.	Dist. LEXIS 54633, 11-13 (S.D. Cal. July 27, 2007); *Minter v. Wells Fargo Bank, N.A.*, 2010 U.S. Dist. LEXIS 136006, 22 (D. Md. Dec. 23, 2010). Moreover, this information is stale and useless to Toyota's competitors. *Hartford Cas. Ins. Co. v. Am. Dairy & Food Consulting Labs., Inc.*, 2010 U.S. Dist. LEXIS 71865 (E.D. Cal. June 21, 2010); *Zavala v. Wal-Mart Corp.*, 2007 U.S. Dist. LEXIS 67282, 26-28 (D.N.J. Sept. 12, 2007); *In re Bank One Sec. Litig.*, 222 F.R.D. 582, 589 (N.D. Ill. 2004) (finding defendant failed to demonstrate that meeting minutes from years ago "has any current significance worthy of protection"); *Minter v. Wells Fargo Bank, N.A.*, 2010 U.S. Dist. LEXIS 136006, 39-40 (D. Md. Dec. 23, 2010) (finding formation documents from 1993 were stale).
29 (Prev. No. 56)	Exhibits S.1 and S.2 (Takashi Nakanishi deposition transcripts and exhibits), which are attached to Dkt. #1239 as Exhibit H	003696-3726, Highly Confidential Section (filed under seal)	Toyota has not met its burden of establishing what specific portions of these 30 pages are confidential.	***No Change from Prior Designation.*** Mr. Nakanishi discusses specific types of testing done on Toyota vehicles. This is highly sensitive commercial information that is subject to the protective order. This portion of the deposition transcript was designated "Highly Confidential" at the time of deposition. (See analysis directly above regarding testing and	The general description of Toyota's testing procedures is not protected. *Contratto v. Ethicon, Inc.*, 227 F.R.D. 304, 310 (N.D. Cal. 2005). Such general information does not warrant confidential treatment. *See In re Hydroxycut Mktg. & Sales Practices Litig.*, 2011 U.S. Dist. LEXIS 34058, at 5 (S.D. Cal. Mar. 29, 2011); *see also Contratto v. Ethicon, Inc.*, 227 F.R.D. 304, 310 (N.D. Cal. 2005); *Young v. Actions Semiconductor Co.*, 2007 U.S. Dist. LEXIS 54633, 11-13 (S.D. Cal.

No.	EXHIBIT	CITES	DISPUTED MATERIAL	TOYOTA'S RESPONSE	PLAINTIFFS' RESPONSE
				testimony surrounding Exhibit 187)	July 27, 2007); *Minter v. Wells Fargo Bank, N.A.*, 2010 U.S. Dist. LEXIS 136006, 22 (D. Md. Dec. 23, 2010).
30 (Prev. No. 60)	Exhibit T (Kevin Ro deposition transcript and exhibits), which is attached to Dkt. #1239 as Exhibit 1.	005243, Exhibit 182 (filed under seal)	Exhibit 182 is an email discussing a draft owner letter and press release regarding the recall and should not be treated as confidential.	***No Change from Prior Designation.*** Toyota considers a draft document discussing potential strategy regarding an owners' letter and press release as confidential business information, because it relates to Toyota's strategic plans and was not publicly disseminated. Courts recognize the legitimacy of protecting as confidential documents relating to past strategic plans. *See Bradburn*, 2004 WL 1146665 at *2*; See Jensen Enterprises, Inc. v. Oldcastle Precast, Inc.*, 2010 WL 3504967 (N.D. Cal. Sept. 7, 2010) Plaintiffs have not met their burden to show why this internal e-mail and draft document should be disclosed to the public at this time.	Where a document is drafted for eventual dissemination to the public, they should not be designated confidential. *Contratto v. Ethicon*, Inc., 227 F.R.D. 304, 312 (N.D. Cal. 2005). The cases cited by Toyota do not apply. *Bradburn Parent/Teacher Store, Inc. v. 3M*, 2004 WL 1146665 at *2-3 (E.D. Pa. May 19, 2004) involved detailed strategic plans, documents identifying competitive strengths and weaknesses, financial projections, sales data and customer lists. These documents are not analogous.
31 (Prev. No. 62)	Exhibit U (Kojiro Tanaka deposition transcript and exhibits), which is	005716-20, Exhibits 86 and 87 (filed under seal)	Exhibit 86 is an organizational chart, which should not be marked as confidential. Plaintiffs do not dispute the designation of Exhibit 87 as Confidential at this	**Exhibit 86 –** ***Agree to De-Designate with Redactions*** This is not just an organizational chart, but also discusses corporate strategy in trying to improve and restore customers' trust. Although	No change from prior position. We would need to see the redactions to see if they are appropriate. General information should not be sealed. *Contratto v. Ethicon, Inc.*, 227 F.R.D. 304, 310 (N.D. Cal. 2005).

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	attached to Dkt. #1239 as Exhibit J.		time, but reserve the right to dispute such designation at a later date.	Toyota is willing to de-designate the organizational chart, the portion of the chart discussing corporate strategy must be redacted for the reasons described above.	Such general information does not warrant confidential treatment. *See In re Hydroxycut Mktg. & Sales Practices Litig.*, 2011 U.S. Dist. LEXIS 34058, at 5 (S.D. Cal. Mar. 29, 2011); *see also Contratto v. Ethicon, Inc.*, 227 F.R.D. 304, 310 (N.D. Cal. 2005); *Young v. Actions Semiconductor Co.*, 2007 U.S. Dist. LEXIS 54633, 11-13 (S.D. Cal. July 27, 2007); *Minter v. Wells Fargo Bank, N.A.*, 2010 U.S. Dist. LEXIS 136006, 22 (D. Md. Dec. 23, 2010).
32 (Prev. No. 63)	Exhibit V (Robert Waltz deposition transcript and exhibits), which is attached to Dkt. #1239 as Exhibit K	006007-23 (Dep. at 287:1-303:14)	Mr. Waltz testifies about database reports, but does not appear to reveal any confidential information.	***No Change from Prior Designation.*** Plaintiffs have already confirmed that this portion of the deposition was timely designated as confidential. This document discusses PQSS' monitoring of new vehicle releases, database reports, field product reports, etc. It additionally discusses TAS reports and "symptom codes" used by Toyota. Al l of this testimony is based on internal reports that were never intended to be publically disseminated. Moreover, this testimony describes Toyota's methodology for generating the reports. Courts have recognized that this type of proprietary, confidential information warrants the additional	The general description of Toyota's databases is not protected. *Contratto v. Ethicon, Inc.*, 227 F.R.D. 304, 310 (N.D. Cal. 2005). Such general information does not warrant confidential treatment. *See In re Hydroxycut Mktg. & Sales Practices Litig.*, 2011 U.S. Dist. LEXIS 34058, at 5 (S.D. Cal. Mar. 29, 2011); *see also Contratto v. Ethicon, Inc.*, 227 F.R.D. 304, 310 (N.D. Cal. 2005); *Young v. Actions Semiconductor Co.*, 2007 U.S. Dist. LEXIS 54633, 11-13 (S.D. Cal. July 27, 2007); *Minter v. Wells Fargo Bank, N.A.*, 2010 U.S. Dist. LEXIS 136006, 22 (D. Md. Dec. 23, 2010).

No.	EXHIBIT	CITES	DISPUTED MATERIAL	TOYOTA'S RESPONSE	PLAINTIFFS' RESPONSE
				protection of filing under seal due to the potential for improper use by competitors. *Muehlbauer v. GMC*, 2009 U.S. Dist. LEXIS 26971 (N.D. Ill. Mar. 31, 2009). Plaintiffs have not met their burden to show why this testimony should be disclosed to the public at this time.	
33 (Prev. No. 64)	Exhibit V (Robert Waltz deposition transcript and exhibits), which is attached to Dkt. #1239 as Exhibit K	006042-53 (Dep. at 322:14-333:15)	Toyota has not met its burden of establishing what specific portions of these pages are confidential.	***No Change from Prior Designation.*** This portion of the deposition discusses benchmarking of competitor vehicles to determine which ones have a throttle control system. The system that Toyota used to develop and vet the throttle control system, even if it involved looking at competing manufacturers is proprietary, competitively sensitive information. Toyota believes that public dissemination of this information would be harmful to Toyota's business. Courts have recognized this rationale as a legitimate justification for maintaining the confidentiality of such information. *See Brookdale University Hospital and Medical Center, Inc. v. Health*	This testimony does not reveal trade secrets or otherwise competitively sensitive information. There are no formulas or specifications; instead it describes generally business procedures. Toyota has not met its burden of proving confidentiality is warranted. A document that "generally summarizes past research" is not confidential. *Contratto v. Ethicon, Inc.*, 227 F.R.D. 304, 310 (N.D. Cal. 2005). Such general information does not warrant confidential treatment. *See In re Hydroxycut Mktg. & Sales Practices Litig.*, 2011 U.S. Dist. LEXIS 34058, at 5 (S.D. Cal. Mar. 29, 2011); *see also Contratto v. Ethicon, Inc.*, 227 F.R.D. 304, 310 (N.D. Cal. 2005); *Young v. Actions Semiconductor Co.*, 2007 U.S. Dist. LEXIS 54633, 11-13 (S.D. Cal. July 27, 2007); *Minter v. Wells Fargo Bank, N.A.*, 2010 U.S. Dist. LEXIS

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				Insurance Plan of Greater New York, 2008 WL 4541014 at *2 (E.D.N.Y Oct. 7, 2008); *Bradburn Parent/Teacher Store, Inc. v. 3M*, 2004 WL 1146665 at *2-3 (E.D. Pa. May 19, 2004). Plaintiffs have not met their burden to show why testimony describing Toyota's specific types of testing and competitor benchmarking should be disclosed to the public at this time.	136006, 22 (D. Md. Dec. 23, 2010). Moreover, this information is stale and useless to Toyota's competitors. *Hartford Cas. Ins. Co. v. Am. Dairy & Food Consulting Labs., Inc.*, 2010 U.S. Dist. LEXIS 71865 (E.D. Cal. June 21, 2010); *Zavala v. Wal-Mart Corp.*, 2007 U.S. Dist. LEXIS 67282, 26-28 (D.N.J. Sept. 12, 2007); *In re Bank One Sec. Litig.*, 222 F.R.D. 582, 589 (N.D. Ill. 2004) (finding defendant failed to demonstrate that meeting minutes from years ago "has any current significance worthy of protection"); *Minter v. Wells Fargo Bank, N.A.*, 2010 U.S. Dist. LEXIS 136006, 39-40 (D. Md. Dec. 23, 2010) (finding formation documents from 1993 were stale).
34 (Prev. No. 65)	Exhibit V (Robert Waltz deposition transcript and exhibits), which is attached to Dkt. #1239 as Exhibit K	006103- 10 (Dep. at 383:1-390:21)	Mr. Waltz is questioned about NHTSA VOQs and cases, which are not Toyota's confidential information.	**383:1-388:6 - *Agree to De-Designate*.** **388:7-390:21 – *No Change from Prior Designation.*** This portion of Mr. Waltz's testimony discusses Toyota's internal communications surrounding their responses to the NHTSA VOQs and Exhibit 64. This document is a confidential communication regarding the NHTSA investigation. It further discusses Toyota's strategy for the investigation. This is a	Information provided to a governmental agency regarding "corrective actions taken" are not confidential, even though "adverse to defendants' litigation position." *Contratto v. Ethicon, Inc.*, 227 F.R.D. 304, 312 (N.D. Cal. 2005).

No.	EXHIBIT	CITES	DISPUTED MATERIAL	TOYOTA'S RESPONSE	PLAINTIFFS' RESPONSE
				confidential document; it is not a communication directly with NHTSA. These emails were intended to be confidential corporate communications that would not be publically disseminated. To this end, all emails were clearly labeled "PRIVILEGED AND CONFIDENTIAL" by the authors at the time that they were created. Toyota considers its internal evaluation of the NHTSA investigation confidential, and, believes that public dissemination of this information would be harmful to Toyota's business. Courts have protected the confidentiality of this exact type of internal analysis under FRCP Rule 26(c). *Muehlbauer v. GMC*, 2009 U.S. Dist. LEXIS 26971 (N.D. Ill. Mar. 31, 2009). Plaintiffs have failed to overcome their burden by demonstrating why information regarding Toyota's internal evaluations the NHTSA investigation must be publicly disclosed at this time.	
35 (Prev. No.	Exhibit V (Robert Waltz	006159-6216, Exhibits	Toyota has not met its burden of establishing what specific portions of	**Exhibit 53 – *No Change from Prior Designation.***	"[D]ocuments which analyze the complaints [and] contain a general description of the complaints,

No.	EXHIBIT	CITES	DISPUTED MATERIAL	TOYOTA'S RESPONSE	PLAINTIFFS' RESPONSE
66)	deposition transcript and exhibits), which is attached to Dkt. #1239 as Exhibit K	53-55 (filed under seal)	these pages are confidential.	Exhibit 53 is the TMS Launch Activity Report, which contains a tremendous amount of PII. It is also an internal Toyota report, which contains competitively sensitive information regarding the warranty repairs that have been completed. Similarly, Exhibit 54 is another report that tracks the warranty claims for the quality department. Both of these reports are internal reports that were never intended to be publically disseminated. Courts have recognized this rationale as a legitimate justification for maintaining the confidentiality of such information. *Muehlbauer v. GMC*, 2009 U.S. Dist. LEXIS 26971 (N.D. Ill. Mar. 31, 2009). **Exhibit 55 – *Agree to Redact PII.***	statistics, and a summary of the results of . . . studies" do not "contain trade secrets or otherwise confidential information." *Contratto v. Ethicon, Inc.*, 227 F.R.D. 304, 309 (N.D. Cal. 2005).
36 (Prev. No. 67)	Exhibit V (Robert Waltz deposition transcript and exhibits), which is attached to Dkt. #1239 as Exhibit K	006230-37, Exhibits 58-60 (filed under seal)	Toyota has not met its burden of establishing what specific portions of these pages are confidential.	**Exhibit 58 – *No Change from Prior Designation.*** Please see above for details regarding Toyota's factual and legal justifications for maintaining the confidentiality of this material.	Exhibit 58 is SMART Results that should be redacted for PII. Exhibit 59 is an email regarding NHTSA that is not confidential. Such general information is not protected. *Contratto v. Ethicon, Inc.*, 227 F.R.D. 304, 310 (N.D. Cal. 2005). Such general information does not warrant confidential treatment. *See In re Hydroxycut Mktg. & Sales Practices*

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					Litig., 2011 U.S. Dist. LEXIS 34058, at 5 (S.D. Cal. Mar. 29, 2011); *see also Contratto v. Ethicon, Inc.*, 227 F.R.D. 304, 310 (N.D. Cal. 2005); *Young v. Actions Semiconductor Co.*, 2007 U.S. Dist. LEXIS 54633, 11-13 (S.D. Cal. July 27, 2007); *Minter v. Wells Fargo Bank, N.A.*, 2010 U.S. Dist. LEXIS 136006, 22 (D. Md. Dec. 23, 2010).
37 (Prev. No. 68)	Exhibit V (Robert Waltz deposition transcript and exhibits), which is attached to Dkt. #1239 as Exhibit K	006246- 47, Exhibit 64 (filed under seal)	Exhibit 64 is an email string relating to NHTSA VOQs and is not confidential.	***No Change from Prior Designation.*** This document is a confidential briefing regarding the NHTSA investigation. It further discusses Toyota's strategy for the investigation, and the formulation of the VOQs. This is a confidential document; it is not a communication directly with NHTSA, nor is it a copy of the actual VOQs that were provided to NHTSA. These emails were intended to be confidential corporate communications that would not be publically disseminated. Toyota considers its internal evaluation of the NHTSA investigation confidential, and, believes that public dissemination of this information would be harmful to Toyota's business.	This information was very public and not confidential. Such general information is not protected. *Contratto v. Ethicon, Inc.*, 227 F.R.D. 304, 310 (N.D. Cal. 2005). Such general information does not warrant confidential treatment. *See In re Hydroxycut Mktg. & Sales Practices Litig.*, 2011 U.S. Dist. LEXIS 34058, at 5 (S.D. Cal. Mar. 29, 2011); *see also Contratto v. Ethicon, Inc.*, 227 F.R.D. 304, 310 (N.D. Cal. 2005); *Young v. Actions Semiconductor Co.*, 2007 U.S. Dist. LEXIS 54633, 11-13 (S.D. Cal. July 27, 2007); *Minter v. Wells Fargo Bank, N.A.*, 2010 U.S. Dist. LEXIS 136006, 22 (D. Md. Dec. 23, 2010). Information provided to a governmental agency regarding "corrective actions taken" are not confidential, even though "adverse to defendants' litigation position." *Contratto v. Ethicon, Inc.*, 227 F.R.D. 304, 312 (N.D. Cal. 2005).

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				Courts have protected the confidentiality of this exact type of internal analysis under FRCP Rule 26(c). *Muehlbauer v. GMC*, 2009 U.S. Dist. LEXIS 26971 (N.D. Ill. Mar. 31, 2009). Plaintiffs have failed to overcome their burden by demonstrating why information regarding Toyota's internal evaluations the NHTSA investigation must be publicly disclosed at this time.	
38 (Prev. No. 69)	Exhibit W (Robert Young deposition transcript and exhibits), which is attached to Dkt. #1239 as Exhibit L	006265-83 (Dep. at 16:10-34:21)	Mr. Young testifies regarding his deposition preparation and what certain Toyota departments do. This is not confidential.	***No Change from Prior Designation.*** Mr. Young testified regarding the people he consulted in preparation for his deposition, who are involved in component procurement and purchasing. Toyota designated this information confidential because it considers its component procurement and purchasing process – and the names of the people involved in it – competitively sensitive. Indeed, courts have recognized that information regarding relationships with other companies – in this case, suppliers and potential suppliers of components – may legitimately be designated as confidential and protected from	Such general information is not protected. *Contratto v. Ethicon, Inc.*, 227 F.R.D. 304, 310 (N.D. Cal. 2005). Such general information does not warrant confidential treatment. *See In re Hydroxycut Mktg. & Sales Practices Litig.*, 2011 U.S. Dist. LEXIS 34058, at 5 (S.D. Cal. Mar. 29, 2011); *see also Contratto v. Ethicon, Inc.*, 227 F.R.D. 304, 310 (N.D. Cal. 2005); *Young v. Actions Semiconductor Co.*, 2007 U.S. Dist. LEXIS 54633, 11-13 (S.D. Cal. July 27, 2007); *Minter v. Wells Fargo Bank, N.A.*, 2010 U.S. Dist. LEXIS 136006, 22 (D. Md. Dec. 23, 2010). The cases cited by Toyota do not apply. *In re Adobe Systems, Inc. Securities Litig.*, 141 F.R.D. 155, 162 (N.D. Cal. 1992) involved a motion to modify a protective order, but did not address a

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				public disclosure. *In re Adobe Systems, Inc.*, 141 F.R.D. 155, 163 (N.D. Cal. 1992); *see also Jensen Enterprises, Inc. v. Oldcastle Precast, Inc.*, 2010 WL 3504967 (N.D. Cal. Sept. 7, 2010); *Firmode (Int'l) Co., Ltd. v. Int'l Watch Group, Inc.*, 2009 WL 3698137 at *2 (E.D.N.Y. Nov. 2, 2009). Plaintiffs have failed to overcome their burden and demonstrate why the names of the Toyota employees who are involved in component procurement must be disclosed to the public. Further, information regarding the suppliers of accelerator pedals involved in Subject Vehicles was made publicly available in Mr. Young's declaration filed in support of Toyota's Opposition.	substantive challenge to confidentiality. These cases are not analogous.
39 (Prev. No. 70)	Exhibit W (Robert Young deposition transcript and exhibits), which is attached to Dkt. #1239 as Exhibit L	006291-6428	Large portions of these pages are redacted without explanation. Toyota has not met its burden of establishing what specific portions of these pages are confidential.	***No Change from Prior Designation.*** As noted above, Toyota designated these portions of Mr. Young's deposition confidential because it considers the process of component procurement and purchasing competitively sensitive. As explained above, this is a legitimate designation. *In re Adobe Systems, Inc.*, 141 F.R.D.	The cases cited by Toyota do not apply. *In re Adobe Systems, Inc. Securities Litig.*, 141 F.R.D. 155, 162 (N.D. Cal. 1992) involved a motion to modify a protective order, but did not address a substantive challenge to confidentiality. These cases are not analogous.

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				155, 163 (N.D. Cal. 1992); *see also Jensen Enterprises*, 2010 WL 3504967; *Firmode*, 2009 WL 3698137 at *2. Plaintiffs vaguely complain about "sweeping confidentiality designations" over just 37 pages of testimony, but specify no information that they believe must be disclosed to the public, much less the reasons why it should be disclosed. Further, information regarding the suppliers of accelerator pedals involved in Subject Vehicles was made publicly available in Mr. Young's declaration filed in support of Toyota's Opposition.	
40 (Prev. No. 71)	Exhibit W (Robert Young deposition transcript and exhibits), which is attached to Dkt. #1239 as Exhibit L	006439-43, Exhibits 197-198 (filed under seal)	These are organizational charts that should not be designated as confidential.	***No Change from Prior Designation.*** As noted above, Toyota designated these portions of Mr. Young's deposition confidential because it considers the names of employees involved in process of component procurement and purchasing competitively sensitive. As explained above, this is a legitimate designation. *In re Adobe Systems, Inc.*, 141 F.R.D. 155, 163 (N.D. Cal. 1992); *see also*	The cases cited by Toyota do not apply. *In re Adobe Systems, Inc. Securities Litig.*, 141 F.R.D. 155, 162 (N.D. Cal. 1992) involved a motion to modify a protective order, but did not address a substantive challenge to confidentiality. These cases are not analogous.

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				Jensen Enterprises, 2010 WL 3504967; *Firmode*, 2009 WL 3698137 at *2. Plaintiffs have failed to overcome their burden and demonstrate why the names of the Toyota employees who are involved in component procurement must be disclosed to the public. Further, information regarding the suppliers of accelerator pedals involved in Subject Vehicles was made publicly available in Mr. Young's declaration filed in support of Toyota's Opposition.	
41 (Prev. No. 72)	Exhibit HH (Dionne Colvin deposition transcript and exhibits), which is attached to Dkt. #1239 as Exhibit W	009836- 70, Highly Confidential Section (filed under seal)	Ms. Colvin testifies regarding marketing strategies and advertising. Toyota has not met its burden of establishing what specific portions of these pages are confidential.	***No Change from Prior Designation*** – 77:2-83:1 (9840-9846), 138:1-13 (9861), and 162:1-18 (9864). This testimony represents approximately seven pages, all involving Exhibit 225. Exhibit 225 is a marketing strategy document. Toyota considers its marketing strategy competitively sensitive. As courts have recognized, a party may legitimately designate past marketing strategy documents as confidential, because if such documents are made public, they will educate the company's	Plaintiffs withdraw their challenge to the confidentiality designation of Exhibit 225; therefore they will agree to redactions of information take specifically from that exhibit. This does not constitute a waiver as to future confidentiality challenges. As to the remainder, no change from prior position. Toyota must do more than allege that its marketing materials are protected. *SuccessFactors, Inc. v. Softscape, Inc.*, 2008 U.S. Dist. LEXIS 79771, 4-5 (N.D. Cal. Aug. 19, 2008). "General deposition testimony about a company's 'internal marketing

No.	EXHIBIT	CITES	DISPUTED MATERIAL	TOYOTA'S RESPONSE	PLAINTIFFS' RESPONSE
				competitors as to how the company conducts its business and its future plans. *In re Adobe Systems, Inc.*, 141 F.R.D. 155, 162 (N.D. Cal. 1992); *Bradburn*, 2004 WL 1146665 at *2; *Uniroyal Chemical Company, Inc. v. Syngenta Crop Protection*, 224 F.R.D. 53, 57 (D. Conn. 2004). Plaintiffs have failed to overcome their burden and demonstrate why Exhibit 225 and Ms. Colvin's testimony regarding that exhibit must be disclosed to the public. This is especially true at this juncture in the litigation – specifically involving choice of law issues that are location based. Ms. Colvin has testified at length in testimony available to the public regarding the process involved in the development of TMS's Tier 1 advertising campaigns, and the identities and locations of various participants in that process. ***Agree to De-Designate –*** 83:2-97:25 (9846-9860), 138:14-140:3 (9861-9863), and 162:19-168 (9864- 9870).	information and competitive strategies' is not confidential." *Id.* The cases cited by Toyota do not apply. *Bradburn Parent/Teacher Store, Inc. v. 3M*, 2004 WL 1146665 at *2-3 (E.D. Pa. May 19, 2004) involved detailed strategic plans, documents identifying competitive strengths and weaknesses, financial projections, sales data and customer lists. The cases cited by Toyota do not apply. *Bradburn Parent/Teacher Store, Inc. v. 3M*, 2004 WL 1146665 at *2-3 (E.D. Pa. May 19, 2004) involved detailed strategic plans, documents identifying competitive strengths and weaknesses, financial projections, sales data and customer lists. *In re Adobe Systems, Inc. Securities Litig*., 141 F.R.D. 155, 162 (N.D. Cal. 1992) involved a motion to modify a protective order, but did not address a substantive challenge to confidentiality. These cases are not analogous. These cases are not analogous.
42 (Prev. No.	Exhibits II.1 and 11.2 (Barry	009996-010006 (Dep. at 30:1-	Mr. Hare is testifying regarding database procedures generally.	***No Change from Prior Designation.***	The general description of Toyota's databases is not protected. *Contratto v. Ethicon, Inc.*, 227 F.R.D. 304, 310

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74)	Hare deposition transcripts and exhibits), which are attached to Dkt. #1239 as Exhibit X	40:9)	There is no justification for redacting this information.	Plaintiffs repeatedly attempt to go outside the scope of the deposition and ask Mr. Hare about specific criteria and requirements for the CR database. Plaintiffs inquire about codes, the people who input the codes, training, development of the CR database and early warning reports (EWR). That information is proprietary information that is not publicly available. Therefore, the information is confidential, subject to the protective order. (See analysis above regarding testing and proprietary codes)	(N.D. Cal. 2005). Such general information does not warrant confidential treatment. *See In re Hydroxycut Mktg. & Sales Practices Litig.*, 2011 U.S. Dist. LEXIS 34058, at 5 (S.D. Cal. Mar. 29, 2011); *see also Contratto v. Ethicon, Inc.*, 227 F.R.D. 304, 310 (N.D. Cal. 2005); *Young v. Actions Semiconductor Co.*, 2007 U.S. Dist. LEXIS 54633, 11-13 (S.D. Cal. July 27, 2007); *Minter v. Wells Fargo Bank, N.A.*, 2010 U.S. Dist. LEXIS 136006, 22 (D. Md. Dec. 23, 2010).
43 (Prev. No. 75)	Exhibits II.1 and 11.2 (Barry Hare deposition transcripts and exhibits), which are attached to Dkt. #1239 as Exhibit X	010105-36, Highly Confidential Section (filed under seal)	Mr. Hare is testifying regarding database procedures generally. Toyota has not met their burden of establishing on what grounds these documents are confidential.	***No Change from Prior Designation.*** Plaintiffs repeatedly attempt to go outside the scope of the deposition and ask Hare about specific trouble codes, cause codes, diagnostic codes, EWR codes and databases. All of that information is sensitive proprietary information that is subject to the protective order. This is not a general discussion. This portion of the deposition transcript was designated "Highly Confidential" at the time of the deposition. (See analysis above regarding	The general description of Toyota's databases is not protected. *Contratto v. Ethicon, Inc.*, 227 F.R.D. 304, 310 (N.D. Cal. 2005). Such general information does not warrant confidential treatment. *See In re Hydroxycut Mktg. & Sales Practices Litig.*, 2011 U.S. Dist. LEXIS 34058, at 5 (S.D. Cal. Mar. 29, 2011); *see also Contratto v. Ethicon, Inc.*, 227 F.R.D. 304, 310 (N.D. Cal. 2005); *Young v. Actions Semiconductor Co.*, 2007 U.S. Dist. LEXIS 54633, 11-13 (S.D. Cal. July 27, 2007); *Minter v. Wells Fargo Bank, N.A.*, 2010 U.S. Dist. LEXIS 136006, 22 (D. Md. Dec. 23, 2010).

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				testing and proprietary codes)	
44 (Prev. No. 78)	The Declaration of Masanori Hirose and exhibits thereto, which are attached to Dkt. #1239 as Exhibit EE		Toyota has not met its burden of establishing on what grounds these documents are confidential.	***No Change from Prior Designation.*** The only redacted portions of this declaration are the paragraphs outlining Toyota's benchmarking and confirmation analyses, which were conducted during the brake override development process. Plaintiffs offer no explanation as to why they believe that this specific portion of the declaration and the exhibit should not be confidential. The system that Toyota used, even if it involved looking at competing manufacturers is proprietary, competitively sensitive information. Toyota believes that public dissemination of this information would be harmful to Toyota's business. Courts have recognized this rationale as a legitimate justification for maintaining the confidentiality of such information. *See Brookdale University Hospital and Medical Center, Inc. v. Health Insurance Plan of Greater New York*, 2008 WL 4541014 at *2 (E.D.N.Y Oct. 7, 2008); *Bradburn Parent/Teacher Store, Inc. v. 3M*,	Toyota has redacted paragraphs regarding benchmarking studies relating to brake override and tests done by Toyota regarding this system. It is too general and outdated to be confidential. This testimony does not reveal trade secrets or otherwise competitively sensitive information. There are no formulas or specifications; instead it describes generally business procedures. Toyota has not met its burden of proving confidentiality is warranted. A document that "generally summarizes past research" is not confidential. *Contratto v. Ethicon, Inc.*, 227 F.R.D. 304, 310 (N.D. Cal. 2005). Such general information does not warrant confidential treatment. *See In re Hydroxycut Mktg. & Sales Practices Litig.*, 2011 U.S. Dist. LEXIS 34058, at 5 (S.D. Cal. Mar. 29, 2011); *see also Contratto v. Ethicon, Inc.*, 227 F.R.D. 304, 310 (N.D. Cal. 2005); *Young v. Actions Semiconductor Co.*, 2007 U.S. Dist. LEXIS 54633, 11-13 (S.D. Cal. July 27, 2007); *Minter v. Wells Fargo Bank, N.A.*, 2010 U.S. Dist. LEXIS 136006, 22 (D. Md. Dec. 23, 2010).

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				2004 WL 1146665 at *2-3 (E.D. Pa. May 19, 2004).	Moreover, this information is stale and useless to Toyota's competitors. *Hartford Cas. Ins. Co. v. Am. Dairy & Food Consulting Labs., Inc.*, 2010 U.S. Dist. LEXIS 71865 (E.D. Cal. June 21, 2010); *Zavala v. Wal-Mart Corp.*, 2007 U.S. Dist. LEXIS 67282, 26-28 (D.N.J. Sept. 12, 2007); *In re Bank One Sec. Litig.*, 222 F.R.D. 582, 589 (N.D. Ill. 2004) (finding defendant failed to demonstrate that meeting minutes from years ago "has any current significance worthy of protection"); *Minter v. Wells Fargo Bank, N.A.*, 2010 U.S. Dist. LEXIS 136006, 39-40 (D. Md. Dec. 23, 2010) (finding formation documents from 1993 were stale).
45 (Prev. No. 80)	The Declaration of Tsutomo Miyazaki and exhibits thereto, which are attached to Dkt. #1239 as Exhibit GG		Toyota has not met its burden of establishing on what grounds these documents are confidential.	***No Change from Prior Designation.*** Redactions to Mr. Miyazaki's declaration were made consistent with his deposition testimony, which was given on October 21-22, 2010. The only information redacted was specific descriptions of the design and development process for Toyota's ETCS system, testing, and competitive benchmarking done by TMC and its suppliers. This is information that was contained in the Confidential and Highly Confidential portions of the	The general description of Toyota's processes is not protected from disclosure. A document that "generally summarizes past research" is not confidential. *Contratto v. Ethicon, Inc.*, 227 F.R.D. 304, 310 (N.D. Cal. 2005). Such general information does not warrant confidential treatment. *See In re Hydroxycut Mktg. & Sales Practices Litig.*, 2011 U.S. Dist. LEXIS 34058, at 5 (S.D. Cal. Mar. 29, 2011); *see also Contratto v. Ethicon, Inc.*, 227 F.R.D. 304, 310 (N.D. Cal. 2005); *Young v. Actions Semiconductor Co.*, 2007 U.S. Dist. LEXIS 54633, 11-13 (S.D. Cal. July 27, 2007); *Minter v. Wells Fargo Bank, N.A.*, 2010 U.S. Dist. LEXIS

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				deposition transcript. Specific identification of Toyota's suppliers was also redacted, as Toyota views its relationships with its suppliers as confidential information.	136006, 22 (D. Md. Dec. 23, 2010).
46 (Prev. No. 81)	The Declaration of Takashi Nakanishi and exhibits thereto, which are attached to Dkt. #1239 as Exhibit HH		Toyota has not met its burden of establishing on what grounds these documents are confidential.	***No Change from Prior Designation.*** Redactions to Mr. Nakanishi's declaration were made consistent with his deposition testimony, which was given on October 21-22, 2010. The only information redacted was specific descriptions of testing done by TMC at the vehicle and component levels. Testimony regarding these exhibits is contained in the Confidential and Highly Confidential portions of Mr. Nakanishi's deposition transcript and the exhibits were designated confidential at the time of the deposition. Exhibit 3 is an organizational chart that does not contain confidential information. We Can De-Designate This Exhibit. Exhibit 4 is a flowchart of the testing for ETCS and its component parts. It visually outlines the tests that Toyota conducts at the vehicle and component level. This information	Exhibit 4 is an Organization of Technical Center that describes testing so broadly it is unclear how this one-page chart could be of use to Toyota' competitors. There are no formulas or specifications; only general descriptions. While Exhibit 5 is more detailed, it also mainly describes testing broadly. Rather than wholesale sealing of this document, redactions may be appropriate. *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1137 (9th Cir. 2003); *Minter v. Wells Fargo Bank, N.A.*, 2010 U.S. Dist. LEXIS 136006 (D. Md. Dec. 23, 2010); *Contratto v. Ethicon, Inc.*, 227 F.R.D. 304, 310 n.9 (N.D. Cal. 2005). These general business documents "do not reveal information of competitive value." *In re Hydroxycut Mktg. & Sales Practices Litig.*, 2011 U.S. Dist. LEXIS 34058 (S.D. Cal. Mar. 29, 2011) (finding defendant did not satisfy burden of establishing a compelling reason for sealing exhibits); *Navarro v. Eskanos & Adler*, 2007 U.S. Dist. LEXIS 24864, 4-8 (N.D. Cal. Mar. 22,

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				is confidential (as described above). It is not information that Toyota would want publicly disseminated. Exhibit 5 is marked "HIGHLY CONFIDENTIAL" and describes Toyota's EMC design, testing and standards. This is clearly, sensitive commercial information that Toyota would not want publicly disseminated.	2007) (holding documents prepared for training purposes, compliance and supervision practices are not confidential); *Contratto v. Ethicon, Inc.*, 227 F.R.D. 304, 309 (N.D. Cal. 2005); *Young v. Actions Semiconductor Co.*, 2007 U.S. Dist. LEXIS 54633, 11-13 (S.D. Cal. July 27, 2007); *Minter v. Wells Fargo Bank, N.A.*, 2010 U.S. Dist. LEXIS 136006, 38-39 (D. Md. Dec. 23, 2010).