

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY  
LOUISVILLE DIVISION**

**IN RE: YAMAHA MOTOR CORP. RHINO  
ATV PRODUCTS LIABILITY LITIGATION**

**Master File No. 3:09-MD-2016-JBC  
MDL No. 2016**

---

**THIS DOCUMENT RELATES TO ALL  
CASES**

**JENNIFER B. COFFMAN,  
U.S. DISTRICT JUDGE**

**ORDER**

A status conference was held in this matter on November 17, 2009. Elizabeth Cabraser, Jennifer Moore, Jason Shamblin, Mark Chalos and Jerry Miniard were present on behalf of the plaintiffs. Thomas Fennell, Lin West, Mark Herrmann, Tom Branigan, Candace Blydenburgh, Karen Johnson and Mark Hall were present on behalf of the Yamaha defendants and Karen Chrisman was present on behalf of the non-Yamaha defendants. This proceeding was recorded by official court reporter, Peggy Weber.

**IT IS ORDERED** as follows:

(1) No later than December 15, 2009, any plaintiffs' counsel that have concerns regarding the performance of lead or liaison counsel as such, including communication issues, shall direct those concerns to lead and liaison counsel. Concerns which are not resolved shall be filed with the court no later than January 15, 2010, and will be included for discussion in the January 2010 status

conference hearing.

(2) To date, the parties agree on three private mediators: Pierce Hamblin, Brian House, and Tom Knopf. Within 10 days of the date of entry of this order, the parties shall provide the court with additional agreed-upon mediators.

(3) A pre-mediation conference is scheduled on December 14, 2009, at 1:00 p.m. in Louisville, Kentucky, with two U.S. Magistrate Judges from the Western District of Kentucky and any available private mediators.

(4) No later than December 15, 2009, the parties shall provide the court with any additional cases for inclusion in the January settlement pool.

(5) Tentative dates to begin settlement conferences are the weeks of January 18, 2010, and January 25, 2010. These dates may be adjusted to accommodate the availability of the mediators.

(6) No later than January 8, 2010, the parties shall disclose reports for (a) all of the common experts on liability issues and (b) all case-specific liability experts for cases in the agreed-upon January settlement pool.



(7) No later than February 8, 2010, the parties shall disclose reports for all of the case-specific experts in the remaining cases from case group 1 which were not included in the January settlement pool.

(8) At least 1 week prior to all future status conferences, the parties shall submit to the court an updated state court trial chart and an agreed-upon agenda for the status conference.

(9) A status conference is scheduled on December 15, 2009, at 9:00 a.m. at  
Louisville, Kentucky.

TIC: 1 hour / 46 minutes

Signed on November 18, 2009

  
  
**Jennifer B. Coffman, Judge**  
**United States District Court**