

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
LOUISVILLE DIVISION
-Electronically Filed-

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

CASE MANAGEMENT AND SCHEDULING ORDER NO. 7

Case Management and Scheduling Order No. 7 (“CMO 7”) supplements all prior orders of the Court, including its Orders dated October 22, 2009 and November 18, 2009.

I. Settlement Conference Schedule

Settlement conferences to mediate or discuss settlement of MDL cases jointly selected by the parties shall occur on or about the following dates:

- Weeks of January 18 and January 25, 2010: Cases jointly selected from Case Group 1 (Settlement Stop #1)
- Weeks of April 19 and April 26, 2010: Cases jointly selected from Case Group 2 (Settlement Stop #1)
- Weeks of July 19 and July 26, 2010: Cases jointly selected from Case Group 1 (Settlement Stop #2) and Case Group 3 (Settlement Stop #1)
- Weeks of October 18 and October 25, 2010: Cases jointly selected from Case Group 2 (Settlement Stop #2) and Case Group 4 (Settlement Stop #1)
- Weeks of January 17 and January 24, 2011: Cases jointly selected from Case Group 3 (Settlement Stop #2) and Case Group 5 (Settlement Stop #1)

The parties may adjust the foregoing dates by agreement and may include by agreement cases from any case group in the above-described settlement conferences.

II. Settlement Conference Procedures

In any MDL case mediated, any party may make a confidential written submission to the mediator not to exceed three pages. Case-specific exhibits may be attached. The confidential submissions must be delivered to the agreed-upon mediator at least 24 hours prior to the start of the mediation, and shall not be disclosed to other parties or filed with the Court. The confidential submissions can be shared with that party's Lead and Liaison Counsel and, with respect to Plaintiffs, also shared with members of the Plaintiffs' Executive Committee, without waiving any protections. Oral presentations in mediated cases shall be short and directed to case-specific issues. A representative of each party must be available live or by phone.

Any party may withdraw its agreement to include any case in the settlement pool. Notice of such a withdrawal must be provided to all other parties at least seven (7) days prior to the date the case that the party seeks to withdraw from the settlement pool is scheduled for mediation.

This Order does not limit the parties' ability to settle additional cases or the Court's discretion to amend the settlement procedures for good cause.

Following the date set for each mediation, the mediator shall report to the Court in writing only whether the mediation did or did not occur and whether the case was resolved, unless otherwise agreed by the parties or ordered by the Court. Such reports shall be confidential and shall not be filed with the Court.

This the 22 day of February, 2010.


JENNIFER B. COFFMAN, U.S. DISTRICT JUDGE