

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 ORDER NO. 11

In order to set case deadlines for cases in Case Groups 7 and 8, the Court enters this Case Management Order No. 11. Case Group 7 consists of cases in which a Conditional Transfer Order is filed with the Clerk of this Court or the case is transferred from within this District to the MDL after July 31, 2010 and on before October 31, 2010. Case Group 8 consists of cases in which a Conditional Transfer Order is filed with the Clerk of this Court or the case is transferred from within this District to the MDL after October 31, 2010 and on or before January 31, 2011. The provisions of all other Case Management Orders remain in effect, except to the extent revised by deadlines set forth in this Order. Nothing in this Order shall preclude a party from seeking remand to a transferor court upon the completion of necessary discovery, or the transfer of cases from one Case Group to another Case Group as appropriate.

I. Deadlines for Group 7 Cases

The deadlines set forth below shall apply to cases in Case Group 7.

Fact Discovery Deadlines for Group 7 Cases

1. Plaintiffs' Fact Sheets due – November 30, 2010
2. YMMC and YMUS Fact Sheets due – December 30, 2010
3. Dealer Fact Sheets due, including any Common Fact Sheets required – December 30, 2010

4. YMC Fact Sheets due – January 31, 2011
5. Close of Fact Discovery – August 19, 2011

Expert Discovery and Motions Deadlines for Group 7 Cases, Other Than Deferred Expert Categories

1. Plaintiffs' expert disclosures/reports for both non-case specific and case-specific experts due – September 16, 2011
2. Deadline to depose plaintiffs' experts – December 16, 2011
3. Defendants' expert disclosures/reports due – January 6, 2012
4. Deadline to depose defendants' experts – April 6, 2012
5. Plaintiffs' rebuttal reports due – April 20, 2012
6. Deadline to depose plaintiffs' rebuttal experts – June 8, 2012
7. Deadline to file *Daubert* and dispositive motions – June 22, 2012
8. Deadline to file responses to *Daubert* and dispositive motions – July 23, 2012
9. Deadline to file replies to *Daubert* and dispositive motions – August 6, 2012

Expert Discovery and Motions Deadlines for Group 7 Cases, Deferred Expert Categories

1. Plaintiffs' expert disclosures/reports due – April 20, 2012
2. Deadline to depose plaintiffs' experts – June 8, 2012
3. Defendants' expert disclosures/reports due – July 6, 2012
4. Deadline to depose defendants' experts – August 24, 2012
5. Plaintiffs' rebuttal reports due – September 14, 2012
6. Deadline to depose plaintiffs' rebuttal experts – October 26, 2012
7. Deadline to file *Daubert* and dispositive motions and other pretrial motions – November 16, 2012
8. Deadline to file responses to *Daubert* and dispositive motions and other pretrial motions – December 17, 2012
9. Deadline to file replies regarding *Daubert* and dispositive motions and other pretrial motions – January 7, 2013

II. Deadlines for Group 8 Cases

The deadlines set forth below shall apply to cases in Case Group 8.

Fact Discovery Deadlines for Group 8 Cases

1. Plaintiffs' Fact Sheets due – March 2, 2011
2. YMMC and YMUS Fact Sheets due – April 1, 2011
3. Dealer Fact Sheets due, including any Common Fact Sheets required – April 1, 2011
4. YMC Fact Sheets due – May 2, 2011
5. Close of Fact Discovery – November 18, 2011

Expert Discovery and Motions Deadlines for Group 8 Cases, Other Than Deferred Expert Categories

1. Plaintiffs' expert disclosures/reports for both non-case specific and case-specific experts due – December 16, 2011
2. Deadline to depose plaintiffs' experts – March 16, 2012
3. Defendants' expert disclosures/reports due – April 6, 2012
4. Deadline to depose defendants' experts – July 6, 2012
5. Plaintiffs' rebuttal reports due – July 20, 2012
6. Deadline to depose plaintiffs' rebuttal experts – September 7, 2012
7. Deadline to file *Daubert* and dispositive motions – September 21, 2012
8. Deadline to file responses to *Daubert* and dispositive motions – October 22, 2012
9. Deadline to file replies to *Daubert* and dispositive motions – November 5, 2012

Expert Discovery and Motions Deadlines for Group 8 Cases, Deferred Expert Categories

1. Plaintiffs' expert disclosures/reports due – July 20, 2012
2. Deadline to depose plaintiffs' experts – September 7, 2012
3. Defendants' expert disclosures/reports due – October 5, 2012
4. Deadline to depose defendants' experts – November 21, 2012
5. Plaintiffs' rebuttal reports due – December 14, 2012
6. Deadline to depose plaintiffs' rebuttal experts – January 25, 2013
7. Deadline to file *Daubert* and dispositive motions and other pretrial motions – February 15, 2013
8. Deadline to file responses to *Daubert* and dispositive motions and other pretrial motions – March 18, 2013
9. Deadline to file replies regarding *Daubert* and dispositive motions and other pretrial motions – April 1, 2013

III. Settlement Conference Schedule

Case Management Order No. 10 did not set specific dates for settlement conferences for Case Group 6. Accordingly, the Court will set the dates for Group 6, Group 7 and Group 8 settlement conferences in this Order.

Settlement conferences to mediate or discuss settlement of MDL cases jointly selected by the parties from Case Groups 6, 7 and 8 shall occur on or about the following dates:

1. Weeks of March 19 and March 26, 2012: Cases jointly selected from Case Group 6

2. Weeks of June 18 and June 25, 2012: Cases jointly selected from Case Group 7
3. Weeks of September 17 and September 24, 2012: Cases jointly selected from Case Group 8

The parties may adjust the scheduled dates for settlement conferences by agreement and may include by agreement cases from any case group in any of the periodic settlement conference schedules.


IV. Due Date for CMO for Case Groups 9 and 10

On or before January 18, 2011, the parties shall submit to the Court an agreed Case Management Order containing all case deadlines for Case Groups 9 and 10. (If the parties have differing versions of such CMO, they shall separately submit their versions of the CMO with a brief of up to three pages supporting their version.)

V. Modification

The parties and Court acknowledge that modification of this CMO may be necessary based on experience operating under it, and any party is free to seek modification of this Order for good cause shown.

ORDERED on this 26th day of July, 2010.


JENNIFER B. COFFMAN
U.S. DISTRICT JUDGE