

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 April 22, 2009. Elizabeth Cabraser, Paulina do Amaral, Mark Chalos, Anthony Klein, Jennifer Moore, Darcy Douglas, Jason Shamblin, Nghana Gauff, Andy Childers, and Kim Lambert were present on behalf of the plaintiffs. Thomas Fennell, Lin West, Tom Howard, Mark Herrmann, Tom Branigan, Kara Stewart, Candace Blydenburgh, and Karen Johnson 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. The court being sufficiently advised,

IT IS ORDERED as follows:

1. The Yamaha defendants' Notice of Filings (R. 76) filed in the Master File on April 20, 2009, is construed as a motion to amend the Yamaha defendants' motion for entry of case management order. There being no objection from the plaintiffs to such a motion, the motion is **GRANTED** and the Clerk is directed to file

to file Amended Motion for Entry of Case Management Order (R. 76, Exhibit A) including the attached proposed case management order (R. 76, Exhibit B) in the record. The original motion for entry of case management order (R. 71) is **DENIED AS MOOT**.

2. The plaintiffs' oral motion for an extension of time to respond to the defendants' motion to dismiss plaintiff's claims for strict liability and exemplary damages (R. 30 Master File, R. 55 Case File), which relates to *Daugherty v. Yamaha*, 09-CV-143, is **GRANTED**, and the plaintiffs shall have until May 6, 2009, to file their response. The time for filing a reply shall run in accordance with the Joint Local Rules for the Eastern and Western Districts of Kentucky.

3. The plaintiffs' objections to defendants' motion for leave to file a third-party complaint (R. 84 Master File; R. 67 Case File), which relates to *Farris v. Yamaha*, 09-126, is construed as a response to the defendants' motion (R. 29 Case File). The time for filing a reply shall run in accordance with the Joint Local Rules for the Eastern and Western Districts of Kentucky.

4. The parties advised the court of cases related to this matter currently proceeding in the state courts of Georgia and California. The attached Order Assigning Coordination Trial Judge from the Superior Court of California shall be filed in the record. No party objected to the court's contacting the state judge presiding over consolidated proceedings in California, Judge Thierry P. Colaw, and the state judge presiding over multiple cases in Georgia, Judge Randy Rich, without

the presence of counsel. The court has been provided contact information for these judges.

5. No later than May 6, 2009, the defendants shall identify all persons directly or indirectly involved in the "voluntary repair program" and shall verify that they are the only individuals with information related to that program, aside from counsel of record.

6. By agreement of the parties, all discovery remains stayed pending the court's issuance of Case Management Order No. 1.

7. No later June 22, 2009, the parties shall file a proposed permanent Preservation Order. Until the entry of such an order, the interim order (R. 62) remains in effect. Should the parties desire a telephone conference with the court to resolve any related issues, they may contact the court's Deputy Clerk, Mitchell Zegafuse, to request one. If such conference is necessary, plaintiffs' Lead Counsel and defendants' Lead Counsel shall submit to the court, via e-mail, one-page summaries of their relative positions as to the issue to be resolved.

8. The court resolved the two disputes related to the Confidentiality Order. The parties are directed to file a proposed agreed Confidentiality Order that reflects the court's resolution of those issues.

9. The defendants are permitted to continue to use their current numbering system for exhibits. However no later than May 6, 2009, the defendants shall correct those exhibits currently having duplicate numbers.

10. No later than May 6, 2009, the parties shall agree upon a proposed format for fact sheets. If the parties are unable to agree on such a format, they shall provide the court with separately proposed fact-sheet proposals no later than May 4, 2009. No later than May 16, 2009, the parties shall file a small sample of completed fact sheets for the court's review.

11. The defendants requested permission to proceed immediately with inspections of vehicles. Upon request, the defendants may continue with early inspections with proper notice to lead, liaison, and individual counsel prior to their intended inspections.

12. A status conference is scheduled on May 19, 2009, at 1:00 p.m. at Louisville, Kentucky. No later than May 12, 2009, the parties shall file a jointly proposed agenda covering the proposed Case Management Order, issues of disagreement, and other issues the parties wish to discuss.

TIC: 3 hours

Signed on April 24, 2009



Jennifer B. Coffman, Judge
United States District Court

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APR 15 2009

WASER, HEIMANN
& FERNSTEIN

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE**

APR 15 2009

ALAN CARLSON, Clerk of the Court

K. Chung - Marquez
BY K. CHUNG-MARQUEZ

Chambers Session:

April 15, 2009

DEPARTMENT C-1

Hon. Kim G. Dunning, Presiding Judge

| | | |
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| Coordination Proceeding |) | |
| Special Title (Rule 3.550) |) | |
| YAMAHA RHINO LITIGATION |) | JUDICIAL COUNCIL COORDINATION |
| |) | PROCEEDING NO. 4561 |
| Included actions: |) | |
| |) | |
| Raposa v. Yamaha Motor Corporation, U.S.A. |) | SUPERIOR COURT OF CALIFORNIA COUNTY OF ORANGE NO. 30-2008-00111393 |
| |) | |
| Holt v. Yamaha Motor Corporation, U.S.A. |) | SUPERIOR COURT OF CALIFORNIA COUNTY OF ORANGE NO. 06CC11291 |
| |) | |
| Cardoza v. Yamaha Motor Corporation, U.S.A. |) | SUPERIOR COURT OF CALIFORNIA COUNTY OF ORANGE NO. 07CC04289 |
| |) | |
| Braydi v. Yamaha Motor Co., Ltd. |) | SUPERIOR COURT OF CALIFORNIA COUNTY OF ORANGE NO. 07CC04426 |
| |) | |
| Dean v. Yamaha Motor Co., Ltd. |) | SUPERIOR COURT OF CALIFORNIA COUNTY OF ORANGE NO. 07CC04432 |
| |) | |
| Hahn v. Yamaha Motor Co., Ltd. |) | SUPERIOR COURT OF CALIFORNIA COUNTY OF ORANGE NO. 07CC04428 |
| |) | |
| King v. Yamaha Motor Corp., Ltd. |) | SUPERIOR COURT OF CALIFORNIA COUNTY OF ORANGE NO. 07CC04434 |
| |) | |
| Massie v. Yamaha Motor Co., Ltd. |) | SUPERIOR COURT OF CALIFORNIA COUNTY OF ORANGE NO. 07CC04431 |
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| Orrick v. Yamaha Motor Co., Ltd. |) | SUPERIOR COURT OF CALIFORNIA |
| |) | COUNTY OF ORANGE |
| |) | NO. 07CC04430 |
| |) | |
| Von Batsch v. Yamaha Motor Corporation, U.S.A. |) | SUPERIOR COURT OF CALIFORNIA |
| |) | COUNTY OF ORANGE |
| |) | NO. 07CC05584 |
| |) | |
| Burd v. Yamaha Motor Corporation, U.S.A. |) | SUPERIOR COURT OF CALIFORNIA |
| |) | COUNTY OF ORANGE |
| |) | NO. 07CC06951 |
| |) | |
| Hurd v. Yamaha Motor Corporation, U.S.A. |) | SUPERIOR COURT OF CALIFORNIA |
| |) | COUNTY OF ORANGE |
| |) | NO. 07CC07383 |
| |) | |
| Nersesyanyan v. Yamaha Motor Corporation, U.S.A. |) | SUPERIOR COURT OF CALIFORNIA |
| |) | COUNTY OF ORANGE |
| |) | NO. 07CC08229 |
| |) | |
| Markota v. Yamaha Motor Corporation, U.S.A. |) | SUPERIOR COURT OF CALIFORNIA |
| |) | COUNTY OF ORANGE |
| |) | NO. 07CC09786 |
| |) | |
| Conklin v. Yamaha Motor Corporation, U.S.A. |) | SUPERIOR COURT OF CALIFORNIA |
| |) | COUNTY OF ORANGE |
| |) | NO. 07CC09791 |
| |) | |
| Berends v. Yamaha Motor Corporation, U.S.A. |) | SUPERIOR COURT OF CALIFORNIA |
| |) | COUNTY OF ORANGE |
| |) | NO. 07CC10532 |
| |) | |
| West v. Yamaha Motor Corporation, U.S.A. |) | SUPERIOR COURT OF CALIFORNIA |
| |) | COUNTY OF ORANGE |
| |) | NO. 07CC10562 |
| |) | |
| West v. Yamaha Motor Corporation, U.S.A. |) | SUPERIOR COURT OF CALIFORNIA |
| |) | COUNTY OF ORANGE |
| |) | NO. 30-2008-00180042 |
| |) | |
| Nava v. Yamaha Motor Corporation, U.S.A. |) | SUPERIOR COURT OF CALIFORNIA |
| |) | COUNTY OF ORANGE |
| |) | NO. 07CC11211 |
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| Houser v. Yamaha Motor Corporation, U.S.A. |) | SUPERIOR COURT OF CALIFORNIA |
| |) | COUNTY OF ORANGE |
| |) | NO. 07CC11212 |
| |) | |
| Sturgeon v. Yamaha Motor Corporation, U.S.A. |) | SUPERIOR COURT OF CALIFORNIA |
| |) | COUNTY OF ORANGE |
| |) | NO. 07CC11065 |
| |) | |
| Budak v. Yamaha Motor Corporation, U.S.A. |) | SUPERIOR COURT OF CALIFORNIA |
| |) | COUNTY OF ORANGE |
| |) | NO. 07CC11063 |
| |) | |
| Stephens v. Yamaha Motor Corporation, U.S.A. |) | SUPERIOR COURT OF CALIFORNIA |
| |) | COUNTY OF ORANGE |
| |) | NO. 30-2008-00101293 |
| |) | |
| Hogg v. Yamaha Motor Corporation, U.S.A. |) | SUPERIOR COURT OF CALIFORNIA |
| |) | COUNTY OF ORANGE |
| |) | NO. 30-2008-00102446 |
| |) | |
| Campbell v. Yamaha Motor Corporation, U.S.A. |) | SUPERIOR COURT OF CALIFORNIA |
| |) | COUNTY OF ORANGE |
| |) | NO. 30-2008-00103302 |
| |) | |
| Jensen v. Yamaha Motor Co., Ltd. |) | SUPERIOR COURT OF CALIFORNIA |
| |) | COUNTY OF ORANGE |
| |) | NO. 30-2008-00103463 |
| |) | |
| Newman v. Yamaha Motor Co., Ltd. |) | SUPERIOR COURT OF CALIFORNIA |
| |) | COUNTY OF ORANGE |
| |) | NO. 30-2008-00103381 |
| |) | |
| Cabral v. Yamaha Motor Co., Ltd. |) | SUPERIOR COURT OF CALIFORNIA |
| |) | COUNTY OF ORANGE |
| |) | NO. 30-2008-00103376 |
| |) | |
| Whiteford v. Yamaha Motor Co., Ltd. |) | SUPERIOR COURT OF CALIFORNIA |
| |) | COUNTY OF ORANGE |
| |) | NO. 30-2008-00103601 |
| |) | |
| Koehler v. Yamaha Motor Corporation, U.S.A. |) | SUPERIOR COURT OF CALIFORNIA |
| |) | COUNTY OF ORANGE |
| |) | NO. 30-2008-00103960 |
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| Hollbrook v. Yamaha Motor Corporation, U.S.A. |) | SUPERIOR COURT OF CALIFORNIA |
| |) | COUNTY OF ORANGE |
| |) | NO. 30-2008-00104311 |
| |) | |
| Vanderventer v. Yamaha Motor Co., Ltd. |) | SUPERIOR COURT OF CALIFORNIA |
| |) | COUNTY OF ORANGE |
| |) | NO. 30-2008-00105290 |
| |) | |
| Douphinette v. Yamaha Motor Corporation, U.S.A. |) | SUPERIOR COURT OF CALIFORNIA |
| |) | COUNTY OF ORANGE |
| |) | NO. 30-2008-00105323 |
| |) | |
| Connors v. Yamaha Motor Corporation, U.S.A. |) | SUPERIOR COURT OF CALIFORNIA |
| |) | COUNTY OF ORANGE |
| |) | NO. 30-2008-00105389 |
| |) | |
| Temple v. Yamaha Motor Co., Ltd. |) | SUPERIOR COURT OF CALIFORNIA |
| |) | COUNTY OF ORANGE |
| |) | NO. 30-2008-00105976 |
| |) | |
| King v. Yamaha Motor Corporation, U.S.A. |) | SUPERIOR COURT OF CALIFORNIA |
| |) | COUNTY OF ORANGE |
| |) | NO. 30-2008-00106486 |
| |) | |
| Schindler v. Yamaha Motor Corporation, U.S.A. |) | SUPERIOR COURT OF CALIFORNIA |
| |) | COUNTY OF ORANGE |
| |) | NO. 30-2008-00107184 |
| |) | |
| Rojas v. Yamaha Motor Corporation, U.S.A. |) | SUPERIOR COURT OF CALIFORNIA |
| |) | COUNTY OF ORANGE |
| |) | NO. 30-2008-00107685 |
| |) | |
| Tarango v. Yamaha Motor Co., Ltd. |) | SUPERIOR COURT OF CALIFORNIA |
| |) | COUNTY OF ORANGE |
| |) | NO. 30-2008-00108492 |
| |) | |
| Brabandt v. Yamaha Motor Corporation, U.S.A. |) | SUPERIOR COURT OF CALIFORNIA |
| |) | COUNTY OF ORANGE |
| |) | NO. 30-2008-00108097 |
| |) | |
| Mitchell v. Yamaha Motor Corporation, U.S.A. |) | SUPERIOR COURT OF CALIFORNIA |
| |) | COUNTY OF ORANGE |
| |) | NO. 30-2008-00108249 |
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| Dean v. Yamaha Motor Co., Ltd. |) | SUPERIOR COURT OF CALIFORNIA |
| |) | COUNTY OF ORANGE |
| |) | NO. 30-2008-00108245 |
| |) | |
| Johnson v. Yamaha Motor Corporation, U.S.A. |) | SUPERIOR COURT OF CALIFORNIA |
| |) | COUNTY OF ORANGE |
| |) | NO. 30-2008-00109944 |
| |) | |
| Smith v. Yamaha Motor Corporation, U.S.A. |) | SUPERIOR COURT OF CALIFORNIA |
| |) | COUNTY OF ORANGE |
| |) | NO. 30-2008-00110626 |
| |) | |
| Poole v. Yamaha Motor Corporation, U.S.A. |) | SUPERIOR COURT OF CALIFORNIA |
| |) | COUNTY OF ORANGE |
| |) | NO. 30-2008-00111428 |
| |) | |
| Katin v. Yamaha Motor Corporation, U.S.A. |) | SUPERIOR COURT OF CALIFORNIA |
| |) | COUNTY OF ORANGE |
| |) | NO. 30-2008-00207061 |
| |) | |
| Sierra v. Yamaha Motor Corporation, U.S.A. |) | SUPERIOR COURT OF CALIFORNIA |
| |) | COUNTY OF ORANGE |
| |) | NO. 30-2008-00112497. |
| |) | |
| Warner v. Yamaha Motor Corporation, U.S.A. |) | SUPERIOR COURT OF CALIFORNIA |
| |) | COUNTY OF ORANGE |
| |) | NO. 30-2008-00180051 |
| |) | |
| Gibson v. Yamaha Motor Corporation, U.S.A. |) | SUPERIOR COURT OF CALIFORNIA |
| |) | COUNTY OF ORANGE |
| |) | NO. 30-2008-00112633 |
| |) | |
| Risnes v. Yamaha Motor Corporation, U.S.A. |) | SUPERIOR COURT OF CALIFORNIA |
| |) | COUNTY OF ORANGE |
| |) | NO. 30-2008-00212446 |
| |) | |
| Masterson v. Yamaha Motor Corporation, U.S.A. |) | SUPERIOR COURT OF CALIFORNIA |
| |) | COUNTY OF ORANGE |
| |) | NO. 30-2008-00113457 |
| |) | |
| Gonzalez v. Yamaha Motor Corporation, U.S.A. |) | SUPERIOR COURT OF CALIFORNIA |
| |) | COUNTY OF ORANGE |
| |) | NO. 30-2008-00113096 |
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| Vargas v. Yamaha Motor Corporation, U.S.A. |) | SUPERIOR COURT OF CALIFORNIA |
| |) | COUNTY OF ORANGE |
| |) | NO. 30-2008-00113185 |
| Marino v. Yamaha |) | SUPERIOR COURT OF CALIFORNIA |
| |) | COUNTY OF ALAMEDA |
| |) | NO. RG08417810 |
| Kennedy v. Yamaha Motor Corporation, U.S.A. |) | SUPERIOR COURT OF CALIFORNIA |
| |) | COUNTY OF LOS ANGELES |
| |) | NO. BC393840 |
| McAnelly v. Reeves |) | SUPERIOR COURT OF CALIFORNIA |
| |) | COUNTY OF LOS ANGELES |
| |) | NO. BC397174 |
| Lopez v. Yamaha Motor Corp. |) | SUPERIOR COURT OF CALIFORNIA |
| |) | COUNTY OF LOS ANGELES |
| |) | NO. SC099401 |
| Coleman v. Hickey |) | SUPERIOR COURT OF CALIFORNIA |
| |) | COUNTY OF NAPA |
| |) | NO. 26-35374 |
| Lannoo v. Yamaha Motor Corporation, U.S.A. |) | SUPERIOR COURT OF CALIFORNIA |
| |) | COUNTY OF RIVERSIDE |
| |) | NO. RIC499160 |
| Uhle v. Yamaha Motor Corporation, U.S.A. |) | SUPERIOR COURT OF CALIFORNIA |
| |) | COUNTY OF RIVERSIDE |
| |) | NO. RIC502511 |
| Balcunas v. Yamaha Motor Corporation, U.S.A. |) | SUPERIOR COURT OF CALIFORNIA |
| |) | COUNTY OF RIVERSIDE |
| |) | NO. RIC507614 |
| Thinnes v. Yamaha Motor Corporation, U.S.A. |) | SUPERIOR COURT OF CALIFORNIA |
| |) | COUNTY OF RIVERSIDE |
| |) | NO. 499847 |
| Senatorov v. Yamaha Motor Corporation, U.S.A. |) | SUPERIOR COURT OF CALIFORNIA |
| |) | COUNTY OF SACRAMENTO |
| |) | NO. 34-2008-00011026 |

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| Crane v. Yamaha Motor Corp., U.S.A. |)))) | SUPERIOR COURT OF CALIFORNIA COUNTY OF SAN BERNARDINO NO. CIVSS800753 |
| Roberts v. Yamaha Motor Corporation, U.S.A. |)))) | SUPERIOR COURT OF CALIFORNIA COUNTY OF SAN BERNARDINO NO. CIVSS811077 |
| Lewis v. Yamaha Motor Corporation, U.S.A. |)))) | SUPERIOR COURT OF CALIFORNIA COUNTY OF SAN BERNARDINO NO. CIVSS801680 |
| Johnson v. Yamaha Motor Corporation, U.S.A. |)))) | SUPERIOR COURT OF CALIFORNIA COUNTY OF SAN BERNARDINO NO. CIVSS805325 |
| Bryant v. Yamaha Motor Corporation, U.S.A. |)))) | SUPERIOR COURT OF CALIFORNIA COUNTY OF SAN BERNARDINO NO. CIVSS805798 |
| Simonsen v. Yamaha Motor Corporation, U.S.A. |)))) | SUPERIOR COURT OF CALIFORNIA COUNTY OF SANTA CLARA NO. 07-CV 085573 |
| Stone v. Yamaha Motor Corporation, U.S.A. |)))) | SUPERIOR COURT OF CALIFORNIA COUNTY OF SAN DIEGO NO. 37-2007 00064071 |
| Armstrong v. Yamaha Motor Corporation, U.S.A. |)))) | SUPERIOR COURT OF CALIFORNIA COUNTY OF SAN DIEGO NO. 37-2007 00069460 |
| Bullock v. Yamaha Motor Corporation, U.S.A. |)))) | SUPERIOR COURT OF CALIFORNIA COUNTY OF SAN DIEGO NO. 37-2007 00074776 |
| Marmo v. Yamaha Motor Corporation, U.S.A. |)))) | SUPERIOR COURT OF CALIFORNIA COUNTY OF SAN DIEGO NO. 37-2007 00077892 |
| Pierce v. Yamaha Motor Corporation, U.S.A. |)))) | SUPERIOR COURT OF CALIFORNIA COUNTY OF SAN DIEGO NO. 37-2007 00088180 |

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| Crouch v. Yamaha Motor Corporation, U.S.A. |) | SUPERIOR COURT OF CALIFORNIA |
| |) | COUNTY OF SAN DIEGO |
| |) | NO. 37-2007 00067011 |
| |) | |
| Olsen v. Yamaha Motor Corporation, U.S.A. |) | SUPERIOR COURT OF CALIFORNIA |
| |) | COUNTY OF SAN JOAQUIN |
| |) | NO. CV034775 |
| |) | |
| Musgrave v. Yamaha Motor Corporation, U.S.A. |) | SUPERIOR COURT OF CALIFORNIA |
| |) | COUNTY OF SAN LUIS OBISPO |
| |) | NO. CV080718 |
| |) | |

ORDER ASSIGNING COORDINATION TRIAL JUDGE

The Honorable Thierry P. Colaw, Judge of the Superior Court of California, County of Orange, is hereby assigned pursuant to Code of Civil Procedure Section 404.3 and Rule 3.540, California Rules of Court, to sit as coordination trial judge to hear and determine the coordinated actions listed above.

Pursuant to Rule 3.540, the clerk of each court in which a coordinated action is pending is directed to file this order in the coordinated action.

Pursuant to Rule 3.540, every paper filed in a coordinated action must be accompanied by proof of submission of a copy thereof to the coordination trial judge at the following address:

Superior Court of California, County of Orange
Civil Complex Center
751 W. Santa Ana Blvd., Dept. CX 104
Santa Ana, CA 92701

Pursuant to Rule 3.511, a copy of every paper required to be transmitted to the Chair of the Judicial Council must be sent to the following address:

Chair, Judicial Council of California
Administrative Office of the Courts
Attn: Appellate & Trial Court Judicial Services
(Civil Case Coordination)
455 Golden Gate Avenue
San Francisco, CA 94102-3688

Clerk to give notice to plaintiff and plaintiff's counsel to give notice to all other parties by attaching a copy of this order and file proof of service with the Court within 10 days of receiving this notice.

IT IS SO ORDERED ON April 15, 2009

A handwritten signature in black ink, appearing to read 'Kim G. Dunning', is written over a horizontal line. The signature is stylized and cursive.

KIM G. DUNNING, Presiding Judge