

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF KENTUCKY  
LOUISVILLE DIVISION  
~Electronically Filed~

<p>IN RE: YAMAHA MOTOR CORP. RHINO ATV PRODUCTS LIABILITY LITIGATION</p> <hr/> <p>THIS DOCUMENT RELATES TO: ALL CASES</p>	<p>Master File No. 3:09-MD-2016-JBC MDL No. 2016</p> <p>JENNIFER B. COFFMAN, U.S. DISTRICT JUDGE</p>
---	--

**CASE MANAGEMENT ORDER NO. 5**

Case Management and Scheduling Order No. 5 supplements and amends Case Management Order No. 1 ("CMO 1"), Case Management and Scheduling Order No. 2 ("CMO 2"), Case Management and Scheduling Order No. 3 ("CMO 3"), and Case Management and Scheduling Order No. 4 ("CMO 4").

(1) **Plaintiffs with Loss of Consortium Claims:** The requirement to prepare and serve Fact Sheets set out at Paragraph IV.C. of CMO 1 applies to all named plaintiffs, including plaintiffs with loss of consortium claims. For any plaintiff in Case Group 1 or Case Group 2 who has not yet served a Fact Sheet and who has not been deposed as of the date of this Order, the plaintiff shall serve his or her Fact Sheet on or before December 21, 2009. If any plaintiff in Case Group 3 with a loss of consortium claim has not yet served a Fact Sheet, that plaintiff shall do so on or before December 21, 2009. To the extent a Fact Sheet question does not apply to a particular plaintiff, the plaintiff may simply answer the question with "not applicable."

(2) The Court previously determined that each fact sheet would contain a declaration stating that the party had conducted a reasonable inquiry as required by FRCP 26(g). The parties are required to seek information from sources within their possession, custody or control. In the case of plaintiffs and any individual third-party defendants, this shall include reasonable efforts to obtain requested information from members of their family and household whom the parties reasonably believe most likely possess the requested information.

(3) If contention interrogatories served by plaintiffs pursuant to Paragraph IV.D.2. of CMO 1 on each Yamaha Defendant are substantially identical, only one Yamaha Defendant entity need respond and the verified response of that responding entity will be deemed the verified response of the other Yamaha defendants obligated to answer the contention interrogatories. Nothing in this paragraph 3 shall change the requirement in Paragraph IV.D.2. of CMO 1 that each plaintiff may serve only up to ten case specific contention interrogatories on the Yamaha Defendants collectively.

This the 14<sup>th</sup> day of December, 2009.

  
JENNIFER B. COFFMAN, U.S. DISTRICT JUDGE