

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 preliminary status conference was held in this matter on March 24, 2009. Elizabeth Cabraser, Jennifer Moore, Sean Tracey, Richard Hay, Rob Ammons, Mike C. Miller, Eric Hageman, Ernest Cory, Daniel E. Becnel, Jr., Jason A. Shamblin, Nghana Lewis Gauff, Troy A. Rafferty, Gary Logan, Darcy Douglas, Jerry M. Miniard, and Paulina do Amaral were present on behalf of the plaintiffs. Thomas Fennell, Linsey West, Karen Chrisman, Mark Herrmann, Tom Howard, Karen Gren Johnson, Kara Stewart, Candace Blydenburgh, Tom Branigan, and John D. Goetz were present on behalf of the defendants. This proceeding was recorded by official court reporter, Peggy Weber.

The court having heard statements of counsel for the parties and being sufficiently advised, **IT IS ORDERED** as follows:

(1) The court appoints the following attorneys to leadership positions for the plaintiffs:

Plaintiffs' Liaison Counsel: Jennifer Moore

Plaintiffs' Lead Counsel: Elizabeth Cabraser

Plaintiffs' Executive Committee: Robert Ammons, Anthony Klein, Troy Rafferty, Jason Shamblin, and Sean Tracey

Plaintiffs' Steering Committee: George Chandler, Andy Childers, Nghana Lewis Gauff, Eric Hageman, Steve Kramer, Jerry Miniard, and David Zoll.

(2) The court appoints the following attorneys to leadership positions in the representation of defendants Yamaha Motor Co., Ltd.; Yamaha Motor Corporation, U.S.A.; Yamaha Motor Manufacturing Corporation of America; Columbus Yamaha LP; Gullo & Paz Motor Sports & Marine LP; and Polaris of Hopkinsville, LLC (collectively known as the Yamaha defendants):

Defendants' Liaison Counsel: Linsey West

Defendants' Lead Counsel: Thomas Fennell

(3) The court appoints Karen Chrisman as Lead Counsel in the representation of those defendants not represented by Mr. West and Mr. Fennell (non-Yamaha defendants).

(4) No later than March 27, 2009, counsel appointed to leadership positions shall file (in the Master Case file only) motions and supporting documents regarding their applications and nominations for leadership positions.

(5) No later than March 30, 2009, Lead Counsel shall file a jointly proposed Leadership Order outlining the structure and responsibility of the separate leadership positions. Should Lead Counsel be unable to reach agreement as to any part of the order, they shall file with the court brief motions in support of their positions. Such

motions should be no longer than three double-spaced pages.

(6) The parties are directed to preserve all evidence, in any form, that is relevant to this litigation.

(7) No later than March 27, 2009, the parties shall re-notice counsel and the court as to any pending motions that should be reviewed promptly by the court, indicating whether they have been fully briefed or require additional briefing. In addition, the court should be advised whether such motions apply to all cases or individual cases.

(8) No later than March 27, 2009, Lead Counsel for Yamaha defendants shall notify the court, by filing a notice in the record, whether defendant Yamaha Motor Co., Ltd., will stipulate to streamlined service of process, waiving the requirements of the Hague Convention.

(9) No later than April 7, 2009, Lead Counsel shall meet and formulate a proposed Confidentiality Order and Case Management Order. No later than April 14, 2009, said counsel shall file a joint motion requesting that the court adopt their proposals. They shall indicate in the proposed Case Management Order any proposal for coordination with state-court cases, as well as a proposal for a regular schedule for communication with the court. Should Lead Counsel be unable to reach agreement as to any part of either order, they shall file with the court brief motions in support of their positions. Such motions should be no longer than three double-spaced pages.



(10) As of February 13, 2009, all pending deadlines and case events are

CANCELED in any case that has been transferred, is hereafter transferred, or is in the process of being transferred to the MDL.

(11) A status conference is scheduled on April 22, 2009, at 10:00 a.m. EDT at Louisville, Kentucky. Lead Counsel shall propose agenda items for this conference, either jointly or separately, no later than April 15, 2009, via email communication with the chambers of the undersigned, with copies to all Lead Counsel.

TIC: 2 hours: 15 minutes

Signed on March 24, 2009



Jennifer B. Coffman, Judge
United States District Court