

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 March 23, 2010. Elizabeth Cabraser, Jason Shamblin, Jerry Miniard, Sean Tracey, and Matt Mumfrey were present on behalf of the plaintiffs. Thomas Fennell, Lin West, Kara Stewart, Tom Howard, Michael Rice and Kelly Conrad were present on behalf of the Yamaha defendants and Karen Chrisman was present on behalf of the non-Yamaha dealer defendants. This proceeding was recorded by official court reporter, Peggy Weber.

IT IS ORDERED as follows:

(1) The defendants' motion to compel plaintiffs to comply with their expert discovery obligations (R. 1529 in Case No. 09-2016) is **GRANTED** for reasons stated on the record.

(2) Because of her refusal to comply with CMO 8, Elizabeth Cabraser will no longer act as lead scheduler for expert depositions in the MDL. The court directs Mark Chalos to assume this responsibility and schedule all expert depositions for

Case Group One cases as soon as possible.

(3) Elizabeth Cabraser's current term as Lead Counsel shall end on May 23, 2010. Nominations for new Lead Counsel are due no later than 5:00 p.m. EST on April 23, 2010. Ms. Cabraser may apply for reappointment. The court will appoint plaintiffs' Lead Counsel in May.

(4) No remuneration will be granted for the plaintiffs' counsels' trip to Dallas, Texas on March 5, 2010, as expenses for this MDL, as the travel was neither necessary nor appropriate.

(5) No later than March 30, 2010, the parties shall submit to the court an agreed list of state court trials.

(6) The procedures proposed by the defendants for expert-witness depositions will be followed.

(7) A telephonic status conference is scheduled on April 1, 2010, at 2:00 p.m.

TIC: 1 hour / 30 minutes

Signed on March 23, 2010



Jennifer B. Coffman, Judge
United States District Court