

**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 May 19, 2009. Elizabeth Cabraser, Paulina do Amaral, Jennifer Moore, Andy Childers, Matthew Mumphrey, Troy Rafferty, and Ernest Cory 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.

IT IS ORDERED as follows:

1. No later than Friday, May 22, 2009, the parties shall file a final proposed Case Management Order, incorporating the court's rulings at this status hearing.
2. No answer on a fact sheet shall constitute an inadvertent waiver of a privilege, pursuant to Federal Rule of Civil Procedure 502 (b) and (d).
3. No later than June 16, 2009, the plaintiffs shall provide the defendants

with a verified list of all communications with the C.P.S.C. made by any plaintiff, law firm or plaintiffs' group related to the subject matter of this MDL action.

4. The defendants are permitted to respond to Request for Production items "D" and "R" on the defendants' common fact sheet in two phases. In the first phase, the defendants shall provide all information requested in items "D" and "R" through the 2008 model year for the Yamaha Rhino. In the second phase, the requests for information for years subsequent to the 2008 model year as to item "D" shall be made by proper motion to the court. No later than June 9, 2009, the defendants shall advise the court of the availability of information for years subsequent to the 2008 model year as to item "R".

5. A status hearing is scheduled on June 9, 2009, at 9:30 a.m. at **Lexington**, Kentucky. No later than one week prior, the parties shall provide the court with a proposed agenda for the hearing.

6. Another status hearing is scheduled on June 24, 2009, at 9:00 a.m. at **Lexington**, Kentucky. No later than one week prior, the parties shall provide the court with a proposed agenda for the hearing.

TIC: 4 hours/ 55 minutes

Signed on May 20, 2009


Jennifer B. Coffman, Judge
United States District Court