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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

IN RE: TOYOTA MOTOR CORP.
UNINTENDED ACCELERATION
MARKETING, SALES PRACTICES, AND
PRODUCTS LIABILITY LITIGATION

Case No.: 8:10ML2151 JVS (FMOx)

**ORDER NO. 18: SCHEDULE FOR
SECOND PI/WD BELLWETHER
TRIAL**

This document relates to:

ALL CASES
And Specifically SACV 10-01460-JVS

The Court has reviewed the proposed orders for the second personal injury/wrongful death (“PI/WD”) trial submitted by Plaintiffs and Toyota, and provides the following comments by way of background.

When the schedule for the second PI/WD bellwether case was initially established in Order No. 16, the trial dates were only three months apart. In that context, the Court felt that efficiency could be served by setting the same date for a number of events in both cases. With the adoption of an economic loss class action trial in mid-year 2013, the second PI/WD bellwether case will now trail the first by nearly nine months. Discovery for the second bellwether case will now likely lag discovery for the first bellwether case, and that has obvious scheduling implications. Summary judgment motions may not be ready for presentation on the same timetable

1 as the first trial. Moreover, it is not clear that expert discovery will be identical in
2 both cases.

3
4 The schedule below sets forth a new time table for summary judgment motions
5 and Daubert/Rule 702 Motions.¹ Of course, nothing would prevent a party from
6 presenting an early summary judgment motion. With respect to an expert who will
7 appear in both trials, the Court will not entertain a second Daubert/Rule 702 motion
8 absent a showing of changed circumstances justifying a second motion

9
10 **I. SECOND PI/WD BELLWETHER SCHEDULE**

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12 The second PI/WD bellwether shall be scheduled for trial on October 28, 2013.
13 The parties and the Court will be informed by the evidence and outcome in the first
14 PI/WD bellwether trial, including the expert testimony, the expert disclosures and
15 expert depositions, and Daubert rulings in the first bellwether trial. The parties may
16 ultimately decide to utilize different experts and presentations in the second PI/WD
17 bellwether trial.

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19 The second PI/WD bellwether trial shall proceed in accordance with the
20 schedule set forth below:

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Event	Second PI/WD Bellwether Schedule
Trial	October 28, 2013 at 8:30 a.m.

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¹Daubert v. Merrell Dow Pharmaceuticals, Inc., 509 U.S. 579, 595-97 (1993).

Event	Second PI/WD Bellwether Schedule
Pretrial Conference, hearing Motions <i>in Limine</i>	September 23, 2013 at 11:00 a.m.
Pretrial conference filings per Local Rules	September 16, 2013
Motions <i>in Limine</i>	
Last for hand serving Motions <i>in Limine</i> replies	September 9, 2013
Last for hand serving Motions <i>in Limine</i> oppositions	September 3, 2013
Last for hand serving Motions <i>in Limine</i>	August 19, 2013
Motion for Summary Judgment	
Last for hearing MSJ's, dispositive motions	June 14, 2013
Last to hand serve MSJ replies	May 31, 2013
Last to hand serve MSJ oppositions	May 17, 2013
Last to hand serve MSJs	April 26, 2013
<u>Daubert</u> Motions	
<u>Daubert</u> hearing	June 24, 2013
Last to hand serve <u>Daubert</u> replies	June 10, 2013

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Event	Second PI/WD Bellwether Schedule
Last to hand serve <u>Daubert</u> oppositions	June 3, 2013
Last to file <u>Daubert</u> motions	May 13, 2013
Expert Discovery	
Expert discovery cut-off	April 19, 2013
Rebuttal/supplemental disclosures	March 22, 2013
Initial disclosures	February 19, 2013
Tutorial	
Technical Tutorial	December 9, 2011
Phase III Discovery	
Completion of non- expert discovery	January 15, 2013
Phase II Discovery	
Completion of Phase II document production	January 31, 2012

II. APPLICABILITY OF OTHER ORDERS

To the extent that any deadline or requirement herein conflicts with the provisions of Order No. 14 (Amended) [Dkt. No. 1511], Order No. 15 [Dkt. No. 1655], or Order No. 16 [Dkt. No. 1726], this Order controls.

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III. MODIFICATION

Modification of this Order may be necessary based on experience operating under it. Any party is therefore free to seek modification of this Discovery Plan and Schedule.

IT IS SO ORDERED.

Dated: November 09, 2011.



JAMES V. SELNA
UNITED STATES DISTRICT JUDGE