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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

In Re: KIA HYUNDAI VEHICLE
THEFT MARKETING, SALES
PRACTICES, AND PRODUCTS
LIABILITY LITIGATION

CASE NO: ML 22-3052 JVS (KESx)

ORDER NO. 2: ADOPTION OF
ORGANIZATION PLAN AND
APPOINTMENT OF COUNSEL

This document relates to:

ALL CASES

At the outset, the Court thanks the authors of the Joint Preliminary Report (Docket No. 40) and all counsel for their thoughtful and extensive submissions on the structure of this litigation. The filings represent a thorough consideration of the complexity which these pretrial proceedings face.

I. Adoption of Structure.¹

¹The Court finds it premature to make provisions for individual personal injury/wrongful death cases.

1 The Court finds that plaintiffs’ counsel will be structured as follows:

2
3 • A Consumer Class Action Leadership Committee (“Leadership
4 Committee”) consisting of four members. The Committee shall
5 designate one person as chair and advise the Court as to its selection.

6
7 • A Governmental Entities Committee consisting of one member, but
8 subject to expansions if more Governmental cases are added to the
9 docket.

10
11 • A Fact Discovery Committee consisting of two members of the
12 Leadership Committee, as selected by that Committee, and three other
13 members. One of the three shall be designated to liaise with the
14 Governmental Entities Committee.

15
16 • An Expert Discovery Committee consisting of two members of the
17 Leadership Committee, as selected by that Committee, and three other
18 members. One of the three shall be designated to liaise with the
19 Governmental Entities Committee.

20 The Court will review the leadership structure from time to time as the docket
21 proceeds, and may make changes or additions as warranted. Counsel are invited to
22 provide the Court their suggestion.

23
24
25 II. Scheduling Conference.

26
27 The Court sets a scheduling conference for March 13, 2023 at 8:00

1 a.m. The Leadership Committee and Kia/Hyundai are ordered to file a Joint
2 Report no later than March 3, 2023, addressing the topics outlined in Exhibit B to
3 Order No. 1 and any other issues as appropriate. At the same time, the Leadership
4 Committee and Kia/Hyundai shall file a proposed order implementing the report.
5 Any party may file a response to the report not later than March 8, 2023.

6
7 III. Appointments.

8
9 The Court makes the appointments listed below. The appointments
10 are personal in nature, and although the Court anticipates that appointees will draw
11 on the resources of their firms or their existing co-counsel, the appointee is the
12 member of the committee and responsible for the duties which he or she assumes.
13 At a coming hearing, the Court will discuss a process for evaluating appointees'
14 performance and commitment to the tasks assigned.

15 Plaintiffs' Consumer Class Action Leadership Committee: Steve W.
16 Berman, Esq., Elizabeth A. Fegan, Esq., Kenneth B. McClain, Esq.,
17 and Roland Tellis, Esq.

18
19 Plaintiffs' Governmental Entities Committee Chair: Gretchen
20 Freeman Cappio, Esq.

21
22 Fact Discovery Committee: two members of the Leadership
23 Committee, one of whom shall be the chair, and Jeffrey Goldenberg,
24 Esq., Amanda K. Klevorn, Esq., and Tiffany Marko Yiatras, Esq.

25
26 Expert Discovery Committee: two members of the Leadership
27 Committee, one of whom shall be the chair, and Jason S. Rathod, Esq,

1 Michael F. Ram, Esq., and Matthew D. Schelkopf, Esq.

2
3 IV. Other Matters.

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5 A. Consolidated Complaint.

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7 The Leadership Committee shall file a Consolidated Consumer Class
8 Action complaint within sixty days of this Order along with a stipulation for
9 briefing and hearing on any Rule 12 or other challenge to the Complaint

10
11 To the extent other Governmental Entity Complaints are filed within
12 the next forty five days, the Governmental Entities Committee shall file a
13 Consolidated Governmental Entities Complaint within sixty days of this Order
14 along with a stipulation for briefing and hearing on any Rule 12 or other challenges
15 to the Complaint. If no other complaints are filed, within sixty days Kia/Hyundai
16 may file a Rule 12 or other challenge to the pleading in City of Seattle v. Hyundai
17 Motor America, Inc., No. 23-cv-00098 (W.D. Wash.), along with a stipulation for
18 briefing and hearing on any Rule 12 for other challenges to the Complaint.

19 B. Preservation Order.

20
21 The parties shall submit a proposed order no later than March 1, 2023.
22 The proposed order shall reflect alternative provisions where there is a dispute.
23 The Leadership Committee may supplement the proposed order with a brief of no
24 more than ten pages. Kia/Hyundai may supplement the proposed order with a brief
25 of no more than ten pages.

1 C. Regular Hearings.

2
3 The Court believes that it would helpful to set aside one day each
4 month for a status conference, with the possible exception for the summer vacation
5 period and year-end holidays. The Court would invite a joint status report a week
6 in advance.

7
8 V. Attorney's Fees and Time Records.

9
10 The Court orders any counsel who intend to apply for fees in a class
11 action to create and maintain records sufficient to make and support a lodestar
12 showing. Hanlon v. Chrysler Corp., 150 F.3d 1011, 1029 (9th Cir. 1998).

13 IT IS SO ORDERED.

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15 Dated: February 9, 2023



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18 James V. Selna
19 United States District Judge
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