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

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

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

**ORDER NO. 7: COORDINATION OF
STATE AND FEDERAL
DISCOVERY REGARDING PHASE I
F.R.CIV.P. 30(b)(6) DEPOSITIONS**

This document relates to:

ALL CASES

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In order to avoid duplicative depositions, the parties and the Court endorse the cross-noticing of depositions in this MDL and in related state court and federal court actions involving allegations of unintended acceleration in Toyota vehicles ("Related Actions") where practical and where such a procedure will not result in undue delay in this MDL litigation. This Order and the coordinated discovery it proposes are intended to promote judicial efficiency and economy "so as to reduce costs, delays and duplication of effort that often stem from such disbursed litigation" while minimizing "conflicts that distract from the primary goal of resolving the parties' disputes." Annotated Manual for Complex Litigation, Fourth, Section 20.3 (2010). Accordingly, the Court enters this Order to govern coordination of depositions taken during Phase I discovery in this MDL proceeding. Coordination of depositions in later phases of discovery shall be governed by a separate order.

1. Plaintiffs' Co-Lead Counsel, members of Plaintiffs' Lead Counsel or Liaison Counsel Committees, Defendants' Lead Counsel, or counsel in Related State Court Actions may cross-notice any of the 30(b)(6) deposition(s) noticed to be taken as part of Phase I discovery in this MDL proceeding. In order to facilitate cross-noticing, whenever a party in this MDL notices a 30(b)(6) deposition during Phase I, counsel for that party shall provide the notice to Federal—State Liaison Counsel by e-mail or

1 facsimile on the same day that the notice is served on the deponent. Upon receipt of
2 any such notice, Federal—State Liaison Counsel shall provide the notice (via e-mail,
3 facsimile, or mail) to counsel in Related Actions.

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5 2. Any cross-notices must be served within five (5) days after service of the
6 initial notice to be effective. The cross-notice shall specifically identify the subject
7 matter topics being cross-noticed. (See ¶ 8, *infra*.)
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10 3. If a party in this MDL proceeding cross-notices a 30(b)(6) deposition, it
11 shall provide the notice to Plaintiffs' Lead Counsel Committee, Plaintiffs' Liaison
12 Counsel Committee, and Federal—State Liaison Counsel by e-mail or facsimile at the
13 same time the cross-notice is served on the deponent's counsel. If a party in a Related
14 Action cross-notices a 30(b)(6) deposition, it shall provide the notice to Federal—
15 State Liaison Counsel by e-mail or facsimile on the same day the notice is served on
16 the deponent. Upon receipt of any such notice, Federal—State Liaison Counsel shall
17 provide the notice to Plaintiffs' Co-Lead Counsel and Defendants' Lead Counsel. If a
18 party in this MDL proceeding objects to that cross-notice, the party issuing the cross-
19 notice shall have seven (7) days after service thereof, to notify the Court or Special
20 Master(s) of the dispute by letter electronically filed via CM/ECF, which will provide
21 notice of such filing to all counsel of record. The letter shall ask the Court or Special
22 Master(s) to convene a conference call to dispose of the dispute as soon as it can be
23 scheduled. The burden shall be on the party objecting to the cross-notice to
24 demonstrate that the cross-notice should be quashed.

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26 4. In order to ensure that the location for the deposition will accommodate the
27 number of parties and attorneys in attendance, any state court plaintiffs' counsel that
28 plans to attend a deposition shall notify Plaintiffs' Co-Lead Counsel of their intent to
attend at least five (5) days before the date of the deposition. Mere late notice of

1 intent to attend a deposition shall not be a basis for exclusion.

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3 5. No party to Related Actions may add new topics to the 30(b)(6) depositions
4 beyond those provided for in this MDL proceeding. However, counsel for plaintiffs in
5 Related State Court Actions are free to submit proposed questions to Plaintiffs' Co-
6 Lead Counsel (with copies to Federal—State Liaison Counsel) that relate to topics that
7 have been designated in any notice or cross-notice.

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9 6. At any cross-noticed deposition, Plaintiffs' Co-Lead Counsel shall have the
10 authority to designate counsel for plaintiffs who shall conduct such deposition. Time
11 allocated to counsel in Related Actions shall be in accordance with Order No. 5, as
12 amended. In no event shall any cross-noticing of the deposition for use in a Related
13 Action delay the taking of any Rule 30(b)(6) deposition noticed by Plaintiffs' Co-Lead
14 Counsel in this MDL proceeding.

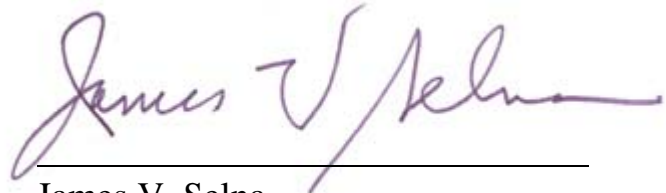
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16 7. Counsel for parties in Related Actions may obtain copies of transcripts,
17 video recordings, and exhibits from any deposition taken during Phase I discovery in
18 this MDL proceeding, subject to the following: To the extent that any portion of any
19 Phase I deposition or exhibit used in such deposition has been designated as
20 "Confidential" or "Highly Confidential," then counsel for parties in Related State
21 Court Actions shall not be entitled to obtain copies of "Confidential" or "Highly
22 Confidential" portions of transcripts, video recordings, or exhibits unless and until
23 counsel have signed the "Agreement Concerning Information Covered by Protective
24 Order," which is attached as Exhibit A to the Stipulated Protective Order, filed by the
25 Court on July 16, 2010 (Docket No. 244).

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27 8. Counsel for plaintiffs in Related Actions are not required or compelled to
28 participate in any Phase I Rule 30(b)(6) depositions. The effect participation of

1 counsel for plaintiffs in Related Actions in such depositions shall have in their
2 separate actions shall be determined by the courts presiding over those separate
3 actions. With respect to all matters concerning the use of the Phase I Rule 30(b)(6)
4 depositions in the Related Actions, including without limitation procedural
5 compliance, evidentiary matters, and any another aspects of the law of the separate
6 fora, those matters shall be determined by the courts presiding over those separate
7 actions.

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9 IT IS SO ORDERED.

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11 Dated: August 26, 2010



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James V. Selna,
United States District Judge

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