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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: ML 10-2151 JVS (FMOx)

This document relates to:

ALL CASES

ORDER NO. 24: FURTHER
PROCEDURES FOR PERSONAL
INJURY/WRONGFUL DEATH
CASES

On April 4, 2013, the Court conducted a hearing concerning preparation and development of the remaining personal injury/wrongful death cases. Having considered the parties' filings and comments at the hearing, the Court now enters the following Order:

1. Cases for Bellwether Trials.

Each side may designate three cases for conducting bellwether trials in 2014. The Court places no restriction on the age of cases to be selected.

1 However, unless no claim of source code defect is made, the parties may only
2 designate cases involving vehicles for which Toyota has already produced the
3 source code. These include the Camry, Corolla, Prius, ES, Sienna, and Tacoma.
4 The fact that source code for a particular model year has not been produced does
5 not preclude designation.

6
7 The Court will conduct a Rule 26(f) scheduling conference for each
8 designated case in early summer 2013. The Court defers the question whether the
9 bellwether trials should take place in this Court or in a transferor venue.

10
11 2. Bellwether Pool of Cases.

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13 Each side may designate ten cases for the commencement of
14 discovery and trial preparation. The Court places no restriction on whether Toyota
15 has produced the source code for the vehicle in a designated case. However, each
16 side's designations shall include at least five cases from the forty oldest cases, as
17 determined by date of filing. (See Docket No. 3476, Ex. A.)

18
19 3. Case Designations.

20 Each side shall file and serve its bellwether and bellwether pool
21 designations not later than April 25, 2013.

22
23 4. Objections to Designations.

24
25 If any side objects to a proposed bellwether case or a proposed
26 bellwether pool case, the party shall file a written objection no later than May 3,
27 2013. The Court will consider reasons for exclusion of a particular case, but not

1 the relative merits of the cases proposed by the parties. The Court will consider
2 any objections at the May 8, 2013 status conference. (See ¶ 8, *infra*.)

3
4 5. Stay.

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6 Upon designation, the stay of proceedings shall be lifted in each of the
7 bellwether cases and the bellwether pool cases. The stay shall remain in place for
8 all other cases, except as provided in Order No. 11. (See Docket No. 620, p. 3.)

9
10 6. Coordination of Discovery.

11
12 With respect to discovery of any Toyota entity which constitutes a
13 general inquiry into the design, development, manufacture, or marketing of a
14 Toyota vehicle type or model (“general inquiry”), such discovery shall be
15 coordinated and available to all parties in all bellwether cases and bellwether pool
16 cases. To the maximum extent possible, the parties shall avoid duplicative
17 discovery or discovery which has already been made by a Toyota entity. To ensure
18 compliance with this provision, any discovery request to any Toyota entity which
19 constitutes a general inquiry shall be endorsed by a member of the Plaintiffs’
20 Liaison Committee for Personal Injury/Wrongful Death Cases.¹ The member’s
21 endorsement will signify the member’s good faith belief that the request represents
22 a coordinated request, regardless of the number of cases joining in the request, and
23 is not duplicative of discovery already made by Toyota.

24 ¹The current Committee members are: Elizabeth J. Cabraser, Mark P. Robinson, Jr.,
25 Lewis S. Eidson, Richard D. McCune, W. Daniel “Dee” Miles, Hunter J. Shkolnik, and Donald
26 H. Slavik. The Court thanks the Committee members in advance for carrying out this
27 educational and management role.

1 7. Motions Practice.

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3 The procedures outlined in Order No. 4: Filing Procedures remain in
4 force. (Docket No. 806, ¶¶ 5-6.)

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6 8. Status Conference.

7
8 The Court will conduct a status conference on May 8, 2013 at 8:00
9 a.m. to discuss:

- 10 • Status of making Van Alfen materials available to all counsel in this
11 proceeding and in state proceedings.
12
13 • Status of required adjustments to protective orders to facilitate
14 distribution of materials.
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16 • Objections to bellwether and bellwether pool designations.
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18 • Such other matters as the parties may advise the Court by May 6,
19 2013.
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1 Any party may submit no later than May 6, 2013 a memorandum of no more than
2 five pages concerning the topics to be discussed at the status conference.

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4 IT IS SO ORDERED.

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6 Dated: April 4, 2013



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8 James V. Selna
9 United States District Judge
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