

1 CARI K. DAWSON (GA SBN 213490)

Email: cari.dawson@alston.com

ALSTON + BIRD LLP

2 1201 West Peachtree Street

Atlanta, GA 30309

3 Telephone: (404) 881-7766

4 Facsimile: (404) 253-8567

NOTE: CHANGES MADE BY THE COURT

5 LISA GILFORD (CA SBN 171641)

Email: lisa.gilford@alston.com

ALSTON + BIRD LLP

6 333 South Hope Street, 16th Floor

Los Angeles, CA 90071

7 Telephone: (213) 576-1000

8 Facsimile: (213) 576-1100

9 *Lead Defense Counsel for Economic Loss Cases*

10 THEODORE J. BOUTROUS JR. (CA SBN 132099)

Email: Tboutrous@gibsondunn.com

11 THEANE EVANGELIS KAPUR (CA SBN 243570)

Email: Tkapur@gibsondunn.com

GIBSON, DUNN & CRUTCHER LLP

12 333 South Grand Avenue

Los Angeles, CA 90071-3197

13 Telephone: (213) 229-7000

14 Facsimile: (213) 229-7520

15 *Appellate Counsel*

16 **UNITED STATES DISTRICT COURT**

17 **CENTRAL DISTRICT OF CALIFORNIA**

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

Case No.: 8:10ML02151 JVS (FMOx)

**ORDER GRANTING IN PART
REQUEST FOR CERTIFICATION
FOR DIRECT INTERLOCUTORY
APPEAL TO THE UNITED STATES
COURT OF APPEALS FOR THE
NINTH CIRCUIT**

21 This document relates to:

22 **ALL ECONOMIC LOSS CASES**

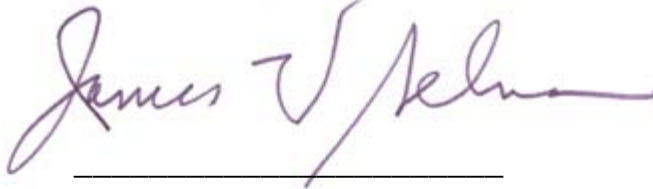
1 Having considered the Toyota Defendants’ request for certification (Docket
2 No. 1568) and reviewed the parties’ briefs and the law, including Plaintiffs’
3 Opposition to the Toyota Defendants’ request (Docket No. 1596), the Court is now of
4 the opinion that its Orders ruling on the Toyota defendants’ Article III standing
5 arguments (Docket No. 510 at 12-30, and Docket No. 1414 at 11-27) involve
6 controlling questions of law as to which there are substantial grounds for difference of
7 opinion and that an immediate appeal as to the Article III standing rulings from the
8 last Order (Docket No. 1414), filed on May 13, 2011, will materially advance the
9 ultimate termination of this litigation. The Court therefore certifies the issue
10 addressed on pages 11-27 of the May 13, 2011 Order, (“Order Granting in Part and
11 Denying in Part the Toyota Defendants’ Motion To Dismiss Plaintiffs’ Second
12 Amended Economic Loss Master Consolidated Complaint; Order Granting in Part and
13 Denying in Part Motion To Strike; Order Denying Request for Judicial Notice”)
14 (Docket No. 1414) for immediate interlocutory appeal to the United States Court of
15 Appeals for the Ninth Circuit. Specifically, the Court focuses on the issue of whether
16 each plaintiff must allege that he or she has experienced a manifestation of the
17 product’s alleged defect in order to allege that he or she suffered an injury in fact
18 sufficient to confer Article III standing.

19 In conformity with In re Benny, 812 F.2d 1133, 1136 (9th Cir. 1987), and so
20 that the Toyota defendants may file a timely interlocutory appeal as authorized herein,
21 in a separate, concurrently filed Order, the Court amends its May 13, 2011 Order to
22 include a certification of the Article III standing issue for interlocutory appeal. See
23 Fed. R. App. P. 5(a) (“If a party cannot petition for appeal unless the district court first
24 enters an order granting permission to do so or stating that the necessary conditions
25
26
27
28

1 are met, the district court may amend its order, either on its own or in response to a
2 party's motion, to include the required permission or statement.”).

3 **IT IS SO ORDERED.**

4 Date: July 19, 2011

5 

6 _____
7 Honorable James V. Selna
8 United States District Court Judge

9 NOTE: CHANGES MADE BY THE COURT
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28