

**UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE**

TERESA STRINGER, KAREN BROOKS and WILLIAM PAPANIA, Individually and on Behalf of All Others Similarly Situated, Plaintiffs, v. NISSAN OF NORTH AMERICA, INC., and NISSAN MOTOR CO. LTD., Defendants.	Case No. 3:21-cv-00099 District Judge William L. Campbell Jr. Magistrate Judge Barbara D. Holmes Jury Trial Demanded
BRANDON LANE, DEBBIE O’CONNOR, and MICHELLE WILLIAMS, Individually and on Behalf of All Others Similarly Situating, Plaintiffs, v. NISSAN OF NORTH AMERICA, INC., and NISSAN MOTOR CO. LTD., Defendants.	Case No. 3:21-cv-00150 District Judge William L. Campbell Jr. Magistrate Judge Barbara D. Holmes Jury Trial Demanded
JAYNE NEWTON and BEATRIZ ZAVALA, Individually and on Behalf of All Others Similarly Situated, Plaintiffs, v. NISSAN OF NORTH AMERICA, INC., NISSAN MOTOR CO. LTD., and DOES 1- 50, inclusive, Defendants.	Case No. 3:21-cv-00169 District Judge William L. Campbell Jr. Magistrate Judge Barbara D. Holmes Jury Trial Demanded

MENACHEM LANDA, individually and on behalf all others similarly situated, Plaintiff, v. NISSAN OF NORTH AMERICA, INC., and NISSAN MOTOR COMPANY, LTD., Defendants.	Case No. 3:21-cv-00232 District Judge William L. Campbell Jr. Magistrate Judge Alistair Newbern Jury Trial Demanded
ANDREA ELIASON and WAYNE BALNICKI, on behalf of themselves and all others similarly situated, Plaintiffs, v. NISSAN OF NORTH AMERICA, INC., and NISSAN MOTOR CO., LTD., Defendants.	Case No. 3:21-cv-00263 District Judge William L. Campbell Jr. Magistrate Judge Barbara D. Holmes Jury Trial Demanded

**ORDER APPOINTING INTERIM CO-LEAD CLASS COUNSEL AND
EXECUTIVE COMMITTEE UNDER FED. R. CIV. P. 23**

WHEREAS, on March 10, 2021, Plaintiffs Teresa Stringer, Karen Brooks, William Papania, Brandon Lane, Debbie O'Connor, Michelle Williams, Jayne Newton, and Beatriz Zavala ("Original Moving Plaintiffs") jointly moved to request appointment of Interim Co-Lead Counsel and an Executive Committee ("Original Motion")¹ to organize and prosecute claims asserted in the actions later consolidated by this Court by order of April 12, 2021 (the "Stipulated Order of Consolidation");²

¹ *Stringer et al. v. Nissan of North America, Inc., et al.* (Case No. 3:21-cv-00099) (the "Stringer Action"), ECF No. 16; *Lane et al., v. Nissan of North America et al.*, Case No. 3:21-cv-00150) (the "Lane Action"), ECF No. 9, *Newton et al. v. Nissan of North America, Inc., et al.* (Case No. 3:21-cv-00169) (the Newton Action), ECF No. 12.

² *Stringer* Action, ECF No. 39, *Lane* Action ECF No. 28; *Newton* Action, ECF No.29; *Landa v. Nissan of North America, Inc., et al.*, Case No 3:21-cv-00232, ("*Landa* Action") ECF No 15; *Eliason*,

WHEREAS after the filing of the Original Motion, two additional cases were filed alleging substantially similar facts and claims against the same defendants³ and the Original Moving Plaintiffs, along with three new plaintiffs, Menachem Landa, Andrea Eliason, and Wayne Balnicki, (together, all Plaintiffs are the “Moving Plaintiffs”) filed a Supplement to the Original Motion requesting the Court to consolidate *all five* of the above-captioned actions, including the two newly filed actions, and requesting the appointment of additional members of the proposed Executive Committee identified in the Original Motion (the “Supplement”);⁴

WHEREAS the Stipulated Order of Consolidation consolidated all Plaintiffs owning Rogue vehicles into the *Stringer* Action and all Plaintiffs owning Pathfinder vehicles into the *Lane* Action and ordered the Moving Plaintiffs to file Amended Complaints in the *Stringer* Action and the *Lane* Action by no later than April 16, 2021; ⁵

WHEREAS, on April 9, 2021, Nissan North America, Inc. (“NNA”) filed its response to the Original Motion and Supplement, which states that it takes “no position on the issue of Plaintiffs’ request to appoint interim co-lead class counsel and executive committee;”⁶

WHEREAS, the Court has received no opposition to the Moving Plaintiffs’ request to appoint Interim Co-Lead Counsel and Executive Committee;

WHEREAS, the Court finds that the issues concerning appointment of Interim Co-Lead Counsel and an Executive Committee have been adequately presented, and it has carefully considered the above motion, its supporting brief, and exhibits to same,

et al v. Nissan of North America, Inc., et al., 3:21-cv-00263 (M.D. Tenn. Mar. 26, 2021) (“*Eliason* Action”), ECF No. 14.

³ *Landa* Action, ECF No 1; *Eliason* Action, ECF No. 1.

⁴ *Stringer* Action, ECF No. 33; *Lane* Action, ECF No. 19; *Newton* Action, ECF No. 24.

⁵ *Stringer*, ECF No. 39 (the “Joint Stipulation of Consolidation”).

⁶ *Stringer* Action, ECF No. 37; *Lane* Action, ECF No. 22; *Newton* Action, ECF No. 27 *Landa* Action, ECF No. 13; *Eliason* Action, ECF No. 12.

IT IS HEREBY ORDERED:

1. The Moving Plaintiffs' motion to appoint Interim Co-Lead Counsel and an Executive Committee pursuant to Fed. R. Civ. P. 23(g) is hereby **GRANTED**, and the Court appoints Marc L. Godino of Glancy, Prongay, & Murray LLP, J. Gerard Stranch of Branstetter, Stranch & Jennings PLLC and Mark S. Greenstone of Greenstone Law APC as Interim Co-Lead Counsel and Stephen R. Bassier of Barrack, Rodos & Bacine, Lawrence Deutsch of Berger Montague PC, and Ryan McDevitt of Keller Rohrback, L.L.P. as members of the Executive Committee in the *Stringer* Action and *Lane* Action consolidated by the Stipulated Order of Consolidation.

2. **Duties of Interim Co-Lead Counsel:** Interim Co-Lead Counsel shall be responsible for the overall conduct of the litigation on behalf of the proposed class. Interim Co-Lead Counsel shall be responsible for the following with regard to this matter:

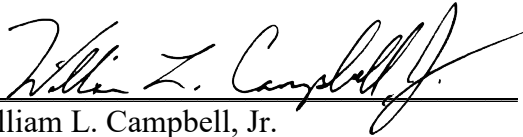
- a. Supervise all pretrial, trial and post-trial proceedings;
- b. Sign any pleadings, motions, briefs, discovery requests or objections, subpoenas or notices;
- c. Determine and present in motions, briefs, oral argument, or such other fashion as may be appropriate, the position of all of the proposed class as to all matters arising during pretrial and trial proceedings;
- d. Conduct discovery on behalf of the named plaintiffs and the class consistent with the requirements of Fed. R. Civ. P. 26(b)(1), 26(b)(2), and 26(g);
- e. Designate attorneys to act as spokespersons at pretrial conferences;
- f. Negotiate and enter into stipulations and agreements with defense counsel with respect to all matters in this litigation, including discovery and settlement matters;

- g. Coordinate and oversee the implementation and administration of any settlement;
- h. Coordinate the activities of all plaintiffs' counsel, and implement procedures to ensure that schedules are met and unnecessary expenditures of time and funds are avoided;
- i. Employ and consult with experts;
- j. Call meetings of plaintiffs' counsel when deemed appropriate;
- k. Delegate tasks to members of the Executive Committee and otherwise coordinate the work of all plaintiffs' counsel, and perform such other duties as the Interim Co-Lead Counsel deem necessary or as authorized by further order of the Court; and
- l. To perform such other pretrial duties as may be incidental to the proper coordination of pretrial activities or authorized by further order of the Court.

3. **Duties of the Executive Committee:** Members of the Executive Committee shall be responsible for aiding Co-Lead Counsel for all tasks delegated by the Interim Co-Lead Counsel to members of the Executive Committee.

IT IS SO ORDERED.

Dated: 19th Day of April, 2021



William L. Campbell, Jr.
United States District Judge