

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE: PASSENGER VEHICLE	)	Case No. 5:24-md-3107
REPLACEMENT TIRES ANTITRUST	)	
LITIGATION	)	MDL No. 3107
	)	
This Document Applies to:	)	CHIEF JUDGE SARA LIOI
	)	
ALL CASES	)	

**CASE MANAGEMENT ORDER NO. 4
APPOINTMENT OF PLAINTIFFS' LEADERSHIP**

The plaintiffs in the consolidated actions ("Plaintiffs") have filed civil action complaints against all or nearly all of the same defendants ("Defendants") alleging, *inter alia*, violations of Section 1 of the Sherman Act, 15 U.S.C. § 1 and related state claims. Plaintiffs seek to proceed on behalf of themselves and three different proposed classes: (1) Direct Purchaser Plaintiffs ("DPPs"), who purchased replacement tires directly from Defendants; (2) End-Payor Plaintiffs ("EPPs"), indirect purchaser plaintiffs who purchased replacement tires from persons or entities other than Defendants for their own use and not for resale; and (3) Automobile Dealership and Other Reseller Plaintiffs ("ADPs"), indirect purchaser plaintiffs who purchased replacement tires from persons or entities other than Defendants. Pursuant to Case Management Order No. 1 (Doc. No. 3), counsel for the Plaintiffs submitted a recommended organizational structure and list of designated counsel in the Initial Joint Status Report (Doc. No. 70) at Appendices B-D. ADP Plaintiffs also filed a Supplement to the Initial Joint Status Report, adding a proposed co-lead counsel for the ADPs. (Doc. No. 95.)

The Court has considered Plaintiffs' proposed leadership structure, including hearing presentations from proposed interim co-lead counsel at the July 2, 2024 conference and reviewing

submissions from proposed interim co-lead counsel unable to attend the hearing. Pursuant to Fed. R. Civ. P. 23(g), the Court hereby ORDERS the following:

ORGANIZATION OF PLAINTIFFS' COUNSEL

1. DPP Interim Co-Lead Counsel. All DPP counsel have agreed and the Court designates the following attorneys to act as DPP Interim Co-Lead Counsel, on behalf of all DPPs in this action and any additional related actions that are consolidated with this action (collectively with actions filed on behalf of other putative classes, “the Consolidated Action”), with responsibilities hereinafter described:

Vincent Briganti	Christopher M. Burke	Kellie Lerner	Dena C. Sharp
Lowey Dannenberg, P.C.	Korein Tillery P.C.	Robins Kaplan LLP	Girard Sharp LLP
44 South Broadway	401 West A Street	1325 Avenue of the	601 California Street
Suite 1100	Suite 1430	Americas, Suite 2601	Suite 1400
White Plains, NY 10601	San Diego, CA 92101	New York, NY 10019	San Francisco, CA 94108

2. DPP Liaison Counsel. All DPP counsel have agreed and the Court designates the following attorney to act as DPP Liaison Counsel, on behalf of all DPPs in the Consolidated Action, with responsibilities hereinafter described:

Gary A Corroto
Plakas Mannos
200 Market Avenue North, Suite 300
Canton, OH 44702

3. DPP Steering Committee. All DPP counsel have agreed and the Court designates the following attorneys to act as DPP Steering Committee, on behalf of all DPPs in the Consolidated Action, with responsibilities hereinafter described:

Ethan J. Barlieb	Garrett D. Blanchfield
Kessler Topaz Meltzer & Check, LLP	Reinhardt Wendorf & Blanchfield
280 King of Prussia Road	222 South 9th Street, Suite 1600
Radnor, PA 19087	Minneapolis, MN 55402

William G. Caldes
Spector Roseman & Kodroff, P.C.
2001 Market Street, Suite 3420
Philadelphia, PA 19103

David M. Cialkowski
Zimmerman Reed LLP
1100 IDS Center
80 S. 8th St.
Minneapolis, MN 55402

Michelle C. Clerkin
Spiro Harrison & Nelson
40 Exchange Place, Suite 1404
New York, NY 10005

Kimberly A. Justice
Freed Kanner London & Millen LLC
923 Fayette Street
Conshohocken, PA 19428

April D. Lambert
Radice Law Firm, P.C.
475 Wall Street
Princeton, NJ 08540

Kevin Landau
Taus, Cebulash & Landau, LLP
123 William Street, Suite 1900A
New York, NY 10038

Roberta Liebenberg
Fine, Kaplan and Black, R.P.C.
One South Broad Street, 23rd Floor
Philadelphia, PA 19107

Bobby Pouya
Pearson Warshaw, LLP
15165 Ventura Boulevard, Suite 400
Sherman Oaks, CA 91403

Heidi M. Siltan
Lockridge Grindal Nauen PLLP
100 Washington Avenue South, Suite 2200
Minneapolis, MN 55401

4. DPP Interim Co-Lead Counsel's Duties and Responsibilities. DPP Interim Co-Lead Counsel will be responsible for efficiently managing this litigation and making all strategic, substantive, and procedural decisions on behalf of DPPs in the Consolidated Action. These responsibilities include, but are not limited to: (a) determining and presenting to the Court and opposing parties the positions of DPPs on all matters arising during pretrial, trial, and post-trial proceedings on behalf of all DPPs in the Consolidated Action; (b) coordinating the initiation and conduct of discovery on behalf of DPPs consistent with the requirements of Fed. R. Civ. P. 26(b)(1), 26(b)(2) and 26(g), including the preparation of joint interrogatories and requests for production of documents, employment and consultation with experts, and the examination of witnesses in depositions; (c) conducting settlement negotiations on behalf of DPPs and entering

into settlement to the extent expressly authorized by and subject to Court approval; (d) delegating specific tasks to other counsel or committees of counsel in an efficient and non-duplicative manner; (e) entering into stipulations with opposing counsel as necessary for the conduct of the litigation; (f) preparing and distributing periodic status reports to DPPs; (g) maintaining adequate time and disbursement records covering services as DPP Interim Co-Lead Counsel; (h) monitoring the activities of DPPs' counsel to ensure that schedules are met and unnecessary expenditures of time and funds are avoided; (i) coordinating trial team selection, management, and presentation; and (j) performing such other duties as may be incidental to proper coordination of DPPs' pretrial activities or authorized by further order of the Court.

5. DPP Liaison Counsel's Duties and Responsibilities: DPP Liaison Counsel will work closely with DPP Interim Co-Lead Counsel with respect to administrative aspects of the case. DPP Liaison Counsel will (a) coordinate service and filings for the DPPs; (b) maintain and distribute to Plaintiffs' counsel and to Defendants' liaison counsel an up-to-date service list; (c) receive and, as appropriate, distribute to counsel Orders from the Court and documents from opposing parties and counsel; (d) establish and maintain a document depository; and (e) maintain and make available to DPPs' counsel a complete file of all documents served by or upon each party which are not otherwise maintained in the document depository.

6. DPP Steering Committee's Duties and Responsibilities: The DPP Steering Committee will assist DPP Interim Co-Lead Counsel and DPP Liaison Counsel with pretrial activities and trial. The DPP Steering Committee and any other DPP counsel will only be authorized to perform work at the express direction of DPP Interim Co-Lead Counsel (or their designees).

7. EPP Interim Co-Lead Counsel. All EPP counsel have agreed and the Court designates the following attorneys to act as EPP Interim Co-Lead Counsel, on behalf of all EPPs in the Consolidated Action, with responsibilities hereinafter described:

Gregory S. Asciolla	Thomas H. Burt	Tina Wolfson	Adam J. Zapala
DiCello Levitt LLP	Wolf Haldenstein Adler	Ahdoot & Wolfson, PC	Cotchett, Pitre &
485 Lexington Avenue,	Freeman & Herz LLP	2600 West Olive Ave.,	McCarthy, LLP
Suite 1001	270 Madison Avenue	Suite 500	840 Malcolm Road,
New York, NY 10017	New York, NY 10016	Burbank, CA 91505	Suite 200
			Burlingame, CA 94010

8. EPP Liaison Counsel. All EPP counsel have agreed and the Court designates the following attorney to act as EPP Liaison Counsel, on behalf of all EPPs in the Consolidated Action, with responsibilities hereinafter described:

Michelle L. Kranz
Zoll & Kranz, LLC
6620 Central Avenue, Suite 100
Toledo, OH 43617

9. EPP Steering Committee. All EPP counsel have agreed and the Court designates the following attorneys to act as EPP Steering Committee, on behalf of all EPPs in the Consolidated Action, with responsibilities hereinafter described:

Gretchen Freeman Cappio
Keller Rohrback L.L.P.
1201 Third Avenue, Suite 3200
Seattle, WA 98101

Brian J. Dunne
Bathae Dunne LLP
901 South MoPac Expressway
Barton Oaks Plaza I, Suite 300
Austin, TX 78746

Christopher T. Micheletti
Zelle LLP
555 12th Street, Suite 1230
Oakland, CA 94607

James L. Ward, Jr.
McGowan, Hood, Felder & Phillips, LLC
10 Shem Drive, Suite 300
Mount Pleasant, SC 29464

Timothy D. Battin
BoiesBattin LLP
4041 University Drive, 5th Floor
Fairfax, VA 22030

10. EPP Interim Co-Lead Counsel's Duties and Responsibilities: EPP Interim Co-Lead Counsel will be responsible for efficiently managing and litigating this case and making all strategic, substantive, and procedural decisions on behalf of EPPs in the Consolidated Action. These responsibilities include, but are not limited to: (a) determining and presenting to the Court and opposing parties the positions of EPPs on all matters arising during pretrial, trial, and post-trial proceedings on behalf of all EPPs in the Consolidated Action; (b) coordinating the initiation and conduct of discovery on behalf of EPPs consistent with the requirements of Fed. R. Civ. P. 26(b)(1), 26(b)(2) and 26(g), including the preparation of joint interrogatories and requests for production of documents, employment and consultation with experts, and the examination of witnesses in depositions; (c) conducting settlement negotiations on behalf of EPPs and entering into settlement to the extent expressly authorized by and subject to Court approval; (d) delegating specific tasks to other counsel or committees of counsel in an efficient and non-duplicative manner; (e) entering into stipulations with opposing counsel as necessary for the conduct of the litigation; (f) preparing and distributing periodic status reports to EPPs; (g) maintaining adequate time and disbursement records covering services as EPP Interim Co-Lead Counsel; (h) monitoring the activities of all EPPs' counsel to ensure that schedules are met and unnecessary expenditures of time and funds are avoided; (i) coordinating trial team selection, management, and presentation; and (j) performing such other duties as may be incidental to proper coordination of EPPs' pretrial activities or authorized by further order of the Court.

11. EPP Liaison Counsel's Duties and Responsibilities: EPP Liaison Counsel will work closely with EPP Interim Co-Lead Counsel with respect to administrative aspects of the case. EPP Liaison Counsel will (a) coordinate service and filings for the EPPs; (b) maintain and distribute to Plaintiffs' counsel and to Defendants' liaison counsel an up-to-date service list; (c) receive and, as appropriate, distribute to counsel Orders from the Court and documents from opposing parties and counsel; (d) establish and maintain a document depository; and (e) maintain and make available to EPPs' counsel a complete file of all documents served by or upon each party which are not otherwise maintained in the document depository.

12. EPP Steering Committee's Duties and Responsibilities: The EPP Steering Committee will assist EPP Interim Co-Lead Counsel with pretrial activities and trial. The EPP Steering Committee and any other EPP counsel will only be authorized to perform work at the express direction of EPP Interim Co-Lead Counsel (or their designees).

13. ADP Interim Co-Lead Counsel. All ADP counsel have agreed and the Court designates the following attorneys to act as ADP Interim Co-Lead Counsel, on behalf of all ADPs in the Consolidated Action, with responsibilities hereinafter described:

Warren Tavares Burns Burns Charest LLP 900 Jackson Street Suite 500 Dallas, TX 75214	Daniel C. Hedlund Gustafson Gluek PLLC Canadian Pacific Plaza 120 So. Sixth Street, Suite 2600 Minneapolis, MN 55402	Michael J. Flannery Cuneo, Gilbert & LaDuca, LLP Two City Place Drive, Second Floor St. Louis, MO 63141 55402	Steven N. Williams Steven N. Williams Law, P.C. 201 Spear Street, Suite 1100 San Francisco, CA 94105
Robin F. Zwerling Zwerling, Schachter & Zwerling, LLP 41 Madison Avenue New York, NY 10010			

14. ADP Interim Co-Lead Counsel's Duties and Responsibilities: ADP Interim Co-Lead Counsel will be responsible for efficiently managing this litigation and making all strategic, substantive, and procedural decisions on behalf of their respective classes in the Consolidated Action. These responsibilities include, but are not limited to: (a) determining and presenting to the Court and opposing parties the positions of plaintiffs on all matters arising during pretrial, trial, and post-trial proceedings in the Consolidated Action; (b) coordinating the initiation and conduct of discovery on behalf of plaintiffs consistent with the requirements of Fed. R. Civ. P. 26(b)(1), 26(b)(2), and 26(g), including the preparation of joint interrogatories and requests for production of documents, employment and consultation with experts, and the examination of witnesses in depositions; (c) conducting settlement negotiations on behalf of plaintiffs and entering into settlements to the extent expressly authorized by and subject to Court approval; (d) delegating specific tasks to other counsel or committees of counsel in an efficient and non-duplicative manner; (e) entering into stipulations with opposing counsel as necessary for the conduct of the litigation; (f) preparing and distributing periodic status reports to plaintiffs; (g) maintaining adequate time and disbursement records; (h) monitoring the activities of plaintiffs' counsel to ensure that schedules are met and unnecessary expenditures of time and funds are avoided; (i) coordinating trial team selection, management, and presentation; and (j) performing such other duties as may be incidental to proper coordination of plaintiffs' pretrial activities or authorized by further order of the Court.

15. No motion, request for discovery, or other pretrial proceedings will be initiated or filed by any plaintiff without the approval of the Interim Co-Lead Class Counsel appointed herein, so as to prevent duplicative pleadings or discovery by plaintiffs. Additionally, no settlement negotiations will be conducted without the approval of Interim Co-Lead Class Counsel appointed herein.

16. All Interim Co-Lead Counsel will take the following steps to ensure efficiency in representing Plaintiffs in the Consolidated Action. First, Interim Co-Lead Counsel for each putative class must review all billing records for all billers for their respective putative class every

month and strike duplicative or inefficient billing. Second, time related to fee issues or time spent preparing or reviewing time and expenses will not be billed. Third, all billing must be contemporaneous, meaning that billing for each task must be recorded within seven days of the task. Fourth, all billing must be recorded by task, rather than by block billing. Fifth, only work that has been assigned will be eligible for compensation. Sixth, all billing by task should be billed in tenth-of-hour increments. Seventh, Interim Co-Lead Counsel and the Steering Committees must impose and enforce limits on the number of lawyers assigned to each task.

IT IS SO ORDERED.

Dated: July 3, 2024



HONORABLE SARA LIOI
CHIEF JUDGE
UNITED STATES DISTRICT COURT