



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

In re ZF-TRW Airbag Control Units
Products Liability Litigation

MDL No. 19-02905

ALL CASES

**ORDER FOLLOWING FEBRUARY 24,
2020 CASE MANAGEMENT
CONFERENCE**

On February 24, 2020, the Court held a Case Management Conference during which it addressed various topics set forth in the Court's October 7, 2019 Order (Dkt. 37) and the parties' January 21, 2020 Joint Preliminary Report (Dkt. 80).

Having duly considered the parties' positions and submissions, it is
ORDERED that:

Appointment of Lead/Liaison Counsel & Plaintiffs' Steering Committee
Plaintiffs

(1) David Stellings of Lieff Cabraser Heimann & Bernstein LLP and Roland Tellis of Baron & Budd, P.C. are appointed Co-Lead Counsel for Plaintiffs and the Proposed Classes.

1 (2) A Plaintiffs' Steering Committee ("PSC") is established, with Mr.
2 Stellings and Mr. Tellis serving as co-chairs of the PSC and the following lawyers
3 serving as additional members: Gayle Blatt of Casey, Gerry Schenk Francavilla
4 Blatt & Penfield, LLP; Gretchen Freeman Cappio of Keller Rohrback, LLP; Mark
5 Dearman of Robbins Geller Rudman & Dowd LLP; Adam Levitt of Dicello Levitt
6 Gutzler LLC; Joseph Meltzer of Kessler Topaz Meltzer & Check, LLP; W. Daniel
7 Miles, III of Beasley, Allen, Crow, Methvin, Portis & Miles P.C.; Peter Prieto of
8 Podhurst Orseck, P.A.; Rosemary Rivas of Levi & Korsinsky, LLP; Stacey
9 Slaughter of Robins Kaplan LLP; Lesley Weaver of Bleichmar Fonti & Auld, LLP;
10 Tina Wolfson of Ahdoot & Wolfson, P.C.; and Stephen Zack of Boies Schiller
11 Flexner LLP.

12 (3) Jonathan Levine of Pritzker Levine LLP is appointed Liaison Counsel
13 for Plaintiffs.

14 (4) Co-Lead Counsel for Plaintiffs shall submit a proposed Common
15 Benefit Time and Expense Protocol Order containing procedures for Plaintiffs'
16 counsel's recording of common benefit time and expenses and other administrative
17 matters. The Order shall be submitted and entered without prejudice to Defendants'
18 right to object to proposed fees, costs, or other provisions later in this proceeding.

19 ***Defendants***

20 (5) Counsel for the ZF TRW Defendants shall continue in their role as
21 liaison counsel for all Defendants at this time, provided their role is solely limited
22 to the duties listed in the Manual for Complex Litigation, Fourth.

23 (6) In the event a matter arises whereby there is a need for the vehicle
24 manufacturer Defendants to have separate liaison counsel from the ZF TRW
25 Defendants, the Court may later appoint separate liaison counsel for the vehicle
26 manufacturer Defendants at that time.

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1 **Consolidated Complaint**

2 (7) Plaintiffs shall file a Consolidated Complaint no later than May 26,
3 2020. To the extent possible at this pre-discovery stage of the litigation, Plaintiffs
4 should specify which allegations apply to which Defendant(s), and should avoid
5 making unnecessary group allegations in the Consolidated Complaint.

6 (8) Prior to the filing of the Consolidated Complaint, the parties shall meet
7 and confer concerning a glossary of abbreviations that are likely to be used in this
8 litigation and file their agreed-upon glossary of abbreviations with this Court. The
9 glossary may be amended from time to time as additional relevant abbreviations are
10 identified.

11 **Discovery and Initial Disclosures**

12 (9) With the exception of the production of materials referred to in
13 Paragraph 10 below, the stay of discovery ordered in Paragraph 6(c) of the Court's
14 September 6, 2019 order (Dkt. 5) shall remain in place, and the parties shall not be
15 permitted to serve discovery requests until 14 days after the Consolidated
16 Complaint is filed.

17 (10) Notwithstanding the stay, Plaintiffs and certain Defendants reached an
18 agreement regarding the production of documents produced to the National
19 Highway Traffic Safety Administration ("NHTSA"). (*See* Joint Preliminary Report
20 For February 24, 2020 Initial Conference (ECF 884) at 9:16-20.) Those Defendants
21 shall produce to Plaintiffs those agreed-upon documents no later than 21 days after
22 entry of the parties' Protective Order, unless good cause for an extension is
23 demonstrated. Plaintiffs and Defendant FCA US LLC have not reached an
24 agreement regarding the production of documents produced to NHTSA and are
25 separately meeting and conferring regarding that matter. Plaintiffs and FCA US
26 LLC shall report to the Court the result of their meeting and conferring no later than
27 March 4, 2020.
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1 (11) When discovery commences, the parties shall not be required to serve
2 Rule 26(a) Initial Disclosures, but the parties shall produce any information
3 ordinarily required to be produced in Rule 26(a) disclosures in response to any
4 properly served discovery requests seeking such information.

5 (12) All discovery disputes are referred to Magistrate Judge Mumm.
6 However, any motion to stay discovery based on any related NHTSA investigation
7 or proceeding shall be directed to the Court.

8 **Rule 12(b) Motion to Dismiss Briefing**

9 (13) Defendants who have been properly served the Consolidated
10 Complaint (or who have agreed to waive such service) shall file their Motions to
11 Dismiss the Consolidated Complaint under Rule 12(b) no later than July 27, 2020.

12 (14) Plaintiffs shall file their oppositions to any Rule 12(b) motions no later
13 than September 25, 2020.

14 (15) Defendants shall file their replies in support of any Rule 12(b) motions
15 no later than November 9, 2020.

16 (16) The Court will discuss scheduling a hearing on Rule 12(b) motions at
17 the next Case Management Conference, as discussed below, but anticipates
18 scheduling the hearing at its first available date 30 days after filing of Defendants'
19 replies.

20 **Next Case Management Conference and Joint Status Report**

21 (17) The Court will hold a Further Case Management Conference on
22 June 15, 2020 at 1:30 pm in Courtroom 10B, First Street Courthouse, 350 West
23 First Street, Los Angeles, CA, 90012.

24 (18) No later than June 1, 2020, the parties shall file a Joint Status Report
25 with their collective and/or respective views regarding (a) the proposed discovery
26 schedule; (b) proposed procedures and page limits for briefing Rule 12(b) motions
27 to dismiss; (c) proposed deadlines and page limits for briefing on any motions by
28 any Defendant seeking a stay or other relief based on related NHTSA proceedings;

1 (d) the status of any discussions regarding a potential settlement process in this
2 matter, including selection of an agreed-upon private mediator; (e) the scheduling
3 of future status conferences; and (f) any further issues that may require the Court's
4 assistance.

5 (19) Prior to the June 15, 2020 Status Conference, the parties shall confer
6 with one another and the Court's administrative staff to make best efforts to
7 establish procedures for telephonic attendance and provide the necessary
8 information concerning those procedures to the Court and all counsel.

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10 **IT IS SO ORDERED.**

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12 Dated: March 6, 2020



13 John A. Kronstadt
14 United States District Judge
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