

PEARSON, J.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

IN RE: FORD MOTOR CO. DEFECTIVE	)	
SPARK PLUG AND 3-VALVE ENGINE	)	CASE NO. 1:12-md-2316
PRODUCTS LIABILITY LITIGATION	)	(MDL Docket No. 2316)
	)	
	)	
	)	JUDGE BENITA Y. PEARSON
	)	
	)	
	)	<b><u>AMENDED PRACTICE AND</u></b>
	)	<b><u>PROCEDURE ORDER</u></b>

1. This Order, issued pursuant to [28 U.S.C. §1407\(a\)](#), shall govern the practice and procedure in: (1) the three actions transferred to this Court by the Judicial Panel on Multidistrict Litigation, pursuant to its orders of February 8, 2012 and February 22, 2012; and (2) all related cases originally filed in this Court or transferred or removed to this Court. These cases are listed in Schedule A, attached, and are coordinated or consolidated for pretrial purposes.

2. This Order shall also govern the practice and procedure in: (1) any tag-along actions transferred to this Court by the Judicial Panel on Multidistrict Litigation, pursuant to [Rule 7.1 of the Rules of Procedure of that Panel](#), subsequent to the filing of the final transfer order by the Clerk of this Court; and (2) any related actions subsequently filed in this Court or otherwise transferred or removed to this Court.

3. A signed original of any pleading or paper shall be filed; no copies are necessary. All papers filed in these actions shall bear the identification “MDL Docket No. 2316,” and when the paper relates to all these actions, the MDL docket number shall be followed by the notation

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“Case No. 1:12-md-2316, ALL CASES.” If the paper does not relate to all of these actions, then the individual docket numbers assigned by the Clerk of this Court (as listed in Schedule A) of those actions to which the paper relates shall also be listed. If the paper relates to five or fewer actions, the abbreviated caption of each of the actions may be listed opposite its number.

4. Without leave of Court, no discovery or disclosure materials may be filed, except as necessary to support dispositive motions. If a party intends to rely on deposition testimony in support of its position on a motion, the Court prefers the filing of the entire deposition rather than excerpts, unless the party truly believes that excerpts are sufficient, and with the proviso that any other party who believes the excerpts offered are not sufficient is free to file the entire deposition. In any event, discovery and disclosure materials submitted in support of any party’s position shall be filed at the same time as that party’s memorandum setting forth its position.

5. Any paper filed in any of these actions shall be filed with the Clerk of this Court and not with the transferor district court.

6. Counsel who appeared in the transferor district court prior to the transfer need not enter a separate appearance before this Court.

7. Prior to the first pretrial conference, service of all papers shall be made on each of the attorneys on the Panel Attorney Service List attached hereto as Schedule B. Any attorney who wishes to have his name added to or deleted from the Panel Attorney Service List may do so upon request to the Clerk of this Court, with notice to all other persons on the Service List. Service shall be deemed sufficient if made upon all attorneys on the Panel Attorney Service List. The parties shall present to the Court at the first pretrial conference a list of attorneys for

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purposes of service. Only one attorney for each party separately represented shall be included on this list. Counsel must be able to receive notice from the Court via e-mail.

8. Interim Co-Lead Class Counsel shall submit a proposed organizational structure governing each group of parties whose interests are similarly aligned, which shall include proposed permanent lead counsel and liaison counsel. These organizational structures are subject to approval of the Court, and the Court may change any and every portion of the proposed organizational structures. Liaison counsel shall be authorized to receive orders and notices from the Court on behalf of all parties within their liaison group, and shall be responsible for the preparation and transmittal of copies of orders and notices to the parties in their liaison group. Liaison counsel shall maintain complete files, with copies of all documents served upon them, and shall make those files available to parties within their liaison group. Liaison counsel are also authorized to receive orders and notices from the Judicial Panel on Multidistrict Litigation, pursuant to [Rule 4.1\(d\) of the Panel's Rules of Procedure](#), on behalf of all parties within their liaison group, and shall be responsible for the preparation and transmittal of copies of orders and notices to the parties in their liaison group.

9. Upon remand of any of these actions, the parties will be required to provide to this Court copies of any necessary and relevant papers previously filed.

10. No parties to any of these actions shall be required to obtain local counsel in this district, and the requirements of [Local Rule 83.5](#) are waived as to any attorney appearing in these actions who is duly admitted to practice before any United States Court.

11. Hearings shall not be held on any motions filed, except by order of the Court.

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12. Any paper filed in any of these actions that is substantially identical to any other paper filed in another of these actions shall be sufficient if it incorporates by reference the paper to which it is substantially identical. Where counsel for more than one party plan to file substantially identical papers, they shall join in the submission of those papers and shall file only one paper on behalf of all so joined.

13. Any orders, including protective orders, previously entered by this Court or any transferor district court shall remain in full force and effect, unless expressly vacated by subsequent order of this Court.

14. All discovery proceedings in these actions are stayed until further order of this Court. The time requirements to perform any act or file any papers, pursuant to [Rules 26 through 37 of the Federal Rules of Civil Procedure](#), are tolled until the first pretrial conference, at which time a discovery schedule will be established.

15. The Court will be guided by the [Manual for Complex Litigation, Fourth](#), approved by the Judicial Conference of the United States, and counsel are directed to familiarize themselves with that publication.

16. If it has not already been done, all counsel must complete Attorney Registration Forms and return them to the Clerk of Court as soon as possible so that attorney user accounts can be established. An Attorney Registration Form is included as [Appendix B to the Court's Policies and Procedures Manual](#). In addition, counsel can easily register online at:

<http://www.ohnd.uscourts.gov/home/clerk-s-office-and-court-records/electronic-filing/cm-ecf-attorney-registration/>

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Typically, the Court only permits attorneys to register to file electronically if they have been admitted to practice before this Court; however, [Rule 3.2 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation](#) permits attorneys in good standing of the Bar of any U.S. District Court to continue to represent their clients without condition. To facilitate the processing of your registration, please indicate on the form that you are counsel of record in MDL No. 2316. As soon as accounts are established, counsel will be provided with user identification names and passwords which will permit access to the electronic filing system and which shall serve as signatures for any and all documents filed electronically.

Future electronically filed documents should not be PDF scanned documents, rather they should be in a text-searchable format.

The Clerk's Office has established a CM/ECF Help Desk at 1-800-355-8498 to answer questions and provide assistance should difficulties arise.

17. All other matters will be discussed at the initial pretrial conference, to be held on April 13, 2012 at 9:30 a.m. Lead counsel for all parties must attend, or submit a written statement granting decision-making authority to proposed lead counsel. Parties must also attend. "Parties" means either the named individuals or, in the case of a corporation or similar legal entity, that person who is most familiar with the actual facts of the case. "Party" does not necessarily mean in-house counsel or someone who merely has "settlement authority." Counsel should advise clients to bring proper photo identification with them in order to gain entrance to the U.S. Courthouse. If the presence of a party or lead counsel will constitute an undue hardship,

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a written motion to excuse the presence of such person must be filed well in advance of the initial pretrial conference.

18. Counsel will confer before the initial pretrial conference to develop a proposed case management plan and to create an agenda for the conference. Counsel will submit this agenda to the Court on or before noon on April 2, 2012. Among other things, counsel should discuss (and include on the agenda) the following: (1) the propriety of consolidation; (2) whether this case may become suitable for reference to an Alternative Dispute Resolution (ADR) program; (3) appropriate due dates for amendment of pleadings, expert and non-expert discovery, dispositive motions, expert reports, and *Daubert* hearings; and (4) the scope of discovery.

19. By noon on April 2, 2012, Interim Co-Lead Class Counsel for Plaintiffs and Interim Lead Counsel for Defendant shall each submit a brief, no more than 15 pages in length, setting out: (1) the legal and factual background of this case; (2) the procedural status of the transferee cases and potential tag-along cases; (3) those issues the parties currently view as critical, including scientific issues; and (4) any other relevant information the Court might find helpful.

IT IS SO ORDERED.

March 2, 2012  
Date

/s/ Benita Y. Pearson  
Benita Y. Pearson  
United States District Judge

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Schedule A

**MDL 2316 Case List**

<u>MDL Case Number</u>	<u>Original Case Number</u>	<u>Case Caption</u>
1:12-ds-35000	5:10-cv-00514	Perko, <i>et al.</i> v. Ford Motor Company
1:12-ds-35001	11-23086-CIV-ALTONAGA/Simonton	Pezzi v. Ford Motor Company
1:12-ds-35002	CV11-03870 AHM (MRWx)	Tom Stibbie, <i>et al.</i> v. Ford Motor Company
1:12-ds-35003	12-60037-CV-WILLIAMS	Wendi Lanzi v. Ford Motor Company

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Schedule B

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