

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: FORD MOTOR CO. SPARK PLUG)
AND 3-VALVE ENGINE PRODUCTS) CASE NO. 1:12-md-2316
LIABILITY LITIGATION) (MDL Docket No. 2316)
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) JUDGE BENITA Y. PEARSON
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) CASE MANAGEMENT PLAN

1. A Telephonic Status Conference was conducted on May 23, 2012.

2. The following attorneys were present:

A. Plaintiffs' counsel: Jeffrey S. Goldenberg, James C. Shah, and
Natalie Finkelman

B. Defendant's counsel: John M. Thomas, Elizabeth B. Wright, and Conor A.
McLaughlin

3. (A) On or before a date agreed to by lead counsel of record, the party that has the burden of proof on an issue(s) shall identify its retained expert witness(es) and provide opposing counsel with a written expert report(s).

(B) The party that has no burden of proof on an issue(s) shall identify its retained expert(s), if any, and submit an opposing written report(s) to opposing counsel on or before a date agreed to by lead counsel of record.

A party may take a discovery deposition of its opponent's expert witness only after the exchange of reports has occurred. The discovery depositions of Defendant's expert witnesses

shall be completed on or before November 15, 2012. The discovery depositions of Plaintiffs' expert witnesses shall be completed on or before December 31, 2012. If a party chooses not to use its own expert witness, it will be permitted to take the discovery deposition of its opponent's expert witness only after submitting a written statement advising the Court and opposing counsel to that effect.

A party may not call an expert witness to testify unless a written report prepared and signed by the witness has been procured and provided to opposing counsel. The report shall contain a complete statement of all opinions of the expert as to each issue on which she will testify and the basis and reasons therefor; the data or other information considered by the witness in forming the opinions; any exhibits to be used as a summary of or support for the opinions; the qualifications of the witness, including a list of all publications authored by the witness within the previous 10 years; the compensation to be paid for the study and testimony in the case; and a listing of any other cases in which the witness has testified as an expert at trial or by deposition within the preceding four years. An expert will not be permitted to testify or provide opinions on issues not raised in her report.

4. After consultation with counsel, the Court determined that the following summary judgment procedures shall apply:

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| A. Parties each select three (3) bellwether/exemplar states
(file notice with the Court of the states selected) | July 9, 2012 |
| B. Parties meet and confer to minimize claims for summary
judgment (file notice with the Court of the remaining claims
for six (6) exemplar states) | August 17, 2012 |
| C. Defendant files six (6) motions for summary judgment | October 15, 2012 |
| D. Plaintiffs file oppositions to summary judgment motions | November 30, 2012 |
| E. Defendant files replies to oppositions | January 15, 2013 |

Before Defendant may file a dispositive motion, it must submit a written request to be dismissed to Plaintiffs. Plaintiffs shall either agree to the request for dismissal or shall give explicit reasons in writing for refusing to do so. Upon such refusal, Defendant shall reassess its

position and may file a dispositive motion if it believes it is still entitled to dismissal or summary judgment. The dispositive motion must be accompanied by a statement certifying that this exchange has occurred.

Lead counsel of record shall confer with one another in person in order to prepare written stipulations as to all uncontested facts to be presented by the dispositive motions. The stipulations shall be filed with the Court on or before October 15, 2012.

Notice of Page Limitations: Except by permission of the Court for good cause shown, memoranda relating to dispositive motions (*i.e.*, memorandum in support and memorandum in opposition) shall not exceed fifty (50) pages in length. A reply memorandum relating to a dispositive motion shall not exceed twenty-five (25) pages in length. Memoranda relating to all other motions shall not exceed fifteen (15) pages in length.

The Court will strictly enforce provisions regarding length of memoranda filed in support of motions. Motions for relief from the length restrictions must show good cause for such relief and must be made sufficiently in advance to permit the Court to rule and the Clerk's Office to issue the ruling. Motions for relief from length restrictions which are filed contemporaneously with the memorandum exceeding the page limits will be denied. Memoranda that exceed the page limitation shall not be filed until the motion for permission to file such memoranda is granted.

All printed matter (including footnotes) must appear in at least 12 point type on pages not exceeding 8 1/2 by 11 inches and type matter not exceeding 6 1/2 by 9 1/2 inches. Lines of typewritten text shall be double spaced. The Court will strictly enforce this rule.

Memoranda relating to dispositive motions and a reply memorandum relating to a dispositive motion shall specifically identify the portions of the record relied on for evidentiary support (*e.g.*, by page number of a deposition or paragraph number of an affidavit) in order to enable the Court to readily find them.

5. A Status Conference will be held within 21 days following the entry of an Order(s) resolving the summary judgment motions. Agenda items for this conference will include (1) setting the bellwether/exemplar class certification schedule and (2) other case management issues.

IT IS SO ORDERED.

May 24, 2012
Date

s/ Benita Y. Pearson
Benita Y. Pearson
U.S. District Judge