

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

In re: American Honda Motor Co., Inc.,
CR-V Vibration Marketing and Sales
Practices Litigation,

Case No. 2:15-md-2661

Judge Michael H. Watson
Magistrate Judge Deavers

This document relates to: ALL CASES.

**CASE MANAGEMENT ORDER NO. 4 AND PRETRIAL ORDER NO. 5: ORDER
MEMORIALIZING MARCH 2, 2016 TELEPHONE CONFERENCE**

The Court held a telephone conference in this matter on March 2, 2016. This Order serves as a Case Management Order and memorializes the results of the conference as follows:

The Court first addressed the parties' proposed Stipulated Protective Order. The Court advised the parties to review the Court's Local Civil Rule 5.2.1 relating to filing documents under seal and to contact the Clerk's Office should they encounter any technical difficulties. The parties also expressed their intent that either Judge Deavers or Judge Watson resolve potential violations of the Stipulated Protective Order. Accordingly, the Court has made edits to paragraph twenty that reflect the parties' intention and entered the Stipulated Protective Order (ECF No. 28).

The Court next discussed the parties' Rule 26(f) Joint Conference Report (ECF No. 26). Per the parties' agreement, the Court sets the following case schedule deadlines:

- The parties exchanged their Rule 26(a)(1) initial disclosures on **February 22, 2016**;
- Plaintiffs shall file an Amended Complaint on or before **March 3, 2016**;
- Defendant shall file its responsive pleading on or before **April 18, 2016**;
- If Defendant's responsive pleading is a motion, Plaintiffs' memorandum in opposition is due on or before **June 2, 2016**, and Defendant's reply is due on or before **June 23, 2016**;
- Plaintiffs shall designate their experts in accordance with the Stipulated Protected Order, if applicable, and submit their expert report(s) in support of their motion for class certification on or before **October 7, 2016**;
- Defendant shall submit its rebuttal report(s) and other affirmative report(s), if any, in opposition to class certification on or before **November 7, 2016**;
- Plaintiffs shall submit rebuttal reports to any affirmative reports Defendant submits on or before **November 21, 2016**;
- The parties' expert(s) shall be deposed on or before **December 16, 2016**;
- Fact discovery shall be completed on or before **December 16, 2016**: The parties are advised that the discovery completion date requires that discovery requests be made sufficiently in advance to permit timely response by that date;
- Plaintiffs shall move for class certification on or before **January 20, 2017**, with Defendant's memorandum in opposition due on or before **February 24, 2017**, and Plaintiffs' reply due on or before **March 17, 2017**.

In addition, **within fourteen (14) days** of the Court's decision on Plaintiffs' forthcoming motion for class certification, the parties shall meet and confer to assess whether the cases should be remanded for trials on the merit or retained and consolidated through trial and whether additional fact discovery will be necessary. If the parties agree that the cases should remain, the parties shall propose a scheduling order for the Court's consideration.

The parties informed the Court that they anticipate that electronically stored information ("ESI") will be at issue in this case. They are currently working together on a proposed order to govern ESI discovery and will update the Court on their progress at the next status conference.

Plaintiffs stated that they believe adjustments to the presumptive limits for depositions and interrogatories may be warranted. The parties may, without further leave of Court, agree to exceed the limitations on discovery established by the Federal Rules of Civil Procedure or the Local rules of this Court. The Court encouraged the parties to work together to reach an extrajudicial resolution on issues related to discovery that may arise and further advised them to contact the Court to seek an informal resolution of such disputes prior to filing a formal discovery motion.

Finally, the parties informed the Court that they have continued to discuss methods for achieving a resolution of this matter. More specifically, the parties indicated that they are identifying information critical to both sides' understanding to the case and are considering whether engaging a private mediator could be beneficial.

The next status conference will take place on **FRIDAY, APRIL 8, 2016 at 4:00 p.m. EST** via telephone. The parties shall email a list of participants and their email

addresses to the Court at Watson_chambers@ohsd.uscourts.gov. The Court will issue via email the conference call-in information. As set forth in the Court's October 19, 2015 Case Management Order, the parties are **DIRECTED** to confer prior to the status conference and file with the Court, no later than two business days prior to the conference, a joint agenda of issues to be addressed. Additionally, the Court directs the parties to confer regarding the potential for settlement prior to every status conference and to be prepared to update the Court as to the status of settlement negotiations at the time of each status conference.

IT IS SO ORDERED.


MICHAEL H. WATSON, JUDGE
UNITED STATES DISTRICT COURT


ELIZABETH A. PRESTON DEAVERS
UNITED STATES MAGISTRATE JUDGE