

**THE 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-02661

Judge Michael H. Watson
Magistrate Judge Elizabeth Preston Deavers

This document relates to: ALL CASES

**STIPULATION TO TOLL CLAIMS AND FACILITATE DISCOVERY DIRECTED TO
HONDA MOTOR CO. LTD, AND PROPOSED ORDER**

WHEREAS, pending before the Court in this centralized multi-district litigation are a number of proposed class action lawsuits pertaining to the 2015 Honda CR-V;

WHEREAS, each of the underlying actions names as a defendant, American Honda Motor Company, Inc. ("AHM");

WHEREAS, at least one of the underlying actions names as a defendant, Honda Motor Company, Ltd. ("HMC"), which is AHM's Japanese parent company;

WHEREAS, Plaintiffs intend to file a consolidated amended complaint on or before January 19, 2016;

WHEREAS, both Plaintiffs and AHM acknowledge that HMC may be in possession, custody, or control of information and documents that may not be in the possession, custody or control of AHM but which are potentially relevant to this litigation; and

WHEREAS, both Plaintiffs and AHM further acknowledge that discovery and the litigation generally will be more conducive to expeditious resolution with AHM serving as the sole named defendant in these proceedings and assuming responsibility for the production of discoverable information and documents solely in the possession, custody, or control of HMC.

IT IS THEREFORE STIPULATED AND AGREED among Plaintiffs and AHM, through their undersigned counsel, that:

- 1. AHM will serve as the sole defendant in this litigation on behalf of itself and HMC.**
- 2. Within fourteen (14) days of the Court's approval of this stipulation, Plaintiffs will execute and file a stipulation of dismissal, without prejudice, as to HMC.**
- 3. Plaintiffs will not name HMC in any future complaint filed in this litigation.**
- 4. Any claims asserted against AHM that were or which could have been raised in this litigation against HMC will be tolled from the period beginning on July 7, 2015, until the termination of this litigation, provided that principles of collateral estoppel and *res judicata* will apply to all matters litigated in these proceedings to HMC same as AHM as though HMC had been a named party.**
- 5. AHM will satisfy any final judgment or settlement obtained in this case on behalf of itself and HMC.**
- 6. AHM shall be responsible for responding to Plaintiffs' discovery requests and for producing documents and information in the possession, custody, or control of HMC that are not already in the possession, custody or control of AHM.**
- 7. Notwithstanding this Stipulation, AHM shall maintain the right to make all objections to discovery requests that it deems appropriate, but will not object on the basis that a request should have been directed to HMC.**
- 8. AHM shall accept service of any deposition notice directed to an HMC employee that is located in the United States. For purposes of deposing any Honda-affiliated witness located outside the United States (including HMC), Plaintiffs will depose such witness(es) in the**

location(s) where they work (e.g., Japan), and Plaintiffs agree the deposition(s) will be held no fewer than seventy-five (75) days from the date of service of the notice(s). If these procedures in the previous sentence are followed, AHM will accept service of the notice(s) on behalf of HMC or any other Honda-affiliated entity located outside the U.S., as applicable. If these procedures are not followed, AHM will not accept service of the notice(s), and such notice(s) will need to be served in accordance with procedures applicable to deposing a foreign non-party located outside the U.S.

9. In response to discovery served in this litigation not in the possession, custody or control of AHM but in the possession, custody or control of HMC, AHM shall have sixty (60) days to produce responsive documents or information. Plaintiffs agree they will not propound discovery directed to HMC within sixty (60) days of any discovery cut-off without good cause, and in the event good cause exists and such discovery is propounded, the Parties agree to work in good faith to satisfy discovery obligations.

10. To the extent Plaintiffs propound discovery upon AHM or HMC that is not completely objectionable but is not in the possession, custody, or control of either AHM or HMC, but is in the possession, custody or control of an AHM or HMC affiliate, the parties will meet and confer within ten (10) business days of service upon AHM of such discovery to determine the most expeditious way for Plaintiffs to obtain such discovery, and the Parties agree to work cooperatively to that end. If AHM agrees to accept service of discovery requests directed to a Honda-affiliated entity located outside the United States that is not HMC, the parties agree to follow the procedures identified in Paragraph 9 above.

* * *

ORDER

PURSUANT TO STIPULATION IT IS SO ORDERED.

Dated: Jan. 21, 2016

Michael H. Watson
JUDGE OR MAGISTRATE JUDGE

Dated: January 19, 2016

/s/ David Stein per authority

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Dated: January 19, 2016

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CERTIFICATE OF SERVICE

I hereby certify that on January 19, 2016, a copy of the foregoing was filed electronically.

Notice of this filing will be sent to all parties by operation of the Court's electronic filing system.

Parties may access this filing through the Court's system.

/s/ Mark H. Troutman
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