

1 ELIZABETH J. CABRASER (83151)  
2 TODD A. WALBURG (213063)  
3 LIEFF CABRASER HEIMANN &  
4 BERNSTEIN, LLP  
5 275 Battery Street, 29th Floor  
6 San Francisco, CA 94111-3339  
7 Telephone: (415) 956-1000  
8 Facsimile: (415) 956-1008

9 MARK P. ROBINSON, JR. (54426)  
10 DONALD H. SLAVIK  
11 ROBINSON CALCAGNIE  
12 ROBINSON SHAPIRO DAVIS, INC.  
13 19 Corporate Plaza Dr.  
14 Newport Beach, CA 92660  
15 Telephone: (949) 720-1288  
16 Facsimile: (949) 720-1292

17 TIMOTHY G. BLOOD (149343)  
18 BLOOD HURST & O'REARDON LLP  
19 701 B Street, Suite 1700  
20 San Diego, CA 92101  
21 Telephone: (619) 338-1100  
22 Facsimile: (619) 338-1101

23 Plaintiffs' Steering Committee Members

W. DANIEL MILES, III  
BEASLEY ALLEN CROW METHVIN  
PORTIS & MILES PC  
272 Commerce Street  
P.O. Box 4160  
Montgomery, AL 36103  
Telephone: (334) 269-2343  
Facsimile: (334) 954-7555

Additional Plaintiffs' Counsel  
JOHN P. HOOPER (*Pro Hac Vice*)  
REED SMITH LLP  
599 Lexington Avenue, 26<sup>th</sup> Floor  
New York, New York 10022  
Telephone: (212) 521-5400  
Facsimile: (212) 521-5450

Counsel for Toyota Motor Corp. and Toyota  
Motor Sales, U.S.A., Inc.

**ORIGINAL FILED**

DEC 12 2013

Sherri R. Carter, Executive Officer/Clerk  
By: Nancy Navarro, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES - COMPLEX

18 Coordination Proceeding )  
19 Special Title (Rule 3.550) )  
20 TOYOTA MOTOR CASES )  
21 )  
22 )  
23 THIS DOCUMENT RELATES TO: )  
24 ALL PERSONAL INJURY, WRONGFUL )  
25 DEATH AND PROPERTY DAMAGE )  
26 CASES )  
27 )  
28 )

Judicial Council Coordination Proceeding  
No. 4621

**[PROPOSED] ORDER ESTABLISHING  
INTENSIVE SETTLEMENT PROCESS  
AND SETTING HEARING**

Date: January 14, 2014  
Time: 9:00 a.m.

Judge: Hon. Lee Smalley Edmon

[Joint Notice of Motion and Motion; and  
Memorandum of Points and Authorities  
concurrently filed herewith]

After full consideration of the Plaintiffs' Steering Committee Members and counsel for  
Defendants Toyota Motor Corporation and Toyota Motor Sales, U.S.A., Inc.'s Notice of Motion

1 and Motion for an Order Establishing a Settlement Conference and Mediation Protocol (“Joint  
2 Motion”), and Plaintiffs’ supporting Memorandum of Points and Authorities and good cause  
3 appearing:

4  
5 **IT IS HEREBY ORDERED** that the Joint Motion establishing intensive settlement  
6 process (the “Intensive Settlement Process” or “ISP”) in all cases pending before this Court in  
7 which Toyota Motor Corporation and Toyota Motor Sales, U.S.A., Inc. is/are defendants is initially  
8 APPROVED and the Settlement Conference and Mediation Protocol shall be as follows:

9 The Court finds that the Intensive Settlement Process will aid in the management of the  
10 Court’s docket. The Court hereby sets a hearing for any comment, prior to the formal initiation of  
11 the Intensive Settlement Process, for January 14, 2014 at 9:00 a.m., which will be a joint hearing  
12 with the MDL court at the United States District Court for the Central District of California –  
13 Southern Division, 411 West Fourth Street, Santa Ana, CA, in the courtroom of the Honorable  
14 James V. Selna. Any comment from plaintiffs shall be filed no later than January 8, 2014 with any  
15 reply by the Parties to be filed no later than January 11, 2014. The Settlement Special Master,  
16 Patrick A. Juneau, shall send an initial informational package on the ISP to all counsel of record for  
17 cases subject to this order by December 23, 2013.

18 All parties, including, but not limited to plaintiffs, Toyota Motor Corporation and Toyota  
19 Motor Sales, U.S.A., Inc., in each of the respective personal injury, wrongful death and property  
20 damage cases in these proceedings shall be required to participate in the two-stage Intensive  
21 Settlement Process as ordered herein. The participants shall use their best efforts and participate in  
22 good faith to resolve the cases during this Intensive Settlement Process.  
23

24 **I. First Stage: Settlement Conference**

25 The first stage of the Intensive Settlement Process is attendance at an informal settlement  
26 conference among all parties and their counsel in each respective personal injury, wrongful death  
27 and property damage case. Plaintiffs’ counsel and counsel for Toyota shall timely meet and confer  
28 to discuss a list of cases to participate in the settlement conference and a mutually convenient time,

1 date and location. The Parties shall schedule settlement conferences commencing in February  
2 2014 and regularly thereafter. Cases set for trial as bellwethers shall have priority in the Intensive  
3 Settlement Process.

4  
5 Counsel for each plaintiff shall be present in-person and must have full authority from their  
6 client who shall be readily available by telephone. Counsel for Toyota and other defendants shall  
7 also attend in-person. A representative from Toyota and other defendants shall not be required to  
8 attend, provided that counsel for Toyota and other defendants have full authority to resolve the  
9 plaintiff's case. In addition, Toyota's and other defendants' representative(s) shall be readily  
10 available by telephone, if circumstances for that particular settlement conference require assistance.

11 **II. Second Stage: Mediation**

12  
13 Cases that do not resolve during the initial settlement conference shall be set for a formal  
14 mediation. Counsel for Toyota shall schedule mediations, subject to meeting and conferring with  
15 the Settlement Special Master, Plaintiffs' counsel and other defendants' counsel for mutually  
16 convenient times and dates on a recurring basis.

17 Plaintiff(s) shall be present in-person (subject to Settlement Special Master-approved  
18 accommodation) along with counsel. Counsel for Toyota and other defendants shall also attend in-  
19 person. A representative from Toyota and other defendants shall not be required to attend,  
20 provided that counsel for Toyota and other defendants have full authority to resolve the plaintiff's  
21 case. In addition, Toyota's and other defendants' representative(s) shall be readily available by  
22 telephone, if circumstances for that particular mediation require assistance. The Settlement Special  
23 Master or his designee shall mediate these cases.

24  
25 For this streamlined mediation process, counsel for the attendees shall each submit  
26 confidential statements solely to the Settlement Special Master on a date to be determined by the  
27 Settlement Special Master. The Settlement Special Master shall determine, after conferring with  
28 the Parties, the length of the confidential mediation statements and the permissible number of  
exhibits attached thereto. As part of this streamlined mediation process, the attendees may each

1 make opening presentations, but there shall be no live witness testimony.

2  
3 Cases that are not resolved during this process shall be placed on an active calendar and/or  
4 remanded back to their originating court for trial under the appropriate Rules of Court, after a  
5 proper motion has been made and a decision rendered.

6 Participation in the ISP is subject to the provisions of Toyota MDL No. 2151 Amended  
7 Order No. 25: Common Benefit Order (Dkt 3754) or similar order to be entered by this Court.

8  
9 **III. Stay of Proceedings**

10 During the entirety of this Intensive Settlement Process, up to and including decisions on  
11 any motions to remand or entry of case management orders for a particular case, all pretrial,  
12 discovery and related activity shall be stayed for the cases subject to this Order unless and until the  
13 Settlement Special Master certifies that the parties for a specific case have complied with the  
14 requirements of this Intensive Settlement Process.

15 In addition, the bellwether trial process shall be suspended, including, but not limited to  
16 discovery and motion practice, during this Intensive Settlement Process; unless and until the  
17 Settlement Special Master certifies that the parties for that case have complied with the  
18 requirements of this Intensive Settlement Process. The Parties will meet and confer with the  
19 Settlement Special Master in an effort to reach agreement on a joint case management order.  
20 However, with respect to a case that is not previously set for trial and is not resolved pursuant to  
21 this Intensive Settlement Process, a case management order shall be issued allowing at least nine  
22 (9) months between the ending of the Intensive Settlement Process for that case and the trial of that  
23 case. Additionally, with respect to a case was previously set for trial, the case shall be set for trial  
24 no sooner than the period of time that exists from the date of the stay to when it is previously set,  
25 but in no event shall this period of time be less than four (4) months from the ending of the  
26 Intensive Settlement Process for that case and the beginning of trial in that case(s). The ISP  
27 described in this Order is subject to amendment on good cause shown, if necessary, to address  
28 exigent circumstances in a particular case.

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DATED: December 13, 2013

By Lee Smalley Edmon  
Honorable Lee Smalley Edmon  
Judge of the Superior Court