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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA – SOUTHERN DIVISION**

In Re: TOYOTA MOTOR CORP.
UNINTENDED
ACCELERATION MARKETING,
SALES PRACTICES, AND
PRODUCTS LIABILITY
LITIGATION

Case No. 08:10-ML-2151 JVS (FMOx)

**ORDER ESTABLISHING INTENSIVE
SETTLEMENT PROCESS AND
SETTING HEARING**

This document relates to:

All Personal Injury, Wrongful Death
and Property Damage Cases

Case No. 10-ML-2151 JVS

1 Presently before the Court is a Joint *Ex Parte* Motion and supporting
2 Memorandum of Points and Authorities filed by Plaintiffs' Co-Lead Counsel for the
3 Personal Injury/Wrongful Death Cases, members of Plaintiffs' Liaison Counsel
4 Committee for the Personal Injury/Wrongful Death Cases, and counsel for
5 Defendants Toyota Motor Corporation and Toyota Motor Sales, U.S.A., Inc.
6 (collectively, the "Parties") for an order approving the establishment of an intensive
7 settlement conference and mediation protocol (the "Intensive Settlement Process"
8 or "ISP"). The Parties agree, and the Court grants, initial approval to the Intensive
9 Settlement Process, as described below. The Court hereby sets a hearing for any
10 comment, prior to the formal initiation of the Intensive Settlement Process, for
11 January 14, 2014 at 9:00 a.m. in the courtroom of the undersigned. Any comment
12 from plaintiffs shall be filed no later than January 8, 2014 with any reply by the
13 Parties to be filed no later than January 11, 2014. The previously-appointed
14 Settlement Special Master, Patrick A. Juneau, shall send an initial informational
15 package on the ISP to all counsel of record for cases subject to this order by
16 December 23, 2013.

17 Participation in the Intensive Settlement Process is open to all plaintiffs and
18 is subject to the provisions of Amended Order No. 25: Common Benefit Order
19 (Dkt. 3754). Under the Intensive Settlement Process, all parties, including, but not
20 limited to plaintiffs, Toyota Motor Corporation and Toyota Motor Sales, U.S.A.,
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1 Inc., in each of the respective personal injury/wrongful death and property damage
2 cases in these proceedings in which Toyota Motor Corporation and Toyota Motor
3 Sales, U.S.A., Inc. is/are defendants shall be required to participate in the two-stage
4 Intensive Settlement Process as ordered herein. The participants shall use their best
5 efforts and participate in good faith to resolve the cases during this Intensive
6 Settlement Process, which is described below as follows:
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10 **I. First Stage: Settlement Conference**

11 The first stage of the Intensive Settlement Process is attendance at an
12 informal settlement conference among all parties and their counsel in each
13 respective personal injury, wrongful death and property damage case. Plaintiffs'
14 counsel and counsel for Toyota shall timely meet and confer to discuss a list of
15 cases to participate in the settlement conference and a mutually convenient time,
16 date, and location. The Parties shall schedule settlement conferences, commencing
17 in February 2014 and regularly thereafter. Cases set for trial as bellwethers and
18 cases included in the bellwether discovery pool shall have priority in the Intensive
19 Settlement Process.
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24 Counsel for each plaintiff shall be present in-person and must have full
25 authority from their client who shall be readily available by telephone. Counsel for
26 Toyota and other defendants shall also attend in-person. A representative from
27 Toyota and other defendants shall not be required to attend, provided that counsel
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1 for Toyota and other defendants have full authority to resolve the plaintiff's case.

2 In addition, Toyota's and other defendants' representative(s) shall be readily
3 available by telephone, if circumstances for that particular settlement conference
4 require assistance.
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7 **II. Second Stage: Mediation**

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9 Cases that do not resolve during the initial settlement conference shall be set
10 for a formal mediation. Counsel for Toyota shall seek to schedule mediations,
11 subject to meeting and conferring with the Settlement Special Master, Plaintiffs'
12 counsel and other defendants' counsel for mutually convenient times and dates on a
13 recurring basis.
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16 Plaintiff(s) shall be present in-person (subject to Settlement Special Master-
17 approved accommodations) along with counsel. Counsel for Toyota and other
18 defendants shall also attend in-person. A representative from Toyota and other
19 defendants shall not be required to attend, provided that counsel for that defendant
20 has full authority to resolve the plaintiff's case. In addition, Toyota's and other
21 defendants' representative(s) shall be readily available by telephone, if
22 circumstances for that particular mediation require assistance. The Settlement
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24 Special Master or his designee shall mediate these cases.
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1 For this streamlined mediation process, counsel for the attendees shall each
2 submit confidential statements solely to the Settlement Special Master on a date to
3 be determined by the Settlement Special Master. The Settlement Special Master
4 shall determine, after conferring with the Parties, the length of the confidential
5 mediation statements and the permissible number of exhibits attached thereto. As
6 part of this streamlined mediation process, the attendees may each make opening
7 presentations, but there shall be no live witness testimony.
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11 Cases that are not resolved during this process shall be placed on an active
12 calendar and/or remanded back to their originating court for trial under the
13 appropriate Rules of Court, after a proper motion has been made and a decision
14 rendered.
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17 **III. Stay of Proceedings**

18 During the entirety of this Intensive Settlement Process, up to and including
19 decisions on any motions to remand or entry of case management orders for a
20 particular case, all pretrial, discovery and related activity shall be stayed for the
21 cases subject to this Order unless and until the Settlement Special Master certifies
22 that the parties for a specific case have complied with the requirements of this
23 Intensive Settlement Process.
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1 In addition, the bellwether trial process shall be suspended, including, but not
2 limited to discovery and motion practice, during this Intensive Settlement Process,
3 unless and until the Settlement Special Master certifies that the parties for that case
4 have complied with the requirements of this Intensive Settlement Process. The
5 Parties will meet and confer with the Settlement Special Master in an effort to reach
6 agreement on a joint case management order. However, with respect to a case that
7 is not previously set for trial and is not resolved pursuant to this Intensive
8 Settlement Process, a case management order shall be issued allowing at least nine
9 (9) months between the ending of the Intensive Settlement Process for that case and
10 the trial of that case. If a case was previously set for trial, the case shall be set for
11 trial no sooner than the period of time that exists from the date of the stay to when it
12 was previously set, but in no event shall this period of time be less than four (4)
13 months from the ending of the Intensive Settlement Process for that case and the
14 beginning of trial in that case(s).

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16 The ISP described in this Order is subject to amendment on good cause
17 shown, if necessary, to address exigent circumstances in a particular case.
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20 **IT IS SO ORDERED.**

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22 DATED: December 12, 2013



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27 **JAMES V. SELNA**
28 **UNITED STATES DISTRICT JUDGE**