

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

-----X
IN RE FORD MOTOR CO. E-350 VAN
PRODUCTS LIABILITY LITIGATION (NO. II)
-----X

Civil No. 03-4558(HAA)

Master File No.
MDL 1687

THIS DOCUMENT RELATES TO:

ALL ACTIONS
-----X

RECEIVED

DEC 22 2005

WILLIAM T. WALSH, CLERK

STIPULATION AND ~~PROPOSED~~ CASE MANAGEMENT ORDER NO. I

IT IS HEREBY STIPULATED, AGREED AND ORDERED as follows:

WHEREAS, by order of the Multidistrict Litigation Panel, five cases pending in United States Courts and alleging claims related to the Ford E350 van -- *Social Clubhouse, Inc. v. Ford Motor Company*, No. 2:03-cv-04558-HAA-GDH (D.N.J.); *Eleventh Street Baptist Church v. Ford Motor Company*, No. 05-4020 (W.D.Ark.); *Pentecostal Temple Church of God In Christ v. Ford Motor Company*, No. 05C1340 (N.D. Ill); *Greater All Nation Pentecost Church of Jesus Christ v. Ford Motor Company*, No. 05-CV-1765 GPS (VBKx) (C.D. Cal.); and *New Bethlehem Baptist Church v. Ford Motor Company*, CV-05-H-0519-S (N.D.Ala.) (collectively, the "Actions") – were consolidated for pretrial proceedings in this District (*see* Transfer Order, filed June 16, 2005, MDL Docket No. 1687); and,

WHEREAS, counsel for the plaintiffs and for the defendant have each concluded that it in the best interests of the respective plaintiffs and absent putative class members that the above captioned actions be consolidated for all purposes pursuant to Rule 42(a) of the Federal Rules of Civil Procedure and proceed as contemplated herein; and,

WHEREAS, all parties, through their respective counsel, have stipulated to the terms provided herein; and,

WHEREAS, it is anticipated that additional related actions may be transferred to, removed to or filed in this Court; and,

WHEREAS, the interests of fair and efficient administration of the Actions and the avoidance of unnecessary duplicative efforts warrants the consolidation of the Actions, establishment of an organizational structure for plaintiffs' counsel, the setting of schedules for the filing of a consolidated amended complaint and the filing of an answer or a motion to dismiss, and good cause appearing therefor;

IT IS HEREBY ORDERED AS FOLLOWS:

I. PRETRIAL CONSOLIDATION AND TREATMENT OF SUBSEQUENT ACTIONS

1. The Actions are, until further ordered, consolidated for all pretrial purposes.
2. The clerk shall establish and maintain a Master Docket and Master File for his proceeding under the caption "*In re Ford Motor Co. E350 Van Products Liability Litigation (No. II)*", No. MDL 1687 (the "Consolidated Action"). All orders, pleadings, motions and other documents should, when filed and docketed in the Master File, shall be deemed filed and docketed in each individual case.

3. The terms of this Order shall apply to actions later instituted in, removed to, or transferred to this Court that involve the same or substantially similar issues of law and fact, subject to the following procedures:

A. When such a case is filed in, removed to, or transferred to this Court, the Clerk of the Court shall:

- (1) place a copy of this Order in the separate file for such action;
- (2) mail a copy of this Order to counsel for plaintiff(s) in the newly filed or transferred action and to any defendant(s) in the newly filed or transferred action; and
- (3) make an appropriate entry on the Master Docket for the Consolidated Action.

B. Each new case that arises out of the subject matter of the Consolidated Action, which is filed in this Court or transferred to this Court, shall be consolidated with the Consolidated Action and this Order shall apply thereto, unless a party in such newly-filed or transferred action objects to consolidation, as provided for herein, or any provision of this Order, within ten (10) days after the date upon which a copy of this Order is served on counsel for such party, by filing an application for relief and this Court deems it appropriate to grant such application.

4. Counsel shall call to the attention of the Court and the Clerk the filing or transfer of any case which might properly be consolidated with the Consolidated Action. Mailing or other delivery of a copy of this Order by Defendant's counsel or Plaintiffs' Executive Committee Co-Chairs (see II.B, below), as appropriate, to the counsel in any newly filed or transferred actions shall constitute valid notice thereof for purposes of establishing its applicability to such action in accordance herewith.

II. ORGANIZATION OF PLAINTIFFS' COUNSEL

1. The organization structure set forth in this section applies to all plaintiffs' counsel in the Consolidated Action, including any action subsequently governed by this Order.

2. A "Plaintiffs' Counsel Executive Committee" is hereby formed consisting of the law firms of Kirby McInerney & Squire, LLP; Wilentz Goldman & Spitzer, P.A.; Patton, Tidwell & Schroeder, L.L.P.; The Lanier Law Firm; Miller Faucher and Cafferty LLP; Rosenfeld Hafron Shapiro & Farmer; Lowe, Eklund, Wakefield & Mulvihill Co., L.P.A.; Brown, Terrell, Hogan, Ellis, McClamma, Yegelwel, P.A.; Wiggins, Childs, Quinn & Pantazis, P.C.; Law Offices of Carl E. Douglas; and Layser & Freiwald. The firms Kirby McInerney & Squire LLP and Wilentz Goldman & Spitzer, P.A. are appointed Co-Chairs of the Executive Committee. The Co-Chairs shall assume primary responsibility for exercising the following powers:

- A. To conduct all pre-trial, trial and post-trial proceedings on behalf of plaintiffs;
- B. To assure that all members of the Executive Committee are kept informed of the progress of this litigation, as necessary;

- C. To make work assignments to the members of the Executive Committee in such a manner as to promote the orderly and efficient conduct of this litigation and to avoid unnecessary duplication and unproductive efforts;
- D. To otherwise coordinate the work among the members of the Executive Committee, and to perform such other duties as the Co-Chairs deem necessary or authorized by further order of the Court;
- E. To enter into stipulations with opposing counsel necessary for the conduct of the litigation;
- F. To monitor the activities of the Executive Committee and to implement procedures to ensure that schedules are met and unnecessary expenditures of time and funds by plaintiffs' counsel are avoided;
- G. ^{As to Wilentz} To sign any consolidated complaint, motions, briefs, discovery requests or objections, subpoenas or notices on behalf of all plaintiffs or those plaintiffs filing the particular papers;
- H. To employ and consult with experts;
- I. To call meetings of the Executive Committee when deemed appropriate;
- J. To conduct settlement negotiations with defense counsel on behalf of plaintiffs and the putative class;
- K. To determine and present in motions, briefs, oral argument or such other fashion as may be appropriate (personally or by designee) to the Court and opposing parties, the position of all of the plaintiffs as to all matters arising during all pretrial and trial proceedings, *consistent with the Local Rules.*

- L. Act as spokespersons at pretrial conferences; and
- M. To conduct or coordinate discovery on behalf of plaintiffs consistent with the requirements of the Federal Rules of Civil Procedure, ^{and Local Rules} including the preparation of joint interrogatories and requests for production of documents and the examination of witnesses in depositions.

3. The Committee Co-Chairs shall be the contact between plaintiffs' counsel and defendant's counsel as well as the spokespersons for plaintiffs' counsel. All agreements reached with either of the Co-Chairs shall be binding on all other plaintiffs' counsel in the Consolidated Action. Defendant may rely upon representations and agreements made by or reached with any one of the Co-Chairs in the Consolidated Action. The Court and defendant may use as an initial point of contact with plaintiffs either of the Co-Chairs. The Co-Chairs shall forward any notices from the Court and report upon any communications to other members of the Executive Committee as appropriate.

4. The Co-Chairs are hereby designated as the counsel for plaintiffs in the Consolidated Action upon whom all notices, orders, pleadings, motions, discovery, and memoranda relating to the Consolidated Action shall be served, and defendant shall effect service of papers on Plaintiffs in the Consolidated Action by serving each of the Co-Chairs.

5. Defendant shall effect service of papers on the Co-Chairs, as applicable, by: (i) overnight mail service or comparable delivery; (ii) electronic-mail or (iii) hand delivery. Plaintiffs in the Consolidated Action shall effect service of papers on defendant by serving a copy of same on all defendant's counsel by (i) overnight mail service or comparable delivery; (ii) electronic-mail or (iii) hand delivery.

III. FILING AND DOCKETING PROCEDURES

1. Every pleading hereafter filed in the Consolidated Action shall bear the following caption:

**UNITED STATES DISTRICT
COURT OF NEW JERSEY**

-----X	:	
In re FORD MOTOR CO. E350 VAN PRODUCTS	:	
LIABILITY LITIGATION (NO. II)	:	
-----X	:	Master File No.
	:	MDL 1687
THIS DOCUMENT RELATES TO:	:	
	:	
	:	
ALL ACTIONS	:	
-----X	:	

2. When a pleading or paper is intended to be applicable to all actions to which this Order is applicable, the words "All Actions" shall appear immediately after the words "This Document Relates To:" in the caption set out above. When a pleading or paper is intended to be applicable only to some, but not all of such actions, this Court's docket number for each action to which the pleading or paper is intended to be applicable and the last name of the first named plaintiff(s) in said action shall appear immediately after the words "This Document Relates To:" in the caption described above, *i.e.*, "Civil Action No. ____ [Name of plaintiff(s)]."

3. When a pleading or paper is filed and the caption, pursuant to ¶ III(1), *supra*, shows that it is to be applicable "All Actions," the Clerk shall file such pleading or paper in the Master File and note such filing in the Master Docket. No further copies need be filed or other docket entries made.

4. When a pleading or paper is filed and the caption, pursuant to ¶ III(2), *supra*, shows that it is to be applicable to fewer than all of the Actions, the Clerk shall file such pleading or other paper only in the Master File but nonetheless shall note such filing in both the Master Docket and in the docket of each such action.

IV. CONSOLIDATED AND AMENDED COMPLAINT

1. Plaintiffs shall file a Consolidated Amended Class Action Complaint *no later than January 31, 2006*
~~for the month,~~

2. Defendants shall file and serve either their answer or their Rule 12(b) motion to dismiss the Consolidated Amended Class Action Complaint *no later than March 17, 2006*
~~within forty-five (45) days of service~~
~~of plaintiffs' Consolidated Amended Class Action Complaint;~~

3. Plaintiffs shall file their opposition briefs *no later than April 20, 2006*
~~within forty-five (45) days of service~~
~~of defendants' Motions to Dismiss;~~

4. Defendants shall file their reply briefs *no later than May 19, 2006*
~~within twenty (20) days of service of~~
~~plaintiffs' opposition briefs.~~

V. PRESERVATION OF PRIVILEGES

No communications among plaintiffs' counsel shall be taken as a waiver of any privilege or protection to which they would otherwise be entitled.

VI. MODIFICATION OF THIS ORDER

This Order may be modified or supplemented by the Court, or on motion by any party
for good cause shown.

Dated: December, 16 2005

CAMPBELL, CAMPBELL, EDWARDS &
CONROY, P.C.

By: 

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*Executive Committee Co-Chair, Counsel for
Plaintiff Social Clubhouse, Inc.*

WILENTZ GOLDMAN & SPITZER, P.A.

By: 

Kevin P. Roddy

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*Executive Committee Co-Chair, Counsel for
Plaintiffs Pentecostal Church of God in
Christ and Greater All Nation Pentecost
Church of Jesus Christ*

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	<p>MARVIN A. MILLER MILLER FAUCHER AND CAFFERTY LLP 30 North LaSalle Street Suite 3200 Chicago, IL 60602 Telephone: (312) 782-4880</p> <p>NORMAN L. HAFRON ROSENFELD HAFRON SHAPIRO & FARMER 221 North LaSalle Street Suite 1763 Chicago, IL 60601 Telephone: (312) 372-6058</p> <p><i>Counsel for Plaintiff Pentecostal Temple Church of God in Christ</i></p>

	<p>JAMES A. LOWE LOWE, EKLUND, WAKEFIELD & MULVIHILL CO., L.P.A. 610 Skylight Office Tower 1660 West Second Street Cleveland, OH 44113 Telephone: (261) 781-2600</p> <p>EVAN J. YEGELWEL BROWN, TERRELL, HOGAN, ELLIS, McCLAMMA, YEGELWEL, P.A. 233 East Bay Street Blackstone Building, 8th Floor Jacksonville, FL 32202 Telephone: (904) 632-2424</p> <p><i>Counsel for Plaintiff Pentecostal Temple Church of God in Christ</i></p>
	<p>DENNIS PANTAZIS WIGGINS, CHILDS, QUINN & PANTAZIS, P.C. The Kress Building 301 19th Street North Birmingham, AL 35203 Telephone: (205) 314-0500</p> <p><i>Counsel for Plaintiff Pentecostal Temple Church of God in Christ and New Bethlehem Baptist Church</i></p>
	<p>CARL E. DOUGLAS LAW OFFICES OF CARL E. DOUGLAS 315 South Beverly Drive, Suite 305 Beverly Hills, CA 90212-4309 Telephone: (310) 277-9595</p> <p><i>Counsel for Plaintiff Greater All Nation Pentecost Church of Jesus Christ</i></p> <p>DAVID KANE LAYSER & FREIWALD, P.C. 1500 Walnut Street, 18th Floor Philadelphia, PA 19102</p>

Telephone: (215) 875-8575

*Plaintiffs Pentecostal Church of God in
Christ and Greater All Nation Pentecost
Church of Jesus Christ*

*All terms of the Preliminary order shall
remain in effect*
IT IS SO ORDERED, this 2nd day of December 2005.

Patty Shwartz

Honorable Patty Shwartz
United States Magistrate Judge