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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

In re: KIA HYUNDAI VEHICLE
THEFT MARKETING, SALES
PRACTICES, AND PRODUCTS
LIABILITY LITIGATION

Case No. 8:22-ML-3052-JVS(KESx)

The Honorable James V. Selna

**ORDER No. 4: IMPLEMENTING
JOINT CASE MANAGEMENT
STATEMENT**

Date: March 13, 2023

Time: 8:00 a.m.

Place: 411 W. Fourth Street,
Santa Ana, CA 92701
Court Room 10C

This document relates to:
ALL CASES

1 Before the Court is the Joint Case Management Statement filed pursuant to
2 Order No. 2: Adoption of Organization Plan and Appointment of Counsel (the
3 “Order”). Pursuant to the Order, “the Leadership Committee and Kia/Hyundai filed
4 a proposed order implementing the report.” Having considered the Joint Case
5 Management Statement, the parties’ arguments and alternative proposals in the case
6 of disputes, and the other records and files in this case, and good cause appearing:

7 The Court hereby **APPROVES** the proposed schedule and **ORDERS** as
8 follows:
9

10 A. Pretrial Consolidation and Coordination

11 1. Any related or “tag-along” actions that have become a part of this
12 proceeding by virtue of being instituted in, removed to, reassigned to, and/or
13 transferred to this Court (including, without limitation, cases transferred pursuant
14 to the Local Rules, 28 U.S.C. § 1404(a), or 28 U.S.C. § 1407) will automatically be
15 consolidated or coordinated with this proceeding without the necessity of future
16 motions or orders.

17 2. This Order is without prejudice to the right of any party to argue for or
18 against consolidation or coordination for purposes of trial, and shall not make any
19 entity a party to any action in which the entity has not been named, served, and/or
20 added in accordance with the Federal Rules of Civil Procedure (the “Rules”). The
21 terms of this Order, previous orders, and subsequent orders, unless specified
22 otherwise, shall apply automatically to all consolidated or coordinated cases,
23 including cases that later become a part of this proceeding. Should parties in any
24 subsequently filed or transferred action wish to object to the terms of this Order,
25 they must do so within twenty (20) days of the receipt of this Order from the
26 Leadership Committee.
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1 B. Consolidated Amended Consumer Class Action Complaint

2 1. Plaintiffs shall file their Consolidated Amended Consumer Class
3 Action Complaint (the “Consolidated Complaint”) on or before April 10, 2023. The
4 Consolidated Complaint shall synthesize the facts, class definitions, and causes of
5 action alleged in the actions constituting this MDL.

6 2. Coordination with State Actions and Other Actions

7 The Court hereby **VACATES** any orders affirmatively setting any deadlines
8 for governmental entity actions, including but not limited to any deadlines set by
9 the Order for a consolidated government entities complaint and briefing stipulation
10 or for any Rule 12 motion. Any deadlines shall be reset if and when any
11 governmental entity action is transferred to the MDL and as additional
12 governmental actions are filed directly in this District.

13 C. Rule 12 Motion to Dismiss Briefing Schedule

14 1. In their Rule 12 Motion to Dismiss the Consolidated Complaint,
15 Defendants shall brief the law of six (6) representative states. Plaintiffs shall select
16 three (3) states and Defendants shall select three (3) states. Plaintiffs shall provide
17 Defendants with Plaintiffs’ selection of three (3) states on or before April 12, 2023.
18 Defendants shall file their Rule 12 Motion to Dismiss on or before May 1, 2023.
19 Defendants shall have fifty (50) pages for their opening brief.

20 2. Plaintiffs shall respond to that Motion to Dismiss on or before May 30,
21 2023. Plaintiffs shall have fifty (50) pages for their responsive brief.

22 3. Defendants shall reply in support of their Motion to Dismiss on or
23 before June 12, 2023. Defendants shall have twenty-five (25) pages for their reply
24 brief.

25 4. The Court shall hear oral argument thereafter—if the schedule allows,
26 in conjunction with a monthly status conference.

27 5. No other motions to dismiss, answers, or other responses shall be
28 required unless and until the Court orders otherwise. Defendants reserve their rights

1 to move to dismiss as to the remaining states and Plaintiffs reserve their rights to
2 seek leave to amend. Any pending motion is a single action is hereby stayed

3 6. Within two (2) weeks of the Court’s decision on Defendants’ Rule 12
4 Motion to Dismiss on the representative states, the parties shall meet and confer and
5 Plaintiffs shall inform Defendants of Plaintiffs’ decision to seek to amend the
6 Consolidated Complaint. In the event that Plaintiffs do not amend their
7 Consolidated Complaint, Defendants will file any additional motions to dismiss
8 four (4) weeks thereafter. The Court shall set a briefing schedule similar to that set
9 forth above after considering any suggestions from the parties.

10 D. Motion for Class Certification Briefing Schedule

11 1. Plaintiffs shall move for class certification and provide any expert
12 reports related to class certification on or before May 19, 2024, but no earlier than
13 six (6) months after the Court completes ruling on any and all Rule 12 Motions to
14 Dismiss.

15 2. Defendants shall respond and provide any expert reports related to
16 class certification on or before July 21, 2024.

17 3. Plaintiffs shall reply in support of their Motion for Class Certification
18 and provide any rebuttal expert reports related to class certification on or before
19 August 18, 2024.

20 4. The Court shall hear oral argument thereafter.

21 E. Dispositive Motion Briefing Schedule

22 1. Any dispositive motions shall be filed six (6) months after the Court’s
23 decision on the Motion for Class Certification to allow for notice and opt outs before
24 any such motions are filed.

25 2. Responses to those dispositive motions shall be filed six (6) weeks
26 thereafter.

27 3. Replies in support of those dispositive motions shall be filed four (4)
28 weeks thereafter.

1 4. The Court shall hear oral argument thereafter.

2 F. Initial Disclosures

3 1. The parties shall exchange initial disclosures as provided for under
4 Rule 26(a)(1) on or before April 14, 2023. The exchange will ensure the Parties’
5 mutual access to basic foundational information without delay and with minimal
6 burden.

7 G. Discovery

8 1. Discovery is stayed except as follows:

9 Plaintiffs may pursue structural discovery concerning the organization
10 of defendants, the identification of custodians of records for specific
11 topics, and similar issues through focused requests for production
12 and/or Rule 30(b)(6) depositions.

13 2. In the early phases, discovery should be conducted with a focus on
14 class discovery.

15 3. Class discovery shall be completed on or before May 1, 2024.

16 4. Fact discovery shall be completed on or before August 30, 2024.

17 5. As outlined above, Plaintiffs shall provide any expert reports related
18 to class certification on or before May 19, 2024, but no earlier than six (6) months
19 after the Court completes ruling on any and all Rule 12 Motions to Dismiss.

20 6. Defendants shall provide any expert reports related to class
21 certification on or before July 21, 2024.

22 7. Plaintiffs shall provide any rebuttal expert reports related to class
23 certification on or before August 18, 2024.

24 8. The Court shall set a schedule for any Rule 26(a)(2) liability expert
25 disclosures and expert reports following its decision on Plaintiffs’ Motion for Class
26 Certification.

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1 9. Unless otherwise ordered, all discovery disputes shall be referred to
2 Magistrate Judge Karen E. Scott. The parties are direct to obtain a copy of her
3 standard procedures.

4 H. Proposed Timetable Schedule

5 Event	Deadline
6 Parties to Exchange Initial Disclosures Pursuant to Rule 26(a)	April 14, 2023
7 Deadline to File Consolidated Consumer Class Action Complaint	April 10, 2023
8 Plaintiffs to Provide 3 State Selection	April 12, 2023
9 Deadline for Defendants to File Motions Described Above to Dismiss Consolidated Consumer Class Action Complaint	May 7, 2023
10 Plaintiffs' Opposition to any Motion to Dismiss	May 30, 2023
11 Defendants' Replies in Support of Motion to Dismiss As Described Above	June 12, 2023
12 Hearing on Motion to Dismiss As Described Above	To Be Decided by Court
13 Substantial Completion of Rolling Production of Documents	February 1, 2024
14 Plaintiffs to Move for Class Certification and Provide any Expert Reports Related to Class Certification	May 19, 2024 but no earlier than 6 months after the Court completes ruling on all Rule 12(b)(6) motions
15 Defendants to File Any Opposition to Class Certification and Provide any Expert Reports Related to Class Certification	July 21, 2024
16 Plaintiffs to File Reply in Further Support of Class Certification and any Rebuttal Expert Reports Related to Class Certification	August 18, 2024
17 Hearing on Motion for Class Certification	To Be Decided by Court
18 Completion of Class Discovery	May 1, 2024
19 Completion of Fact Discovery	August 30, 2024


Event	Deadline
Deadline to File Dispositive Motions	6 months after Court's decision granting the certification of any proposed class to allow for notice and opt outs or otherwise 3 months after Court's class certification decision but no earlier than 30 days after the completion of Expert Discovery
Deadline to File Oppositions to Dispositive Motions	Six Weeks After Filing of Dispositive Motions
Deadline to File Replies for Dispositive Motions	Four Week After Filing of Oppositions
Hearing on Dispositive Motions	To Be Decided by Court
Trials	To Be Decided by Courts to Which Cases are Remanded

I. Other Matters.

1. The Court will conduct the next status conference of April 6, 2023 at 8:00 a.m.
2. No later than March 31, 2023, the parties shall provide their proposal(s) for handling ESA, privilege logs, a protective order, and foreign discovery.
3. Within seven days, the parties shall submit a proposed order naming the Honorable Margaret M. Morrow (Ret.) Settlement Master for this case

IT IS SO ORDERED.

Dated: March 13, 2023



 The Honorable James V. Selna
 United States District Judge