

UNITED STATES DISTRICT COURT

DISTRICT OF MAINE

U.S. DISTRICT COURT  
PORTLAND, MAINE  
RECEIVED AND FILED

2003 JUL 31 P 4: 10

BY \_\_\_\_\_  
DEPUTY CLERK

IN RE: NEW MOTOR VEHICLES CANADIAN EXPORT  
ANTITRUST LITIGATION

MDL DOCKET NO. 03-md-1532-P-H

**PRACTICE AND PROCEDURE ORDER UPON TRANSFER**  
**PURSUANT TO 28 U.S.C. § 1407 (a)**

1. This order shall govern the practice and procedure in those actions transferred to this court by the Judicial Panel on Multidistrict Litigation pursuant to their order of June 26, 2003 as well as all related actions originally filed in this court or transferred or removed to this court. These actions are listed in Schedule A attached hereto. This order shall also govern the practice and procedure in any tag-along actions transferred to this Court by the Judicial Panel on Multidistrict Litigation pursuant to Rule 12 of the Rules of Procedure of that Panel subsequent to the filing of the final transfer order and any related actions subsequently filed in this Court or otherwise transferred or removed to this Court.
2. The actions described in paragraph 1 of this order are consolidated for pretrial purposes.
3. A signed original of any pleading or paper shall be filed; no copies will be necessary. All papers filed in these actions shall bear the identification "MDL Docket No. 03-md-1532", and when such paper relates to all these actions, the MDL docket number shall be followed only by the notation "ALL CASES." If such paper does not relate to all of these actions the individual docket numbers assigned by the Clerk of this Court (as listed in Schedule A hereto) of those actions to which the paper relates shall also be listed. If such pleading relates to five or fewer actions the abbreviated caption of each of the actions may be listed opposite its number.
4. Any paper which is to be filed in any of these actions shall be filed with the Clerk of this Court and not with the transferor district court. Only original documents are to be filed; no duplicate copies are required.
5. Counsel who appeared in the transferor district court prior to the transfer need not enter a separate appearance before this Court.

6. Prior to the initial pretrial conference service of all papers shall be made on each of the attorneys on the Panel Attorney Service List attached hereto as Schedule B. Any attorney who wishes to have his name added to or deleted from such Panel Attorney Service List may do so upon request to the Clerk of this Court with notice to all other persons on such service list. Service shall be deemed sufficient if made upon all attorneys on the Panel Attorney Service List. Only one attorney for each party separately represented shall be included on such list.
7. Prior to the initial pretrial conference, counsel for each group of parties whose interests are similarly aligned shall designate liaison counsel, subject to the approval of the Court. Liaison counsel shall be authorized to receive orders and notices from the Court on behalf of all parties within their liaison group and shall be responsible for the preparation and transmittal of copies of such orders and notices to the parties in their liaison group. Liaison counsel shall be required to maintain complete files with copies of all documents served upon them and shall make such files available to parties within their liaison group upon request. Liaison counsel are also authorized to receive orders and notices from the Judicial Panel on Multidistrict Litigation pursuant to Rule 8(e) of the Panel's Rules of Procedure on behalf of all parties within their liaison group and shall be responsible for the preparation and transmittal of copies of such orders and notices to the parties in their liaison group.
8. No parties to any of these actions shall be required to obtain local counsel in this District and the requirements of Rule 83.1 (a) (2) of the Rules of this Court are waived as to any attorney appearing in these actions who is duly admitted to practice before any United States Court.
9. Hearings shall not be held on any motions filed except by order of Court upon such notice as the Court may direct.
10. Any paper filed in any of these actions which is substantially identical to any other paper filed in another of these actions shall be sufficient if it incorporates by reference the paper to which it is substantially identical. Where counsel for more than one party plan to file substantially identical papers they shall join in the submission of such papers and shall file only one paper on behalf of all so joined.

11. Any orders, including protective orders entered by any transferor district court, shall remain in full force and effect unless modified by this Court upon application.
12. All discovery proceedings in these actions are stayed until further order of this Court and the time requirements to perform any acts or file any papers pursuant to Rules 26 through 37, Federal Rules of Civil Procedure, are tolled until the initial pretrial conference at which time a discovery schedule will be established.
13. The Court will be guided by the Manual for Complex Litigation, Third approved by the Judicial Conference of the United States and counsel are directed to familiarize themselves with that publication.
14. The Court will also be guided by the Rules of Procedure of the Judicial Panel on Multidistrict Litigation. Counsel's attention is specifically directed to Rule 5.3, like Fed R. Civ. P. 7.1, which requires the filing of a corporate disclosure statement. A copy of this statement shall be filed with this court by **Monday, August 31, 2003**.
15. Counsel should familiarize themselves with the Local Rules of this Court which may be viewed and downloaded at [www.med.uscourts.gov](http://www.med.uscourts.gov). At this website you will also find opinions filed in MDL cases ([www.med.uscourts.gov/Site/opinions/hornby/](http://www.med.uscourts.gov/Site/opinions/hornby/)), and miscellaneous information regarding MDL cases under Operations and Filings.
16. On **October 1, 2003** the U. S. District Court for the District of Maine will implement the mandatory Electronic Case Files (ECF) system. Enclosed is a brochure which explains ECF in more detail. Counsel should visit our website at [www.med.uscourts.gov](http://www.med.uscourts.gov) to view (a) The Administrative Procedures Governing the Filing and Service by Electronic Means, (b) the User Manual, and (c) information regarding on-line training. You may also download the ECF Registration form.
17. The cases manager responsible for this litigation is Susan Durst (207-780-3356 ext. 207) to whom all inquiries shall be made. The mailing address of the court is: **U.S. District Court, 156 Federal Street, Portland, ME 04101**. Any requests for copies shall be directed to Bob Allen at [bob@med.uscourts.gov](mailto:bob@med.uscourts.gov) or 207/780-3356 ext. 200.

18. All other matters will be discussed at the initial pretrial conference to be held on **Friday, September 26, 2003 at 1:00 p.m.** Counsel shall furnish by **Friday, September 19, 2003** suggestions for items to be included on the agenda for this conference.

D. BROCK HORNBY  
U. S. DISTRICT JUDGE

Date: July 31, 2003

BY:   
Susan M. Durst  
Case Manager

## SCHEDULE A

### MDL-1532 -- In re New Motor Vehicles Canadian Export Antitrust Litigation

#### Northern District of California

*George C. Jaynes, et al. v. General Motors Corp., et al.*, C.A. No. 3:03-652

#### Southern District of Florida

*Richard Jaffe v. General Motors Corp., et al.*, C.A. No. 1:03-20378

#### Northern District of Illinois

*Andre Rodriguez v. General Motors Corp., et al.*, C.A. No. 1:03-1161

#### District of Massachusetts

*Cathy-Ann Accomando v. General Motors Corp., et al.*, C.A. No. 1:03-10304

#### Eastern District of New York

*B. Alison Sharrett v. General Motors Corp., et al.*, C.A. No. 1:03-771

*Carlos Velez, et al. v. General Motors Corp., et al.*, C.A. No. 1:03-818

*Daniel E. Herschberg v. General Motor Corp., et al.*, C.A. No. 1:03-838

*Jason Leyner v. General Motors Corp., et al.*, C.A. No. 1:03-886

*Joseph Carroll v. General Motors Corp., et al.*, C.A. No. 1:03-959

*John C. Crow v. General Motors Corp., et al.*, C.A. No. 1:03-1023

**Judicial Panel on Multidistrict Litigation - Panel Attorney Service List**

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Status: Transferred on 06/25/2003

**SCHEDULE B**

Transferee District: ME Judge: Hornby, D. Brock

Printed on 06/25/2003

**ATTORNEY - FIRM****REPRESENTED PARTY(S)**

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Egan, Jr., James C. Clifford Chance US, L.L.P. The William P. Rogers Bldg. 2001 K Street, NW Washington, DC 20006-1001	=> DaimlerChrysler Aktiengesellschaft*; DaimlerChrysler Canada, Inc.*; DaimlerChrysler Corp.*; Mercedes-Benz Canada, Inc.*; Mercedes-Benz USA, LLC*
Garza, Deborah A. Fried, Frank, Harris, Shriver & Jacobson 1001 Pennsylvania Avenue, NW Suite 800 Washington, DC 20004-2505	=> Canadian Automobile Dealers Association*
Godfrey, Richard C. Kirkland & Ellis 200 East Randolph Drive Suite 6100 Chicago, IL 60601	=> General Motors Corp.*
Goldberg, Daniel L. Ingham McCutchen, LLP 150 Federal Street Boston, MA 02110	=> BMW of North America*
Lazerwitz, Michael R. Cleary, Gottlieb, Steen & Hamilton 2000 Pennsylvania Avenue, N.W. Suite 9000 Washington, DC 20006-1801	=> Toyota Motor Sales U.S.A., Inc.*
Lite, Allyn Z. Lite, DePalma, Greenberg & Rivas, L.L.C. Two Gateway Center 12th Floor Newark, NJ 07102-5003	=> Leyner, Jason
Mitchell, Glenn A. Stein, Mitchell & Mezines 1100 Connecticut Avenue, N.W. Suite 1100 Washington, DC 20036	=> National Automobile Dealers Association (NADA)*
Narine, Krishna B. Schiffirin & Barroway, LLP Three Bala Plaza East Suite 400 Bala Cynwyd, PA 19004	=> Carroll, Joseph*
Persky, Bernard Goodkind, Labaton, Rudoff & Sucharow, LLP 100 Park Avenue	=> McComb, Deborah*; Velez, Carlos*

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Note: Please refer to the report title page for complete report scope and key.

**ATTORNEY - FIRM**

**REPRESENTED PARTY(S)**

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Stamell, Jared B. Stamell & Schager, LLP One Liberty Plaza 35th Floor New York, NY 10006-1404	=> Crow, John C.
Sullivan, Peter Gibson, Dunn & Crutcher, LLP 333 South Grand Avenue Los Angeles, CA 90071	=> Nissan Canada, Inc.; Nissan Motor Co., Ltd.; Nissan North America, Inc.*
Tabacco, Jr, Joseph J. Berman DeValerio Pease Tabacco Burt & Pucillo 25 California Street Suite 2100 San Francisco, CA 94104	=> Accomando, Cathy-Ann*; Jaffe, Richard*; Jaynes, George C.*; Jaynes, Jane A.*; Weader, Jillian R.*
Van Nest, Robert A. Keker & Van Nest 710 Sansome Street San Francisco, CA 94111	=> American Honda Motor Co., Inc.*
Zwisler, Margaret M. Howrey Simon Arnold & White, LLP 1299 Pennsylvania Avenue, N.W. Washington, DC 20004-2402	=> Ford Motor Co.*; Ford Motor Co. of Canada*; Ford Motor Credit Co.

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