MDL Training

How to Properly File:

Document No. 1262

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION

In Re: AUTOMOTIVE PARTS ANTITRUST LITIGATION	12-md-02311 Honorable Marianne O. Battani
ALL PARTS	
THIS RELATES TO: ALL CASES	

MARCH 17, 2016, ELECTRONIC CASE MANAGEMENT PROTOCOL ORDER

On August 29, 2012, the Court entered its Electronic Case Management Protocol Order, with an effective date of September 10, 2012, to simplify the electronic case filing ("ECF") system in Automotive Parts Antitrust Litigation. Since then, the Court has amended the ECF procedures several times to assign numbers to newly added parts and putative classes. Because several new parts have been included in 12-2311 since the last amended order, the Court amends the protocol as follows:

- The "Master Case," 12-md-02311, includes all cases involving automotive parts antitrust actions that are transferred to the Court by the Judicial Panel on Multidistrict Litigation ("JPML") or otherwise consolidated or coordinated with other matters before the Court under the Master Case, 12-md-02311.
- 2. The Master Case includes "Lead Cases" relating to specific parts. The Lead Cases are designated by a five digit number: the first three digits are associated with the particular part; the last two digits-00-reflect that the case is the lead case.
 - 3. The Lead Cases include "Class Cases" for each particular putative class of

plaintiffs and also include "Miscellaneous Cases" that do not fall within any putative class. The inclusion of Class Cases and Miscellaneous Cases in each specific part may only reflect a place holding function and will be populated if and when an individual case falling into the designation is filed.

The Class Cases include the following:

Direct Purchaser Action, designated with the last two digits-01;

Dealership Action, designated with the last two digits-02;

End-Payor Action, designated with the last two digits-03;

Public Entities, designated with the last two digits-06;

Trucks and Equipment Dealer Actions, designated with the last two digits-07.

5. The Miscellaneous Cases include the following:

OEM plaintiffs, for example, Ford Motor Company, designated with the last two digits-04;

State Attorneys General plaintiffs, such as the State of Florida and State of Indiana, designated with the last two digits-05;

6. Within each Class Case or Miscellaneous Case, there will be individual member cases referred to as "Individual Cases." These are the originally filed individual complaints that will retain the originally assigned case numbers. Accordingly, the cases will be organized as follows:

MASTER DOCKET ("MASTER CASE")

In Re: AUTOMOTIVE PARTS ANTITRUST LITIGATION

12-md-02311

LEAD CASE	WIRE HARNESS	2:12-cv-00100
Class Case	Direct Purchaser Actions	2:12-cv-00101
Class Case	Dealership Actions	2:12-cv-00102
Class Case	End-Payor Actions	2:12-cv-00103
Miscellaneous Case	OEMs	2:13-cv-00104
Miscellaneous Case	States Attorneys General	2:13-cv-00105
Class Case	Public Entities	2:14-cv-00106
Class Case	Truck and Equipment Dealer Actions	2:15-cv-00107
LEAD CASE	INSTRUMENT PANEL CLUSTERS	2:12-cv-00200
Class Case	Direct Purchaser Actions	2:12-cv-00201
Class Case	Dealership Actions	2:12-cv-00202
Class Case	End-Payor Actions	2:12-cv-00203
Miscellaneous Case	OEMs	2:12-cv-00204
Miscellaneous Case	States Attorneys General	2:13-cv-00205
Class Case	Public Entities	2:14-cv-00206
Class Case	Truck and Equipment Dealer Actions	2:15-cv-00207
LEAD CASE	FUEL SENDERS	2:12-cv-00300
Class Case	Direct Purchaser Actions	2:12-cv-00301
Class Case	Dealership Actions	2:12-cv-00302

Class Case	End-Payor Actions	2:12-cv-00303
Miscellaneous Case	OEMs	2:13-cv-00304
Miscellaneous Case	States Attorneys General	2:13-cv-00305
Class Case	Public Entities	2:14-cv-00306
Class Case	Truck and Equipment Dealer Actions	2:15-cv-00307
LEAD CASE	HEATER CONTROL PANELS	2:12-cv-00400
Class Case	Direct Purchaser Actions	2:12-cv-00401
Class Case	Dealership Actions	2:12-cv-00402
Class Case	End-Payor Actions	2:12-cv-00403
Miscellaneous Case	OEMs	2:13-cv-00404
Miscellaneous Case	States Attorneys General	2:13-cv-00405
Class Case	Public Entities	2:14-cv-00406
Class Case	Truck and Equipment Dealer Actions	2:15-cv-00407
LEAD CASE	BEARINGS	2:12-cv-00500
Class Case	Direct Purchaser Actions	2:12-cv-00501
Class Case	Dealership Actions	2:12-cv-00502
Class Case	End-Payor Actions	2:12-cv-00503
Miscellaneous Case	OEMs	2:13-cv-00504
Miscellaneous Case	States Attorneys General	2:13-cv-00505
Class Case	Public Entities	2:14-cv-00506
Class Case	Truck and Equipment Dealer Actions	2:15-cv-00507
LEAD CASE	OCCUPANT SAFETY SYSTEMS	2:12-cv-00600
Class Case	Direct Purchaser Actions	2:12-cv-00601

Class Case	Dealership Actions	2:12-cv-00602
Class Case	End-Payor Actions	2:12-cv-00603
Miscellaneous Case	OEMs	2:13-cv-00604
Miscellaneous Case	States Attorneys General	2:13-cv-00605
Class Case	Public Entities	2:14-cv-00606
Class Case	Truck and Equipment Dealer Actions	2:15-cv-00607
LEAD CASE	ALTERNATORS	2:13-cv-00700
Class Case	Direct Purchaser Actions	2:13-cv-00701
Class Case	Dealership Actions	2:13-cv-00702
Class Case	End-Payor Actions	2:13-cv-00703
Miscellaneous Case	OEMs	2:13-cv-00704
Miscellaneous Case	States Attorneys General	2:13-cv-00705
Class Case	Public Entities	2:14-cv-00706
Class Case	Truck and Equipment Dealer Actions	2:15-cv-00707

7. Papers applicable to all antitrust actions involving all automotive parts transferred to this Court shall be filed only in 12-md-02311. The following caption shall be used:

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION

12-md-02311

Honorable Marianne O. Battani

In Re: AUTOMOTIVE PARTS

ANTITRUST LITIGATION

ALL PARTS	
THIS RELATES TO: ALL CASES	!
Papers applicable to all action the appropriate Lead Case. The following the properties of the second case.	s relating to a particular part shall be filed only in owing caption shall be used:
FOR THE EASTE	ATES DISTRICT COURT RN DISTRICT OF MICHIGAN THERN DIVISION
In Re: AUTOMOTIVE PARTS ANTITRUST LITIGATION	12-md-02311 Honorable Marianne O. Battani
In Re: [NAME OF PART] CASES	2:1[x]-cv-0[xxxx]-MOB-MKM
THIS RELATES TO: ALL [Name of the Part] CASES	

9. Papers only applicable to a specific action relating to a particular part shall be filed only in the appropriate Class Case or Miscellaneous Case within the appropriate Lead Case. The following caption shall be used:

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION

In Re: AUTOMOTIVE PARTS ANTITRUST LITIGATION	12-md-02311 Honorable Marianne O. Battani
In Re: [NAME OF PART] CASES	
THIS RELATES TO: [NAME OF PUTATIVE CLASS CASE OR MISCELLANEOUS CASE]	2:1[x]-cv-0[xxxx]-MOB-MKM

- 10. By way of example, papers applicable to all complaints relating to Wire Harnesses shall be filed only in 2:12-cv-00100, the Lead Case, and not separately in the Master Case, 12-md-02311, or in any Class Case, Miscellaneous Case, or Individual Case. As a further example, all papers applicable to the Dealership Consolidated Amended Complaint relating to Wire Harnesses shall be filed only in the Class Case, 2:12-cv-00102, and not separately in the Master Case, or 12-md-02311, or the Lead Case, 2:12-cv-00100.
- 11. Any paper that is applicable only to an Individual Case or Miscellaneous Case must be filed separately in each applicable Individual Case and (b) the Class Case or Miscellaneous Case in which such Individual Case is assigned. The following caption

shall be used:

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION

In Re: AUTOMOTIVE PARTS ANTITRUST LITIGATION	12-md-02311 Honorable Marianne O. Battani
In Re: [NAME OF PART] CASES	
THIS RELATES TO:	2:1[x]-cv-0[xxxx]-MOB-MKM
	[Case number of the Class or Miscellaneous Case]
[Name of Plaintiff(s)]	[List all applicable numbers]
v.	
[Name of Defendant(s)]	

- 12. To the extent not already accomplished, attorneys shall file appearances in:
 - a. The Master Case:
 - b. All applicable Lead Cases in which they represent client(s); and
 - c. All applicable Class Cases in which they represent client(s).
 - d. All Miscellaneous Cases in which they represent client(s).
- 13. Attorneys representing client(s) in the Master Case may file appearances as an interested party in any Lead Case, Class Case, or Miscellaneous Case where they do not represent client(s).
- 14. New cases that counsel believe pertain to this Automotive Parts Antitrust Litigation should be identified at the time of filing as related to 12-md-02311 on the

Civil Cover Sheet. Further, counsel shall indicate on the Civil Cover Sheet whether counsel believes that the new case should be assigned to an existing Lead Case and/or Class Case or Miscellaneous Case or involves a new automotive part requiring a new Lead Case, Class Case, or Miscellaneous Case.

- 15. After the Court reassigns any new or existing cases within the structure of 12-md-02311, parties shall have twenty-one days to file an objection to the Court's designation.
- 16. This Order is without prejudice as to the rights of any party to challenge any revision of this protocol involving additional parts or designations.
 - 17. The electronic protocol shall be effective immediately.
 - 18. New complaints shall follow the numbering protocol in place.

IT IS SO ORDERED.

MARIANNE O. BATTANI UNITED STATES DISTRICT JUDGE

DATED:

CERTIFICATE OF SERVICE

Copies of this Order were served upon counsel of record on this date by ordinary mail and electronic filing.

CASE MANAGER

AUTOMOTIVE PARTS LIST

	AUTOMOTIVE I AIRTO EIGT
Case #	Category
12-100	Wire Harness
12-200	Instrument Panel Clusters
12-300	Fuel Senders
12-400	Heater Control Panels
12-500	Bearings
12-600	Occupant Safety Systems
13-700	Alternators
13-800	Anti-Vibrational Rubber Parts
13-900	Windshield Wipers
13-1000	Radiators
13-1100	Starters
13-1200	Automotive Lamps
13-1300	Switches
13-1400	Ignition Coils
13-1500	Motor Generators
13-1600	Steering Angle Sensors
13-1700	HID Ballasts
13-1800	Inverters
13-1900	Electronic Powered Steering Assemblies
13-2000	Air Flow Meters
13-2100	Fan Motors
13-2200	Fuel Injection Systems
13-2300	Power Window Motors
13-2400	Automatic Transmission Fluid Warmers
13-2500	Valve Timing Control Devises
13-2600	Electronic Throttle Bodies
13-2700	Air Conditioning Systems
13-2800	Windshield Washer Systems
14-2900	Automotive Constant Joint Boot products
15-3000	Spark Plugs
15-3100	Oxygen Sensors
15-3200	Automotive Hoses
15-3300	Shock Absorbers
16-3400	Body Sealing Products
16-3500	Interior Trim Products
16-3600	Brake Hoses
16-3700	Exhaust Systems
16-3800	Ceramic Substrates



Example:

Filing a motion concerning a Wire Harness in an End-Payor Action.

Step 1

AUTOMOTIVE PARTS LIST

Case#	Category
12-100	Wire Harness
12-200	Instrument Paner Clusters
12-300	Fuel Senders
12-400	Heater Control Panels
12-500	Bearings
12-600	Occupant Safety Systems
13-700	Alternators
13-800	Anti-Vibrational Rubber Parts
13-900	Windshield Wipers
13-1000	Radiators
13-1100	Starters
13-1200	Automotive Lamps
13-1300	Switches
13-1400	Ignition Coils
13-1500	Motor Generators
13-1600	Steering Angle Sensors
13-1700	HID Ballasts
13-1800	Inverters
13-1900	Electronic Powered Steering Assemblies
13-2000	Air Flow Meters
13-2100	Fan Motors
13-2200	Fuel Injection Systems
13-2300	Power Window Motors
13-2400	Automatic Transmission Fluid Warmers
13-2500	Valve Timing Control Devises
13-2600	Electronic Throttle Bodies
13-2700	Air Conditioning Systems
13-2800	Windshield Washer Systems
14-2900	Automotive Constant Joint Boot products
15-3000	SparkPlugs
15-3100	Oxygen Sensors
15-3200	Hoses
15-3300	Shock Absorbers
16-3400	Body Sealing Products
160500	T / ' T ' T 1 /

Interior Trim Products

16-3500

Your case number will be under the lead case 12-100

Step 2

4. The Class Cases include the following:

Direct Purchaser Action, designated with the last two digits-01;

Dealership Action, designated with the last two digits-02;

End-Payor Action, designated with the last two digits-03;

Public Entities, designated with the last two digits-06;

Trucks and Equipment Dealer I tions, designated with the last two digits-07.

All End-Payor Actions will end in the numbers 03.

Step 3

MASTER DOCKET ("MASTER CASE") In Re: AUTOMOT ANTITRUST LITIO 12-md-02311	
LEAD CASE	WIRE HARNESS	2:12-cv-00100
Class Case	Direct Purchaser Actions	2:12-cv-00101
Class Cass	Declarchin Actions	2:12 *** 00102
Class Case	End-Payor Actions	2:12-cv-00103
Miscellaneous Case	OEMs	2:13-cv-00104
Miscellaneous Case	States Attorneys General	2:13-cv-00105
Class Case	Therefore, you	2:14-cv-00106
Class Case	should file your	2:15-cv-00107
LEAD CASE	motion under	2:12-cv-00200
Class Case	case number 12 - cv-00 103	2:12-cv-00201
Class Case	Dear CV-00103	2:12-cv-00202
Class Case	End-Payor Actions	2:12-cv-00203
Miscellaneous Case	OEMs	2:12-cv-00204
Miscellaneous Case	States Attorneys General	2:13-cv-00205
Class Case	Public Entities	2:14-cv-00206
Class Case	Truck and Equipment Dealer Act	ions 2:15-cv-00207
LEAD CASE	FUEL SENDERS	2:12-cv-00300
Class Case	Direct Purchaser Actions	2:12-cv-00301
Class Case	Dealership Actions	2:12-cv-00302

Examples of common mistakes:

IN RE AUTOMOTIVE PARTS ANTITRUST LITIGATION	: Master File No. 12-md-02311 Honorable Marianne O. Battani
In Re: All Auto Parts Cases	2:12-md-02311-MOB-MKM
THIS DOCUMENT RELATES TO:	:
All Auto Parts Cases	:

UNOPPOSED RULE 41 MOTION TO DISMISS AUTOMOBILE DEALER PLAINTIFF HOLZHAUER AUTO AND TRUCK SALES, INC.

This was filed in case 2:12-cv-00102.

It should have been filed in 2:12-md-02311.

IN RE: AUTOMOTIVE PARTS ANTITRUST LITIGATION	Master File No. 12-md-02311) Honorable Marianne O. Battani
IN RE: WIRE HARNESSES) Case No. 12-cv-00103
IN RE: INSTRUMENT PANEL () CLUSTERS	Case No. 12-cv-00203
IN RE: FUEL SENDERS	Case No. 12-cv-00303
IN RE: HEATER CONTROL PANELS) Case No. 12-ev-00403
IN RE: OCCUPANT SAFETY RESTRAINT SYSTEMS	Case No. 12-cv-00603
IN RE: ALTERNATORS	Case No. 13-cv-00703
IN RE: RADIATORS	Case No. 13-cv-01003
IN RE: STARTERS	Case No. 13-cv-01103
IN RE: SWITCHES	Case No. 13-cv-01303
IN RE: IGNITION COILS	Case No. 13-cv-01403
IN RE: MOTOR GENERATORS	Case No. 13-cv-01503
IN RE: STEERING ANGLE SENSORS) Case No. 13-cv-01603
IN RE: HID BALLASTS	Case No. 13-cv-01703
IN RE: INVERTERS	Case No. 13-cv-01803
IN RE: AIR FLOW METERS) Case No. 13-cv-02003
IN RE: FUEL INJECTION SYSTEMS	Case No. 13-cv-02203
IN RE: AUTOMATIC TRANSMISSION FLUID WARMERS) Case No. 13-cv-02403

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Case No. 13-cv-02503
IN RE: VALVE TIMING
      CONTROL DEVICES
IN RE: ELECTRONIC
                                  Case No. 13-cv-02603
      THROTTLE BODIES
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THIS DOCUMENT RELATES TO ALL END-PAYOR ACTIONS

This document was filed in the main suit 2:12-cv-02311.

The document only relates to 19 of the component parts in the suit.

Therefore, the document must be filed separately -19 times - instead of just once in the main suit.

Do not take short cuts. You will have to refile!

IN RE AUTOMOTIVE PARTS ANTITRUST LITIGATION

12-md-02311

Honorable Marianne O. Battani

In re AIR CONDITIONING SYSTEMS

2:13-cv-02702-MOB-MKM

THIS DOCUMENT RELATES TO:

ALL AUTOMOBILE DEALER ACTIONS

CONSOLIDATED AMENDED CLASS ACTION COMPLAINT

JURY TRIAL DEMANDED

: [FILED UNDER SEAL—HIGHLY CONFIDENTIAL]

Complaint was filed under wrong case number.

Case number 2:13-cv-00702 is alternator actions.

This complaint related to air conditioners, which should be number 2:14-cv-2702.

IN RE AUTOMOTIVE PARTS
ANTITRUST LITIGATION

Master File No. 12-md-02311 Honorable Marianne O. Battani

In Re: All Auto Parts Cases

THIS DOCUMENT RELATES TO:

All Actions

Motion was filed in wrong case.

Motion was related to all actions.

Should have been filed in 12-2311.

What happens if you make a filing error?

CASE MANAGER CORRECTIONS

1. Stips and Orders

Example: When multiple component parts are involved and the caption includes an incorrect case number:

- The fourth number is wrong and it has been docketed in the prior three numbers, the case manager must file a Notice of Correction on those cases where it has been docketed
- Find the correct number
- Refile the stip and order in the correct case numbers

What happens if you make a filing error?

CASE MANAGER CORRECTIONS

2. Orders to Strike

Example: When you file a document in the master case file—12-2311-- and the document only involves certain parts, the document should not be filed in 12-2311.

- 1. Case Manager has to contact you to correct your filing.
- 2. Docket the Order to Strike
- 3. Fdit the Docket Sheet
- 4. Strike the Document Manually

What happens if you make a filing error?

ATTORNEY CORRECTIONS

1. Notice of Withdrawal

Movant must file a Notice of Withdrawal for any motion that is subsequently resolved by the parties

2. Error in the Body of the Document

An amended motion must be filed—not just a corrected page, citation, or missing exhibit

3. Failure to Seal Document that Should be Sealed

- Do Not Call Case Manager to Fix It
- File a Motion to Seal with a Proposed Order
- Title your Motion EMERGENCY Motion to Seal

NEW PROCEDURE FOR BRINGING SEALED DOCUMENTS TO THE COURTHOUSE

- DO NOT place anything other than highly confidential documents in a sealed envelope.
- Chambers Staff must go down to security and retrieve the sealed document, take it to the mailroom to open it, and return to chambers.

Sealed Transcripts

- Motion and proposed order to seal a transcript should be filed before the transcript is released.
- This means the order must be filed within 5 days of the hearing.
- There is a difference between filing pursuant to a protective order for attorneys' eyes only and an order to seal. <u>Shane Group, Inc. v. Blue Cross Blue</u> <u>Shield of Michigan</u>, 2016 WL 3163073 (June 07, 2016).

CASE MANAGER'S TIP LIST

- 1. Do not make conference calls to the case manager for procedural questions/ "the single file(r) rule"
- 2. Do not call to ask to appear by phone/ the answer is No, No, No
- 3. Do not let a new attorney work on this case without training/ the case manager is not going to hold your hand and no one should know you are a newbie
- 4. Do not file your documents using the old case number and the mdl renumber/ how to make extra, unnecessary work for an overworked case manager, who is not billing her time
- 5. Review the electronic filing protocol before you file each and every document/ how to avoid unnecessary errors and look good to your client.

NOTICE OF APPEARANCE

- If you want access to all documents, you must enter a Notice of Appearance in the master case and each lead, class, and miscellaneous case in the MDL.
- If you do not represent a party, enter your appearance as an Interested Party.

Find the Mistake

IN RE: AUTOMOTIVE PARTS : Master File No. 12-md-02311
ANTITRUST LITIGATION : Honorable Marianne O. Battani

IN RE: WIRE HARNESS CASES :

ALL END PAYOR PLAINTIFFS:

THIS RELATES TO: : 2:12-cv-00100

This case relates to End Payor Plaintiffs.

It should have been filed in 2:12-cv-00103

IN RE: AUTOMOTIVE PARTS	:	Master File No. 12-md-02311
ANTITRUST LITIGATION	:	Honorable Marianne O. Battani

:

IN RE: WIRE HARNESS CASES

.

THIS RELATES TO:

DIRECT PURCHASER : 2:12-cv-00101 ACTIONS :

ALL DEALERSHIP ACTIONS : 2:12-cv-00102

ALL END-PAYOR ACTIONS : 2:12-cv-00103

ALL PUBLIC ENTITIES : 2:12-cy-00106

TRUCKS AND EQUIPTMENT : 2:12-cv-00107

DEALER ACTIONS

This relates to all actions.

It should be filed in the lead case under 2:12-cv-00100

IN RE: AUTOMOTIVE PARTS
ANTITRUST LITIGATION

Master File No. 12-md-02311 Honorable Marianne O. Battani

IN RE: WIRE HARNESS CASES

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THIS RELATES TO: ALL DEALERSHIP PLAINTIFFS 2:12-cv-00100

This relates only to Dealership Plaintiffs.

It should be filed in 2:12-cv-00102

IN RE: AUTOMOTIVE PARTS ANTITRUST LITIGATION

Master File No. 12-md-02311 Honorable Marianne O. Battani

IN RE: WIRE HARNESS CASES

2:12-cy-00100

IR RE: INSTRUMENT PANEL

2:12-cv-00200

IN RE: BEARINGS

2:12-cy-00500

IN RE: ALTERNATORS

2:13-cv-00700

IN RE: RADIATORS

2:13-cy-1000

THIS RELATES TO:

ALL END-PAYOR ACTIONS

This case was filed under the master case.

It should have been filed in all five separate cases.

IN RE: AUTOMOTIVE PARTS Master File No. 12-md-02311 ANTITRUST LITIGATION

Honorable Marianne O. Battani

IN RE: WIRE HARNESS CASES :

ALL END PAYOR PLAINTIFFS:

THIS RELATES TO: 2:12-cv-00303

Wire harness cases are 2:12-cv-00100.

And this is an End Payor Action, so the case should have been filed under 2:12-cv-00103