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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

MDL No. 2672 CRB (JSC)

IN RE: VOLKSWAGEN “CLEAN
DIESEL” MARKETING, SALES
PRACTICES, AND PRODUCTS
LIABILITY LITIGATION
_____ /

**PRETRIAL ORDER NO. 14 REGARDING
PROTECTED COUNSEL
COMMUNICATIONS**

This Order Relates to:

ALL ACTIONS (except securities actions)
_____ /

Hon. Charles R. Breyer

WHEREAS, on December 8, 2015, the United States Judicial Panel on Multidistrict Litigation transferred 56 civil actions against Volkswagen AG and related entities to the United States District Court for the Northern District of California for coordinated or consolidated pretrial proceedings (Dkt. No. 1);

WHEREAS, since December 8, 2015, a number of additional transfers to this Court for coordinated or consolidated pretrial proceedings have occurred, and further transfers may occur in the future;

WHEREAS, all such actions have been assigned to the Honorable Charles R. Breyer;

WHEREAS, on January 4, 2016, the United States notified the Clerk of the United States Panel on Multidistrict Litigation of its potential tag-along action, *United States of America v. Volkswagen AG, Audi AG, Volkswagen Group of America, Inc., Volkswagen Group of America Chattanooga Operations, LLC, Dr. Ing. h.c.F. Porsche AG, and Porsche Cars North America, Inc.* (Dkt. No. 1044);

1 WHEREAS, the conditional transfer order of the United States’ action against
2 Volkswagen AG, et al., was finalized on January 15, 2016 (Dkt. No. 928), and the United States’
3 action was transferred to the Honorable Charles R. Breyer on January 21, 2016 (3:16-cv-295,
4 Dkt. No. 13); and

5 WHEREAS, on January 21, 2016, the Court ordered the creation of the Plaintiffs’
6 Steering Committee, and appointed Government Coordinating Counsel (Pretrial Order No. 7, Dkt.
7 No. 1084).

8 NOW, THEREFORE, IT IS ORDERED THAT:

9 1. Cooperation by and among Government Coordinating Counsel and/or his
10 designees and the Plaintiffs’ Steering Committee and/or its designees (collectively, “Plaintiffs’
11 Counsel”), and by and among Defendants’ Liaison Counsel and/or his/her designees
12 (“Defendants’ Counsel”), is essential for the orderly and expeditious resolution of this litigation.
13 The communication of information among and between Plaintiffs’ Counsel, including
14 communications among and between Government Coordinating Counsel and/or his designees and
15 Plaintiffs’ Steering Committee and/or its designees, and/or among and between Defendants’
16 Counsel, shall not be deemed a waiver of the attorney-client privilege or the protections afforded
17 attorney’s work product. Nothing contained in this provision shall be construed to limit the rights
18 of any party or counsel to assert the attorney-client privilege or attorney work product doctrine.

19 2. Neither communications among and between Plaintiffs’ Counsel nor
20 communications among and between Defendants’ Counsel are required to be identified on a
21 producing party’s privilege log.

22 3. Nothing herein is intended to authorize disclosure by Government Coordinating
23 Counsel and/or his designees to the Plaintiffs’ Steering Committee and/or its designees in
24 contravention of any confidentiality agreement between the United States and any defendant.

25 4. Except as otherwise provided herein, nothing in this Order is intended to protect
26 from disclosure documents and/or information otherwise discoverable under the Federal Rules of
27 Civil Procedure. The fact that information and/or documents are shared pursuant to this Order
28 does not prevent the discovery of that information and/or documents if otherwise discoverable

1 under the Federal Rules of Civil Procedure.

2 **IT IS SO ORDERED.**

3 DATED: March 4, 2016



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5 CHARLES R. BREYER
6 United States District Judge
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