

United States District Court  
Northern District of California

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN RE: GERMAN AUTOMOTIVE  
MANUFACTURERS ANTITRUST  
LITIGATION

MDL No. 2796 CRB (JSC)

**PRETRIAL ORDER NO. 2**

\_\_\_\_\_ /  
This Order Relates To:

ALL ACTIONS  
\_\_\_\_\_ /

The provisions of this Order shall govern the practice and procedure in those actions that were transferred to this Court by the Judicial Panel on Multidistrict Litigation. This Order applies to all related cases filed in all divisions of the Northern District of California and all “tag-along actions” later filed in, removed to, or transferred to this Court.

1. **CONSOLIDATION** – The civil actions transferred to this Court or related to the actions already pending before this Court are consolidated for pretrial purposes. Any “tag-along actions” transferred to this Court, or directly filed in the Northern District of California, will automatically be consolidated with this action without the necessity of any additional motions or orders. This consolidation does not constitute a determination that the actions should be consolidated for trial, nor does it have the effect of making any entity a party to any action in which he, she or it has not been named, served or added in accordance with the Federal Rules of Civil Procedure.

2. **MASTER DOCKET FILE** – The Clerk of Court will maintain a master docket case file under the style “In re: German Automotive Manufacturers Antitrust Litigation” and the identification “MDL 2796.” When a pleading is intended to apply to all actions, this shall be indicated by the words: “This Document Relates to: ALL ACTIONS.” When a pleading is

1 intended to apply to fewer than all cases, this Court’s docket number for each individual case to  
2 which the document number relates shall appear immediately after the words “This Document  
3 Relates to.”

4 3. **FILING** – Each attorney of record is obligated to become a Northern District of  
5 California ECF User and be assigned a user ID and password for access to the system. Forms and  
6 instructions can be found on the Court’s website at [www.cand.uscourts.gov/cm-ecf](http://www.cand.uscourts.gov/cm-ecf). All  
7 documents shall be e-filed in the Master file, 17-MD-2796. Documents that pertain to one or only  
8 some of the pending actions shall also be e-filed in the individual case(s) to which the documents  
9 pertain. Registration instructions for pro se parties who wish to e-file can be found on the Court’s  
10 website at [www.cand.uscourts.gov/ECF/proseregistration](http://www.cand.uscourts.gov/ECF/proseregistration).

11 4. **APPEARANCES** – Counsel who are not admitted to practice before the Northern  
12 District of California must file an application to be admitted pro hac vice. *See* N.D. Cal. Civil  
13 L.R. 11-3. The requirement that pro hac vice counsel retain local counsel, *see* N.D. Cal.  
14 Civil L.R. 11-3(a)(3), is waived and does not apply to this MDL action.

15 5. **RESPONSE EXTENSION AND STAY** – Defendants are granted an extension of  
16 time for responding by motion or answer to the complaints until a date to be set by the Court.  
17 Pending further order of the Court, all outstanding discovery proceedings are stayed, and no  
18 further discovery shall be initiated.

19 6. **PRESERVATION OF EVIDENCE** – All parties and counsel are reminded of  
20 their duty to preserve evidence that may be relevant to this action, including electronically stored  
21 information. Any evidence-preservation order previously entered in any of the transferred actions  
22 shall remain in full force and effect until further order of the Court. Until the parties reach an  
23 agreement on a preservation plan for all cases or the Court orders otherwise, each party shall take  
24 reasonable steps to preserve all evidence that may be relevant to this litigation. Counsel, as  
25 officers of the court, are obligated to exercise all reasonable efforts to identify and notify parties  
26 and non-parties, including employees of corporate or institutional parties, of their preservation  
27 obligations.

28 7. **CASE WEBSITE** – The Court will maintain a website, accessible to counsel, the

1 parties, the public and the press, free of charge, at [www.cand.uscourts.gov/crb/german-auto-](http://www.cand.uscourts.gov/crb/german-auto-)  
2 litigation. The website will include a list of dates and times of upcoming proceedings, along with  
3 significant court orders and other documents.

4 **IT IS SO ORDERED.**

5 Dated: October 24, 2017



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7 CHARLES R. BREYER  
United States District Judge

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