

1 Elizabeth J. Cabraser (State Bar No. 083151)
2 LIEFF CABRASER HEIMANN &
3 BERNSTEIN, LLP
4 275 Battery Street, 29th Floor
5 San Francisco, CA 94111-3339
6 Telephone: (415) 956-1000
7 Facsimile: (415) 956-1008
8 Email: ecabraser@lchb.com

9 *Plaintiffs' Lead Counsel*

Robert J. Giuffra, Jr.
William B. Monahan
Darrell S. Cafasso
SULLIVAN & CROMWELL LLP
125 Broad Street
New York, New York 10004
Telephone: (212) 558-4000
Facsimile: (212) 558-3588
Email: giuffrar@sullcrom.com
Email: monahanw@sullcrom.com
Email: cafassod@sullcrom.com

*Counsel for Fiat Chrysler Automobiles N.V.,
FCA US LLC, V.M. Motori S.p.A., and V.M.
North America, Inc.*

8 Leigh P. Rendé (PA Bar No. 203452)
9 UNITED STATES DEPARTMENT OF
10 JUSTICE
11 Environment and Natural Resources Division
12 Environmental Enforcement Section
13 P.O. Box 7611, Ben Franklin Station
14 Washington, DC 20044-7611
15 Telephone: (202) 514-1461
16 Email: leigh.rende@usdoj.gov

17 *Government Coordinating Counsel*

Matthew Slater
CLEARY GOTTLIEB STEEN &
HAMILTON LLP
2000 Pennsylvania Ave., N.W.
Washington, DC 20006
Telephone: (202) 974-1500
Facsimile: (202) 974-1999
Email: mslater@cgs.com

Counsel for Robert Bosch LLC

18 UNITED STATES DISTRICT COURT

19 NORTHERN DISTRICT OF CALIFORNIA

20 SAN FRANCISCO DIVISION

21 IN RE: CHRYSLER-DODGE-JEEP
22 ECODIESEL MARKETING, SALES
23 PRACTICES, AND PRODUCTS
24 LIABILITY LITIGATION

Case No. 17-md-02777-EMC

**PRETRIAL ORDER NO. 8 REGARDING
PROTECTED COUNSEL
COMMUNICATIONS**

25 WHEREAS, on April 5, 2017, the United States Judicial Panel on Multidistrict Litigation
26 (“JPML”) transferred six (6) civil actions against FCA US LLC and others to this Court for
27 coordinated or consolidated pretrial proceedings (Docket No. 1);

28 WHEREAS, since April 5, 2017, a number of additional transfers to this Court for
coordinated or consolidated pretrial proceedings have occurred, and further transfers may occur in

1 the future;

2 WHEREAS, all transferred actions have been assigned to the Honorable Edward M.
3 Chen;

4 WHEREAS, on May 23, 2017, the United States notified the Clerk of the JPML of its
5 potential tag-along action, *United States of America v. FCA US LLC, Fiat Chrysler Automobiles*
6 *N.V., V.M. Motori S.p.A., and V.M. North America, Inc.* (JPML Docket No. 108);

7 WHEREAS, the conditional transfer order of the United States' action against FCA US
8 LLC, et al., was finalized on June 8, 2017 (Docket No. 154), and the United States' action was
9 transferred to this Court on June 12, 2017 (3:17-cv-3446, Docket No. 12); and

10 WHEREAS, on June 19, 2017, the Court ordered the creation of the Plaintiffs' Steering
11 Committee, and appointed Government Coordinating Counsel (Pretrial Order No. 3, Docket
12 No. 173).

13 NOW, THEREFORE, IT IS ORDERED THAT:

14 1. Cooperation by and among Government Coordinating Counsel and/or her
15 designees and the Plaintiffs' Steering Committee and/or its designees (collectively, "Plaintiffs'
16 Counsel"), and by and among outside counsel for the Defendants and/or their designees
17 ("Defendants' Counsel"), is essential for the orderly and expeditious resolution of this litigation.
18 The communication of information among and between Plaintiffs' Counsel, including
19 communications among and between Government Coordinating Counsel and/or her designees
20 and the Plaintiffs' Steering Committee and/or its designees, and/or among and between
21 Defendants' Counsel, shall not be deemed a waiver of the attorney-client privilege or the
22 protections afforded attorney's work product. Nothing contained in this provision shall be
23 construed to limit the rights of any party or counsel to assert the attorney-client privilege or
24 attorney work product doctrine.

25 2. Neither communications among and between Plaintiffs' Counsel nor
26 communications among and between Defendants' Counsel are required to be identified on a
27 producing party's privilege log.


28 3. Nothing herein is intended to authorize disclosure by Government Coordinating

1 Counsel and/or her designees to the Plaintiffs' Steering Committee and/or its designees in
2 contravention of any confidentiality agreement between the United States and any defendant.

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

8 **IT IS SO ORDERED.**

9 DATED: August 8, 2017

10 
11 _____
12 EDWARD M. CHEN
13 United States District Judge
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28