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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA - WESTERN DIVISION  
HONORABLE GEORGE WU  
UNITED STATES DISTRICT JUDGE PRESIDING

- - -

In Re: )  
Hyundai and Kia Fuel Economy )  
Litigation ) NO. MDL 13-2424 GW  
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REPORTER'S TRANSCRIPT OF PROCEEDINGS  
LOS ANGELES, CALIFORNIA  
THURSDAY, APRIL 25, 2013

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KATIE E. THIBODEAUX, CSR 9858  
U.S. Official Court Reporter  
312 North Spring Street, #436  
Los Angeles, California 90012

1 saying that worked about right. I spent an hour looking  
2 at the index and looking at the documents I flagged. So  
3 my intention is to continue with that process so long as  
4 it is working.

5 If the productions are so large that we can't  
6 keep up and it is going to delay, then I may expand the  
7 people who are doing the initial reviews or work with  
8 settling counsel or something like that. But I think we  
9 can figure that out. The point is the eye of all this is  
10 to make sure everyone is included, everyone has their  
11 say, but it is done as efficiently as possible.

12 So ultimately what is going to happen is we  
13 will have written discovery, we will make sure  
14 everyone can weigh in on that, we will turn it around  
15 quickly, and we will proceed. Defendants will know what  
16 the requests are before they finish the production. So  
17 we should have a complete production, I would say, before  
18 May 30th.

19 THE COURT: All right. Let me ask Mr. Morgan, you  
20 wanted to add something as well.

21 MR. MORGAN: Sure. With respect to the documents  
22 that are being produced now with the confirmatory  
23 discovery. Although it is correct that Mr. Carey said we  
24 gave him something in the nature of a 261 disclosure, it  
25 wasn't a formal document and nor was it done in a vacuum

1 from our side. It was based on discussions we had had  
2 with the settling plaintiffs about the categories of  
3 documents they would like to see.

4 So many of Mr. Rosenfield's concerns were  
5 already addressed in the request that they had made, and  
6 so this is a fairly comprehensive set of documents that  
7 is going into the database now, not just ones that we  
8 handpicked.

9 Second, in terms of timing, it has been  
10 contemplated among the settling parties that any sort of  
11 written discovery in the nature of an interrogatory,  
12 these would be done as informal requests in the sense  
13 that we are not going to have a 30-day response period,  
14 you know, give objections. We are endeavoring to  
15 expedite this as soon as possible outside the bounds of  
16 the normal federal rule practice.

17 Third, this is a concern that we don't have to  
18 address yet, but it seems to be bubbling given the  
19 comments of some of the other plaintiff's counsel, when  
20 you are talking about extensive written discovery and  
21 having these more in the nature of depositions and more  
22 document requests, you know, we are edging now towards  
23 full-blown discovery. And, of course, one of the reasons  
24 the defendants settled early and had a limited  
25 confirmatory discovery process is to avoid that expense.

1 THE COURT: Let me stop you. The stuff we are  
2 talking about now is nowhere approaching normal. In  
3 other words, we are talking about one-fiftieth of the  
4 amount of time it would otherwise take.

5 MR. MORGAN: Again, that is why I said we will  
6 address it if it becomes an issue but there --

7 THE COURT: And I agree that obviously we do not  
8 want to have regular normal discovery at this point in  
9 time because hopefully the matter can be resolved without  
10 engaging in every arsenal, discovery arsenal. So I  
11 understand that.

12 Okay. So I guess we are kind of like  
13 understand, and, again, what I will wind up doing at the  
14 close of this, I will give another status conference  
15 date. And if there is, you know, turning out to be some  
16 problem so far as this discovery process or this semi  
17 discovery process is concerned, you know, the parties who  
18 have a problem can bring it to my attention then and I  
19 will address it at this point.

20 But let's say that at this stage I understand  
21 I think what is going on, and it doesn't seem to be a  
22 major problem. Although, again, I do want the  
23 nonsettling plaintiffs to be able to participate in the,  
24 I guess, whatever thing that we are referring to as  
25 discovery at this point is is. Okay.

1 All right. The last thing is that have the  
2 parties further discussed when -- and if you don't have a  
3 date, that is fine, just out of curiosity, when there  
4 would be at some point in time I guess a request for  
5 preliminary approval of a settlement which will at that  
6 point in time lock in as to which plaintiffs are going to  
7 be agreeing to the settlement and which are not, and I  
8 can tee up all that stuff for resolution.

9 Yes.

10 MR. CAREY: Rob Carey, your Honor.

11 I would anticipate based on if everything  
12 holds to form on the process we are talking about, that  
13 our preliminary approval motion would be filed in late  
14 July.

15 THE COURT: Really. That is fast. Not that I am  
16 complaining. Okay. Well, we will see.

17 All right. Let me ask is there anything else  
18 I need to do other than to set another date?

19 MR. GIBBS: This probably depends -- is your Honor  
20 contemplating setting another conference two weeks from  
21 now?

22 THE COURT: Yes. Like two weeks from now. What I  
23 will do is set a date, but if it turns out that nobody  
24 has any complaints at that point in time, that everything  
25 is going along as we have discussed, what I would do is