

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

CASE NO. 10-20131-CIV-LENARD/TURNOFF

**IN RE: AMERICAN AIRLINES FLIGHT 331,**

Defendant.

**ORDER GRANTING APPOINTMENT OF LEAD COUNSEL  
AND STEERING COMMITTEE**

THIS CAUSE having come before the Court on July 20, 2010, at the Case Management Conference and the Court having reviewed the file and being otherwise duly advised, it is hereby

ORDERED AND ADJUDGED that this Court appoints Steven C. Marks, Esq. Lead Plaintiffs' Counsel in the matter of American Airlines Flight 331. Ricardo M. Martinez-Cid, Esq. shall be appointed Plaintiffs' Liaison Counsel. A Steering Committee will be comprised of Lead Plaintiffs' Counsel, Steven C. Marks, Plaintiffs' Liaison Counsel, Ricardo M. Martinez-Cid, and Seth Miles, Esq. and David R. Heffernan, Esq., who will serve as members.

Lead Defendant's Counsel and Lead Plaintiffs' Counsel shall confer either in person or via telephone and file the Joint Scheduling Form and Report and fully comply with this Court's May 13<sup>th</sup>, 2010 Order by no later than August 20, 2010.

Prosecution of the pretrial aspects of this litigation on behalf of Plaintiffs shall be undertaken by the Plaintiffs' Steering Committee ("PSC"). The duties, responsibilities and makeup of the PSC is subject to modification by the PSC, by agreement, with this Court's approval.

The PSC is vested with the following responsibilities and duties relating to this action with the objective of accomplishing the parties' litigation objectives in the most efficient and expeditious manner through coordination of discovery requests, the presentation of discovery

CASE NO. 10-20131-CIV-LENARD/TURNOFF

disputes, and the presentation of law and motion matters to the District Court. More specifically, the PSC has the authority to:

1. Advance the common interests of the Plaintiffs in the prosecution of the issues of liability in the actions against Defendant;
2. Conduct the examination of witnesses in depositions as they deem appropriate, subject to the right of non-PSC members to attend and submit questions to the examining Plaintiff's attorney;
3. Coordinate and direct the pretrial preparation of this matter and to delegate work responsibilities to selected counsel as may be required;
4. Avoid conducting duplicative discovery or filing duplicative pleadings;
5. Perform such other functions as may be authorized by further Order of this Court;
6. Serve consolidated written discovery requests to the Defendants on behalf of all Plaintiffs; and
7. File consolidated Motions, Responses to Motions, and Replies concerning discovery and liability issues on behalf of all Plaintiffs.

This Court further Orders that the PSC will have the following administrative responsibilities and duties relating to this action on behalf of the Plaintiffs:

1. To designate persons to brief and argue motions;
2. To initiate and coordinated the conducting of written and oral discovery proceedings;
3. To designate spokesperson at pretrial conference;
4. To call meetings of Plaintiffs' counsel as they deem necessary and appropriate from time to time;

CASE NO. 10-20131-CIV-LENARD/TURNOFF

5. To provide general coordination of activities of Plaintiffs' counsel and to delegate work responsibilities to selected counsel, including non-PSC members as may be required;
6. To coordinate this matter with any other related litigation not otherwise referred to herein;
7. To provide periodic reports to non-PSC Plaintiffs' counsel concerning the status of the litigation on no less than a quarterly basis;
8. To establish and maintain a depository for all documents served upon Plaintiffs' counsel and to make such files available to counsel for all plaintiffs upon request;
9. To bind all Plaintiffs' counsel in scheduling depositions, setting agenda and otherwise interacting with defense counsel;
10. To maintain a current Master Service List of all counsel of record;
11. To maintain records of receipts and disbursements advanced by members of the PSC and received by the PSC with respect to expenses incurred in connection with this litigation; and
12. To notify counsel for Defendant of the filing and transfer of any case which relates to any claim or cause of action which is embraced within the scope of the Consolidated Actions.

All parties shall submit to Plaintiffs' Lead Counsel, appointed by this Order, a list of attorneys for the purpose of preparation, maintenance and distribution of a Master Service List. The Master Service List, as periodically updated, shall be maintained by the Clerk and Lead Counsel in the service of any paper or Order.

**Coordination of Discovery**

The parties have agreed, and the Court now Orders, that all written discovery shall be served electronically, by e-mail in lieu of service by mail, upon all parties on the Master Service


CASE NO. 10-20131-CIV-LENARD/TURNOFF

List. Service in this manner shall be deemed to be pursuant to Fed. Rule Civ. Proc. 5(b)(2)(E), and therefore, three (3) days are added after the period in which to act would otherwise expire, pursuant to Rule 6(d). It will be the responsibility of Plaintiffs' Lead Counsel to ensure that the service list for Plaintiffs' counsel is accurate, and it shall be the responsibility of Defendant's Counsel to ensure that the service for the defendant(s) is accurate. Defendant shall notify Lead Plaintiffs' Counsel of any newly filed cases related to this litigation.

**Subsequently Related Cases**

This Order shall apply to all related cases later filed in, removed to, or transferred to this Court.

DONE AND ORDERED in Chambers at Miami-Dade County, Florida, this 3rd day of September, 2010.

  
JOAN A. LENARD  
United States District Judge

Copies furnished:  
All counsel of record.