

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

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IN RE: SMITTY’S/CAM2 303 TRACTOR  
HYDRAULIC FLUID MARKETING, SALES  
PRACTICES, AND PRODUCTS LIABILITY  
LITIGATION

MDL No. 2936

Master Case No. 4:20-MD-02936-SRB

ALL ACTIONS

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**ORDER GRANTING MOTION FOR APPOINTMENT OF LEADERSHIP STRUCTURE  
BY ALL PLAINTIFFS**

Before the Court is a Motion for Appointment of Leadership Structure by All Plaintiffs and Suggestions in Support. (Doc. #12.) Having considered the Plaintiffs’ consensus submission regarding leadership structure, the motion is GRANTED. Pursuant to [Fed. R. Civ. P. 23\(g\)](#), the Court hereby orders as follows:

1. **Plaintiffs’ Lead Class Counsel:** To serve as Plaintiffs’ Lead Class Counsel, the Court appoints the following counsel:

Thomas V. Bender  
HORN AYLWARD & BANDY, LLC  
2600 Grand Boulevard, Ste. 1100  
Kansas City, MO 64108  
Phone: (816) 421-0700  
Fax: (816) 421-0899  
[tbender@hab-law.com](mailto:tbender@hab-law.com)

2. **Duties of Plaintiffs’ Lead Counsel:** Plaintiffs’ Lead Counsel shall have the following responsibilities:

- (A) Direct and manage pretrial proceedings on behalf of all Plaintiffs, including the briefing and argument of motions and the conduct of all types of discovery proceedings;

- (B) Delegate work responsibilities among Plaintiffs' counsel and monitor the activities of all Plaintiffs' counsel to assure that Plaintiffs' pretrial preparation is conducted effectively, efficiently, and economically, that schedules are met, and that unnecessary expenditures of time and expenses are avoided;
- (C) Consult with and employ consultants or experts, as necessary;
- (D) Coordinate settlement discussions or other dispute resolution efforts on behalf of Plaintiffs, under the Court's supervision, if and as appropriate;
- (E) Enter into stipulations with opposing counsel as necessary for the conduct of the litigation;
- (F) Prepare and distribute to Plaintiffs' counsel periodic status reports;
- (G) Maintain adequate time and disbursement records covering services as designated counsel; and,
- (H) Perform such other duties as may be incidental to proper coordination of Plaintiffs' pretrial activities or as authorized by further Order of the Court.

3. **Plaintiffs' Liaison Counsel:** To serve as Plaintiffs' Liaison Counsel, the Court appoints the following counsel:

Dirk Hubbard  
HORN AYLWARD & BANDY, LLC  
2600 Grand Boulevard, Ste. 1100  
Kansas City, MO 64108  
Phone: (816) 421-0700  
Fax: (816) 421-0899  
[dhubbard@hab-law.com](mailto:dhubbard@hab-law.com)

4. **Duties of Plaintiffs' Liaison Counsel:** Plaintiffs' Liaison Counsel shall have the following responsibilities:

- (A) Communicate with the Court, on behalf of the Plaintiffs, concerning scheduling and other administrative matters;
- (B) Maintain an up-to-date, comprehensive Service List and promptly advise the Court and Defendants' counsel of changes to Plaintiffs' Service List;
- (C) Receive and distribute to Plaintiffs' counsel, as appropriate, Orders, notices, and correspondence from the Court, to the extent such documents are not electronically filed; and
- (D) Receive and distribute to Plaintiffs' counsel, as appropriate, discovery, pleadings, and correspondence and other documents from Defendants' counsel that are not electronically filed.

5. **Plaintiffs' Co-Lead Counsel:** To serve as Plaintiffs' Co-Lead Counsel, the Court appoints the following counsel:

Thomas V. Bender  
Dirk Hubbard  
HORN AYLWARD & BANDY, LLC  
2600 Grand Boulevard, Ste. 1100  
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[clayton@claytonjoneslaw.com](mailto:clayton@claytonjoneslaw.com)

6. **Plaintiffs' Executive Committee:** The Court appoints Co-Lead Counsel and the following counsel as Plaintiffs' Executive Committee:

Zachary T. Anderson  
BOLEN ROBINSON & ELLIS, LLP  
202 S. Franklin St., 2<sup>nd</sup> Floor  
Decatur, IL 62523  
Phone: 217-429-4296  
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Mark. P. Bryant  
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T: (800) 551-8649  
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7. **Discovery Committee:** The Court appoints Co-Lead Counsel and the following counsel as Plaintiffs' Discovery Committee:

Stephen R. Basser  
BARRACK, RODOS & BACINE  
One America Plaza  
600 West Broadway, Suite 900  
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T: (304) 345-8999  
F: (304) 345-7638  
[travis@protectingwv.com](mailto:travis@protectingwv.com)

8. **Research and Briefing Committee:** The Court appoints Co-Lead Counsel and the following counsel as Plaintiffs' Research and Briefing Committee:

Stephen R. Basser  
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San Diego, CA 92101  
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Christopher D. Jennings  
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Little Rock, Arkansas 72201  
T: (501) 372-1300  
F: (888) 505-0909  
[chris@yourattorney.com](mailto:chris@yourattorney.com)

9. **Experts Committee:** The Court appoints Co-Lead Counsel and the following as Plaintiffs' Experts Committee:

Paul D. Lundberg  
LUNDBERG LAW FIRM, P.L.C.  
600 Fourth St., Suite 906  
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John M. Sandy  
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304 18<sup>th</sup> Str., Box 445  
Spirit Lake, IA 51360  
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[jmsandy@sandypractice.com](mailto:jmsandy@sandypractice.com)

10. All Plaintiffs' counsel will work in their committee and/or other tasks, as directed by Lead Counsel, to facilitate the fair, efficient, and effective representation of class members.

11. All other Plaintiffs' counsel will serve as a committee of the whole to facilitate the fair, efficient, and effective representation of class members, subject to the direction of Lead Counsel.

12. Lead Counsel will collect and maintain time records from Plaintiffs' counsel, and Lead Counsel will prepare quarterly reports detailing the time and expenses spent on the case. Such reports will be available for the Court for *in camera* review, upon request.

13. No attorney will be paid for work not specifically assigned by Lead Counsel or for time spent in court or depositions by attorneys who do not speak unless Lead Counsel authorizes their attendance in advance as being necessary to assist the attorneys who do speak.

**IT IS SO ORDERED.**

/s/ Stephen R. Bough  
STEPHEN R. BOUGH  
UNITED STATES DISTRICT JUDGE

Dated: July 9, 2020