

For Production No. 8 and an indication that the documentation is all of the responsive documentation in the possession, custody, or control of the defendant.

Interrogatory No. 15 and Request for Production No. 11: The Court finds this inquiry to be relevant. The Takata Defendants have agreed to determine what, if any, customer complaint information related to the seat belt restraint system at issue in this litigation they have in their possession and contact plaintiffs' counsel to attempt to reach a resolution related to the same. If a resolution cannot be reached, a phone call will be scheduled with the Court.

Interrogatory No. 16: Takata shall determine how many vehicles contain the retractor involved in this litigation and, if Takata determines that listing the number of vehicles is overly burdensome, it shall notify the Court and request that the Motion as to this interrogatory be denied on that basis. If Takata determines that the number of vehicles is not overly burdensome to produce, it shall list the vehicles containing the retractor in a verified supplemental response.

Request for Production 12: The Court finds that this request seeks relevant information, and therefore [*15] documents responsive to this request shall be produced, only to the extent the Takata Defendants contend that there are differences in safety performance between the restraint system used by Takata Defendants in the 2005 GMC Yukon and other restraint systems used by Takata Defendants, *with the same retractor employed in the 2005 Yukon*, in other SUV-type vehicles. This information is relevant for plaintiffs to show substantial similarity for other incidents involving SUVs using the same seat belt system (i.e. a system that uses the same retractor used in the 2005 GMC Yukon). Unlike the facts of the Gibson case cited by the defendants -- where the plaintiffs failed to present sufficient support to demonstrate the similarity of the products at issue -- the plaintiffs in the present case seek discovery of seat belt systems with the same "pertinent characteristics," as they relate to the accident at issue. Takata Defendants will only need to produce records if they contend that their seat belt systems used in SUVs, despite using the same retractors, somehow perform differently from the seat belt system in the 2005 Yukon. If the Takata Defendants contend that there are no differences in [*16] terms of safety performance, then the Takata Defendants will not have to produce any documents in response to this request. ²

² In addition, the Gibson case is not binding authority on this court.

Request for Production 13: The court finds that this request seeks relevant information, so long as the information on rollover research and development is limited to seat belt systems using the same retractor as the retractor used in the 2005 GMC Yukon. However, request 13.03, which relates to research and development regarding the effectiveness of pretensioning devices in protecting occupants in a rollover, will not be limited to only seat belt systems using the same retractor. The Takata Defendants shall respond to this request -- which relates more directly to the spool out allegation and the existence of a safer alternative design -- in its current form.

III. CONCLUSION

For internal use only