

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

IN RE: MOTOR FUEL TEMPERATURE)	
SALES PRACTICES LITIGATION)	
)	MDL No. 1840
(This Document Relates to All Cases))	
)	Case No. 07-MD-1840-KHV/JPO
_____)	

Order Of Appointment Of Defendants' Liaison Counsel

1. The law firm of Blackwell Sanders, LLP, and Martin M. Loring, a partner in that firm, is appointed Liaison Counsel for defendants. Defendants' Liaison Counsel is authorized to (a) receive orders, notices, correspondence and telephone calls from the Court and the Clerk of Court on defendants' behalf; (b) prepare and transmit copies of such orders and notices on defendants' behalf; and (c) receive orders and notices from the Judicial Panel on Multidistrict Litigation. Liaison Counsel shall also cooperate with plaintiffs' Liaison Counsel and Lead Counsel in the orderly coordination and management of communications and interactions between plaintiffs and defendants and with respect to any pleadings or discovery documents that are not subject to ECF filing, maintain complete files with copies of all such documents and pleadings served upon them and make such files available to all defendants' counsel. Liaison Counsel shall also perform such other services of coordination and facilitation as may be helpful to defendants and/or the Court in the management of this litigation.

2. Defendants' Liaison Counsel is appointed for the benefit of the Court and of defendants' counsel in the orderly management of this litigation. Therefore, no attorney-client relationship shall be deemed to exist between defendants' Liaison Counsel and any individual defendant, and no conflict of interest shall be found to exist, as a result of this appointment or the

work performed pursuant to this appointment. Nevertheless, consistent with paragraph 21 of the Court's Preliminary Practice and Procedure Order dated July 24, 2007, any communications between Defendants' Liaison Counsel and any defendant or group of defendants related to this litigation shall be subject to a joint defense privilege fully equivalent to the attorney-client privilege, and furthermore shall be considered attorney work product and fully protected as such.

3. All defendants are hereby ordered to share in the cost of the fees and expenses of defendants' Liaison Counsel. Defendants are ordered to reach agreement regarding the reasonable allocation of such fees and expenses among themselves, and a mechanism for payment and pre-funding, with each defendant to be responsible for an appropriate share. In the event defendants cannot reach a complete agreement regarding a method of allocation, or in the event that any defendant declines to pay its allocated share, defendants may bring such issues to the Court's attention by way of further motion to be heard and decided by Magistrate James P. O'Hara in camera.

IT IS SO ORDERED.

Dated this 30th day of August, 2007 at Kansas City, Kansas.

s/ Kathryn H. Vratil
Kathryn H. Vratil
United States District Judge