Rha vs. Asiana Airlines Doc. 24

United States District Court
Northern District of California

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

IN RE:

AIR CRASH AT SAN FRANCISCO, CALIFORNIA, ON JULY 6, 2013

MDL No.: 13-md-2497

PRETRIAL ORDER NO. 2

THIS ORDER RELATES TO:

Kyung Rhan Rha v. Asiana Airlines et al.
Case No. 14-CV-01486

Eugene Rah v. Asiana Airlines, Inc. et al.
Case No. 14-CV-05603

Eun Koo Chong v. Asiana Airlines et al.
Case No. 14-CV-05510

Sook Young Hyun v. Asiana Airlines et al.
Case No. 15-CV-03511

Woo Lee Han v. Asiana Airlines et al.
Case No. 15-CV-00053

TO ALL PARTIES AND COUNSEL OF RECORD:

In light of the Joint Case Management Conference Statement, (Dkt. No. 834), the Court hereby **ORDERS** as follows:

1. The Court understands, based upon the representations of the parties, that one of the above-captioned cases, *Eun Koo Chong v. Asiana Airlines et al.* Case No. 14-CV-05510, has settled. Accordingly, all pending motion, case management, and trial dates in the *Eun Koo Chong* matter are **VACATED**. A compliance hearing shall be held on the Court's **9:01 a.m.** calendar on **Friday, September 29, 2017**, in Courtroom 1 of the United States Courthouse located at 1301 Clay Street in Oakland, California. By no later than 5 business days prior to the date of the compliance hearing, the parties shall file (a) a proposed

Dockets.Justia.com

Stipulation of Dismissal and Application for Approval of Minor's Compromise; or (b) a one-page **JOINT STATEMENT** setting forth an explanation regarding the failure to comply. If compliance is complete, the parties need not appear and the compliance hearing will be taken off calendar. Telephonic appearances will be allowed if the parties have submitted a joint statement in a timely fashion.

2. Pursuant to the Court's Trial Setting Order, (Dkt. No. 795), the trial dates are confirmed and/or revised as follows:

Trial Date	Case Number	Case Title
September 25, 2017	14-CV-01486	*Kyung Rhan Rha v. Asiana Airlines et al*
October 23, 2017	14-CV-05603	*Eugene Rah v. Asiana Airlines, Inc. et al*
November 6, 2017	15-CV-03511	*Sook Young Hyun v. Asiana Airlines et al* (Limited to Sook Young Hyun's personal injury claim and Hyan Seob Oh's derivative loss of consortium claim.)[1]
November 13, 2017	15-CV-00053	*Woo Lee Han v. Asiana Airlines et al* (Claims of Jeong Mi Lee and Nae Hyuong.)
November 28, 2017	15-CV-00053	*Woo Lee Han v. Asiana Airlines et al* (Separate trials for each remaining non-settling crew member plaintiff begin. Trial order to be determined.)[2]

3. In light of plaintiffs' non-opposition to the motion of defendant Asiana Airlines, Inc. ("Asiana") for an order to determine damages law applicable to claims by plaintiffs Jeong Mi Lee, Ji Youn Kim, Jin Hee Lee, Woo Lee Han, Yun Ju Kim, and Sook Young Hyun, against Asiana, (Dkt. No. 829), Asiana's Motion is **GRANTED**. Accordingly, the Court finds that South Korea damages law and standards to determine the quantum of damages

[1] Hyan Seob Oh's separate claim for personal injuries and Sook Young Hyun's derivative loss of consortium claim will be tried as Group 2 claims.

[2] The Court understands the remaining non-settling crew members to be Woo Lee Han, Ji Youn Kim, Yun Ju Kim, and Jin Hee Lee.

apply to the claims of plaintiffs Jeong Mi Lee, Ji Youn Kim, Jin Hee Lee, Woo Lee Han, Yun Ju Kim, and Sook Young Hyun, against Asiana.

4. With respect to the parties' request for clarification, (Dkt. No. 834 at 4:16), the Court generally requires the *filing* of discovery designations so that parties cannot expand the designations in the future. That said, given the parties' cooperative approach, the Court **APPROVES** a mutual exchange without filing.
5. The Court hereby relieves Brian Alexander of Kreindler & Kreindler LLP of plaintiffs' liaison counsel duties. No further liaison counsel shall be appointed.
6. In light of Dkt. No. 832, the Court **ORDERS** the caption in *Hyun v. The Boeing Company*, Case No. 15-CV-03507, revised as follows:

Case Number	Current Caption	Revised Caption
15-CV-03507	*Hyun v. The Boeing Company*	*Kum v. The Boeing Company*

This Order terminates Dkt. No. 829.

IT IS SO ORDERED.

DATED: July 24, 2017

YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE

United States District Court
Northern District of California