

# EXHIBIT A

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

UNITED STATES OF AMERICA  
UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION

- - -  
HONORABLE GEORGE H. WU,  
UNITED STATES DISTRICT JUDGE PRESIDING  
- - -

IN RE: HYUNDAI and KIA ) MDL  
FUEL ECONOMY LITIGATION ) 13-2424-GW (FFMx)  
)  
)  
)  
)  
)  
)  
-----)

SCHEDULING CONFERENCE  
REPORTER'S TRANSCRIPT OF PROCEEDINGS  
THURSDAY, MARCH 28, 2013  
A.M. SESSION  
LOS ANGELES, CALIFORNIA

SHERI S. KLEEGER, CSR 10340  
FEDERAL OFFICIAL COURT REPORTER  
312 NORTH SPRING STREET, ROOM 402  
LOS ANGELES, CALIFORNIA 90012  
PH: (213) 894-6604

1           So, that's another issue that I will discuss  
2 in a moment with counsel.

3           The next one is the confidentiality  
4 agreement.

5           Is there a problem with the confidentiality  
6 agreement at this point in time?

7           MR. ROSENFELD: Your Honor, Harvey  
8 Rosenfield, Consumer Watchdog, counsel for the Krauth  
9 and Hasper plaintiffs, as well as the Byrd case in  
10 Sacramento Superior Court.

11           There is no problem right now with the  
12 confidentiality agreement. We got it on last Monday.  
13 We signed it. And on Tuesday, we got the production of  
14 the document that was promised to us at the last  
15 hearing, which sets forth the compensation on a per  
16 vehicle basis.

17           What I would like to -- I stood up to ask  
18 for the Court to intervene on our behalf to talk about  
19 the problem that is raised by what was produced under  
20 that confidentiality agreement.

21           Would you permit me to speak to that now?

22           THE COURT: I will give you 90 seconds.

23           MR. ROSENFELD: Okay. The documents that  
24 -- we have been trying to get the documents from the  
25 defendants and from the Brady plaintiffs since they

1 first told us that there was a settlement before this  
2 Court in February.

3 We were supposed to -- we got a term sheet  
4 last month. It has some general terms. On Monday we  
5 got the spreadsheet, which a flat spreadsheet. That is,  
6 Your Honor, it doesn't contain the formulas that were  
7 used to populate the values.

8 There are many things we do not know from  
9 that spreadsheet, that how those values in the  
10 spreadsheet were calculated, how they compare with the  
11 refund program that Hyundai adopted immediately after  
12 the EPA announcement. In other words, the informal  
13 program that it announced to address consumers'  
14 concerns. No Kia data has been available.

15 We -- in a filing that the Brady group made  
16 on March 7th, they wrote the Krauth group -- that refers  
17 to us -- now seeks to play the role of spoiler even  
18 before it --

19 THE COURT: I saw that.

20 MR. ROSENFELD: Even before it has a  
21 complete factual basis for assessing the settlement.

22 Now, we don't want to be a spoiler. We want  
23 to stand up and --

24 THE COURT: Let me stop you. Let me stop  
25 you.

1 I do agree with you in this sense. As I  
2 have indicated, and I indicated earlier on, the parties  
3 who have reached a settlement, in order for them to make  
4 that settlement, or to finalize that settlement, pretty  
5 much have to minimize objections from other plaintiffs  
6 and other plaintiffs' counsel.

7 And I do agree that insofar as informational  
8 materials are concerned, they cannot expect counsel in  
9 other cases to agree unless they have a specific basis  
10 to formulate an agreement or a disagreement.

11 And I do understand that obviously  
12 plaintiffs' counsel in different cases owe a duty to  
13 their respective named plaintiff and potentially the  
14 class, if ultimately the class is certified, you know,  
15 to be informed.

16 So I would say that when you make a request  
17 for reasonable information, that that information should  
18 be provided. And even the parties have agreed that  
19 there can be discovery on stuff in regards to the  
20 settlement so that if there is some recalcitrance on one  
21 side or the other to get the materials, you can always  
22 bring discovery.

23 But hopefully it won't come to that, because  
24 hopefully the materials would be provided.

25 But I do agree with you that information