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**ENDORSED
FILED
ALAMEDA COUNTY**

DEC. 8 1997

**RONALD G. OVERMOLT, Exec. Off./Clerk
By Marian Checchi**

8 CALIFORNIA SUPERIOR COURT
9 COUNTY OF ALAMEDA

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12 ROBERT HOWARD, SUSAN VON RITTER,
DOUGLAS CURRAN, KIRK MORGANSON, and
13 JERRY MACALA, on behalf of themselves and all
others similarly situated,

14 Plaintiffs,

15 vs.

16
17 FORD MOTOR COMPANY, and DOES 1-100,
18 inclusive,

19 Defendants.

No. 763785-2

^{MB}
**~~PROPOSED~~ ORDER GRANTING
PLAINTIFFS' MOTION FOR CLASS
CERTIFICATION**

DATE: September 11, 1996

TIME: 2:00 p.m.

TRIAL DATE: Not set

Hon. Michael E. Ballachey

1 At 2:00 p.m. on September 11, 1997, the parties appeared before the Honorable Michael E.
2 Ballachey in Department 19 of this Court for a hearing of Plaintiffs' motion for class certification.
3 Appearing on behalf of the Plaintiffs were Paul D. Nelson, Michael D. Hausfeld, and Jeffrey L. Fazio.
4 Appearing on behalf of Defendant Ford Motor Company were Richard C. Warmer and Brian D. Boyle.
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6 Having carefully considered the papers submitted to the Court by the parties, having heard oral
7 argument by counsel at the September 11 hearing, and finding good cause appearing therefor, the Court
8 hereby GRANTS Plaintiffs' motion for class certification in all respects, EXCEPT (a) the manner in
9 which notice will be disseminated to the class, and (b) Plaintiffs' request that the Court order Ford to bear
10 the cost of class notification. The Court will consider class-notice issues during the next case
11 management conference in this action, which is now scheduled to take place on January 30, 1998.
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13 The proposed class is hereby certified as follows:
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15 All persons residing in California who currently own or lease a 1983 through 1995 model-year
16 Ford, Lincoln or Mercury with a distributor-mounted TFI module; and all persons residing in
17 California who purchased a 1983 through 1995 model-year Ford, Lincoln or Mercury with a
18 distributor-mounted TFI module when that vehicle was new.

19 In addition, the Court hereby certifies a subclass of class members pursuing claims under the Consumer Legal
20 Remedies Act, Civ. Code §§ 1750-1781 (the "CLRA") as follows: All class members who are "consumers,"
21 as that term is defined at California Civil Code section 1760(d), and who have not suffered monetary damages
22 in excess of \$1,000.¹
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25 ¹Excluded from the class are the following: (a) Ford, its subsidiaries and affiliates, officers, directors, and
26 employees; (b) persons who have suffered physical injury as a result of a malfunctioning TFI module installed in a
27 vehicle manufactured by Ford, as well as the legal representatives, heirs, successors or assigns of any such excluded
28 class member; (c) persons who have filed separate, non-class legal actions against Ford asserting consumer-fraud
claims based on the TFI defect; (d) persons who have settled with and validly released Ford from individual claims
substantially similar to those alleged in this Complaint; and (e) persons who meet both of the following criteria: (i)
have paid or were charged for the cost of replacing a TFI module; and (ii) are not "consumers," as that term is defined
by the CLRA. See Civ. Code § 1760(d).

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SO ORDERED.

DATED: DEC 8 - 1997, 1997

MICHAEL E. BALLACHEY

The Honorable Michael E. Ballachey
Alameda County Superior Court Judge

Approved as to Form

DATED: December 4, 1997

O'Melveny & Myers LLP

By Richard C. Warner
Richard C. Warner

Attorneys for Defendant Ford Motor Co.

Evidentiary rulings - Ford v. Howard - Class Cert. Hearing

Cite Biljac and Monogram Industries - relied only on appropriate evidence - "substantial" - not necessarily established as admissible.

Did NOT rely on ANY newspaper articles, or opinions in other trial court matters, specifically Sheldon (and the briefs filed from that case)

Objections to "Ford Produced Documents" - OVER RULED (See Exh 20, 3, 6, 7, 8, 14, 15, 16, 17, 18, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 34, 39, 40, 41, 42, 44, 46, 47, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 85-87, 91, and 93) - for the purposes of this hearing only.

Objections to Pecht, Friedman, Ditlow, Gunderson, and Brownlee depositions - OVERRULED for the purposes of this hearing only.