Exhibit A - Special Master Discovery Order #2 - 2024-02-24

Appendix A – Special Master Index of Issues – Version #5
Summary Ruling #108

After numerous discussions with counsel including the in-person hearing conducted on 1/25 and 26, the remaining single issue on this topic was summarized in the 2/5 Zoom conference with the parties, to wit (as unofficially transcribed):

Special Master: "[O]ne of my big takeaways – right or wrong – was what you, being Plaintiffs . . . the critical piece of information is the final commitment . . . numbers at the conclusion of the wholesale process; that that number per dealer is what is missing in readily available discovery that has been produced thus far, without having to go back and rebuild the final e-commitment report that you took me through . . . it's that identification of the final commitment number. So I'm going to turn to Plaintiffs and try to clarify that . . . today."

Mr. Nakon: "That's a correct statement. You made a correct statement."

Hereinafter "the Information."

There is no question by Plaintiffs or Ford that the Information exists in the ASOBRs that have been produced thus far. Plaintiffs have established that it is cost prohibitive to engage in the manual process of extracting the Information from the ASOBRs for Plaintiffs' use of the Information in the preparation of their case, including expert witness analysis. Defendant does not dispute that extracting the Information from the ASOBRs is a burden without a corresponding quantification.

Based on the multiple discussions with counsel, review of relevant testimony cited by the parties, documents offered and cited by the parties, the undersigned finds that the Information is not in a usable format.

As such, and after discussion with the Parties as preview to this ruling, in a final attempt to resolve this issue, we shall proceed as follows:

(1) Ford shall make the "business owner" (as identified by Defendant's counsel in the 2/5 Zoom conference) of the relevant databases that contain the Information at 3:00 p.m. on Tuesday, 2/13 for a Zoom conference;

(2) during that Zoom conference the Special Master will examine that person under oath as to whether the Information can be produced in another fashion other than through the ASOBRs and, if so, the estimated cost to Ford to do produce the Information in an alternative fashion; and

(3) Plaintiffs may submit, for the Special Master's consideration, proposed questions that they believe should be posed by the Special Master during this limited inquiry no later than 2:00 p.m., Monday, 2/12.

This approach is intended as a narrowly-tailored final step on the so-called "final commitment" reports/issue.

As discussed with counsel on February 5, any questions or clarifications can be raised by the Parties at the Zoom conference now scheduled for 3:00 p.m. on Friday, 2/9.