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1 UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
2 -----x
IN RE: GENERAL MOTORS LLC
3 IGNITION SWITCH LITIGATION
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14 MD 2543 (JMF)

New York, N.Y.
April 24, 2015
9:30 a.m.

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5
6 Before:

7 HON. JESSE M. FURMAN,

8 District Judge

9 APPEARANCES

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F4OHGMIC

1 (Case called)

2 THE COURT: All right. You guys know the drill. We are
3 on CourtCall. Again, reminder number one, that some judges
4 and staff from related actions may be on the line; and,
5 number two, just a reminder to please speak loudly, clearly,
6 and into the microphones.

7 As you know, my plan is to follow the joint agenda letter
8 of April 18. Once again, though, I do want to just take one
9 thing out of order, which is just the schedule. My
10 understanding from my law clerk is that you have proposed a
11 different date for our next status conference. I think
12 currently it's scheduled for June 26, if I'm not mistaken, but
13 I understand there may be a different proposal.

14 MR. BERMAN: We're proposing June 16. I think that date
15 was open on your calendar.

16 THE COURT: Hang on. There seems to be a problem with
17 your microphone.

18 The proposal is to change it to June 16. And you want to
19 tell me the theory. Not that I need to know a theory, just
20 curious. Just you want to see me sooner? You want to
21 celebrate my anniversary with me? What's the --

22 MR. BERMAN: Well, some of us couldn't make the June 26
23 date. I now think it's important enough that I would like to
24 be at the status conference, so that was the date that we
25 could all agree on.

F4OHGMIC

1 THE COURT: All right. I know taking the microphone
2 didn't work so well for you a moment ago. Again, if you could
3 speak in the microphone when you speak, maybe use the other
4 one, that will be good.

5 Okay. I will celebrate my anniversary with you all; move
6 it to June 16 at 9:30. I, obviously, would ask those
7 maintaining the Web site to update it accordingly.

8 Moving to item number one, which is coordination of
9 related actions, needless to say, I am aware of Judge Dowd's
10 rulings in the Felix case. It is unfortunate, in my view, in
11 the sense I think the cooperation order has worked pretty well
12 up to now in the cases, which is most of cases, that it has
13 been entered in.

14 Now, having said that, my sense from his order and other
15 things, shall I say, is that he is certainly open and amenable
16 to coordinating, but more through protective orders and the
17 like. My sense from the most recent status letter that I
18 received, namely, yesterday, is it seems like that is the
19 direction that things have headed.

20 I guess I just want to check with you where things stand
21 and how much of an issue this is. Obviously, I think that is
22 the best option at this point before doing anything about
23 invoking injunctive authority, and that sort of thing.

24 Mr. Godfrey, why don't I turn to you.

25 MR. GODFREY: Your Honor, I had until late yesterday been

F4OHGMIC

1 of the view that this appeared to be like the Szatkowski case
2 in Pennsylvania. Although the Court had denied entry of the
3 coordination order, we were able to work things out
4 satisfactorily. It no longer creates concerns for the MDL.
5 We received a letter late yesterday, however, from
6 plaintiffs' counsel that suggests his view of Judge Dowd's
7 order is perhaps broader than one might like to assume.

8 THE COURT: I assume this is a letter -- I think you
9 attached two letters to the update letter of yesterday from
10 plaintiffs' counsel. This is one of those or different?

11 MR. GODFREY: I guess I'm not sure of the time. This is
12 newer. This arrived towards the end of the day. I can tender
13 a copy to the court clerk. I believe Mr. Hilliard has a copy.
14 I guess what I'd say is, before we overreact, I'd like to take
15 another several days to see whether we could work it out like
16 we did last time. And if we can work it out, then we won't
17 need to impose any more time, concern on this Court. And if
18 we can't work it out, then I think, collectively, we'll let
19 the Court know, and we'll be asking for more serious relief.

20 But I'm hopeful, notwithstanding this letter which I'll
21 tender up to the clerk, if I have, of course, permission in a
22 minute, that we can work this out, as we did with Szatkowski,
23 but I'm just not sure.

24 In addition, there's another case that is headed in the
25 same direction that has also been assigned to Judge Dowd.

F4OHGMIC

1 It's premature, but I want to put this on the Court's docket.
2 It's a case called Shell v. General Motors, LLC. It, again,
3 has multiple plaintiffs in it. I think the number is 20 or
4 29, but it's multiple plaintiffs. That case is further down.
5 The motion practice over this will take another month or two.
6 But just to forewarn the Court, we may be facing the same
7 issue there.

8 Then, finally, the plaintiffs' counsel in this case, as we
9 are understanding him, seems to be taking the view that the
10 MDL doesn't apply in Missouri courts. And people who don't
11 want to be in the MDL can just come on down to Missouri.
12 We're not sure that actually is his view. We've heard this.
13 It's consistent with the letter. But, again, I have some hope
14 that we can work things out, because usually when we sit down
15 with lawyers, with coordinating counsel, Ms. Barrios,
16 Mr. Hilliard, I think we can work things out; but I'm not
17 100 percent confident with the letter that we got yesterday.
18 I just want to forewarn the Court, this issue may be coming
19 back to you in the form of a more serious motion.

20 Would you like me to tender the letter or file it in due
21 course?

22 THE COURT: Why don't you do both so it's part of the
23 public record, but I'd be curious to see it. Sounds like I'm
24 on the same page as you, which is to say, you should continue
25 to discuss and see if you can sort this out. That has

F4OHGMIC

1 obviously worked well until now, even in those couple cases
2 that have proved to be a little bit more thorny for us.

3 But, obviously, at the end of the day, my hope is to make
4 sure that the MDL performs its function of adjudicating these
5 matters in an efficient and coordinated manner. So I'll do
6 what I need to do to ensure that; but, hopefully, we can sort
7 it out.

8 MR. GODFREY: We will make every effort. And it worked in
9 Szatkowski, so I'm not giving up hope. But I was a little
10 surprised after yesterday. Thank you.

11 THE COURT: I have no doubt if you need me, you know where
12 to find me.

13 All right. Based on the second to last, the penultimate,
14 letter I got, that is April 10, there was one other case that
15 seemed to present some scheduling issues given our schedule,
16 namely, the Miller action in Broward County, in which, as I
17 understood it, the plaintiffs were seeking an expedited trial
18 date. But no hearing on that motion had been set. I didn't
19 see any reference to that case in the letter of yesterday, so
20 I thought I would just ask. But I'm assuming that may mean
21 it's not quite as pressing as I thought it could be.

22 MR. GODFREY: I was confirming that things seem to have
23 worked out just fine on that one. They no longer seem to be
24 seeking expedited trial, so that's why I sent the letter. If
25 the Court would like, in the future, on ones we've identified

F4OHGMIC

1 as potential problems that have been resolved, we could add a
2 section saying these potential issues that the Court was
3 previously made aware of have been resolved. We can do that
4 in future letters, if that would help the Court.

5 THE COURT: I think that would be helpful, only because I
6 have been trying, as you know, to communicate with judges in
7 these actions and trying to keep track of sort of when the
8 right time for me to do that would be. And if issues resolved
9 themselves, then I don't need to do that, then it is helpful.
10 So thank you.

11 All right. I'm assuming there are no other cases, related
12 cases, that we need to discuss at this time. Very good.

13 All right. Turning to item number two, New GM's document
14 production, I think, for the most part, the update in the
15 letter itself sufficed, but I thought I would just check on
16 the CAC, the Customer Assistance Center, service request data
17 issue that is flagged in the letter, what the status of that
18 is, and if we need to do anything on that front.

19 MR. GODFREY: There's actually two minor issues that we'll
20 work through. One is we received a letter from
21 plaintiffs' lead counsel on the 21st asking some specific
22 questions. We're going to find someone who can give us as
23 many answers as we can, and we'll work through that with them.
24 Maybe some of these issues are red herrings that they don't
25 need the answers; maybe some are more serious. But we just

F4OHGMIC

1 got the letter. We have a team working on that. We'll figure
2 out the answers to that.

3 THE COURT: That's on the CAC issues?

4 MR. GODFREY: Yes, CAC, yes.

5 THE COURT: Okay.

6 MR. GODFREY: Then the other issue is we've provided the
7 information requested, but we discovered a few isolated fields
8 of data that, for some reason, we cannot extract. We've had
9 IBM working on it for over a month trying to figure out how to
10 extract the data fields. We don't think they're material, but
11 we can give them to them if we can extract them. Thus far our
12 outside vendor, IBM, hasn't been able to extract the field.
13 We're working on that issue.

14 We don't view it as material. We've discovered it. We've
15 alerted the plaintiffs, and they know we're working on it.
16 We've gotten the basic information. We think this is being
17 overly cautious on our part. Now that we're aware of the
18 fields, we're trying to figure out how to get them off the
19 system and produce them. For some reason, outside my
20 understanding, the computer specialists haven't been able to
21 figure that out yet.

22 THE COURT: All right. It looks like you're working
23 through that. I take it we don't need to discuss further or
24 set any kind of deadlines, or the like. Anyone from the front
25 table disagree?

F4OHGMIC

1 MR. BERMAN: I don't disagree. We sent a detailed letter.
2 We'll work through it. If we can't get answers or discovery
3 related to the database, then we'll raise it at the next
4 status conference.

5 THE COURT: Very good. Item number three, additional
6 documents the New GM has produced to the government. My
7 understanding, I think counsel gave a report to my law clerk
8 this morning that you are continuing to meet and confer on
9 that. And given that, my inclination is to let you continue
10 to do that, which is to say, it's not really ripe for me to do
11 anything.

12 I do have two general comments that may inform your
13 discussions. First, I don't really see why New GM can't begin
14 producing some documents even before an agreement is reached;
15 that is to say, it sounds like there may be documents that
16 everybody agrees will ultimately be produced, and I would hope
17 and think that those could be produced, unless there's some
18 reason that you need to wait to conduct searches before an
19 agreement.

20 Mr. Godfrey.

21 MR. GODFREY: We've already started, your Honor. We made
22 the first production last night, I think. And I've told the
23 team, as fast as they can, get them out of the door but
24 prioritized by the deponent, because I don't want documents
25 showing up late for depositions. We're already doing that.

F4OHGMIC

1 THE COURT: Fantastic. Even better. And the second point
2 I would make is I think, in general, I am inclined to agree
3 with New GM that merely because New GM has produced something
4 to the government doesn't necessarily make it relevant here.
5 That being said, as the first production in this case made
6 clear, that can be an efficient way and, therefore, a cheaper
7 way of just cutting through a lot of the issues in this case.
8 So it may well be sensible for New GM to produce more than it
9 would otherwise do if it were reviewing things from scratch.

10 Now, I'll leave it at that, since it sounds like you guys
11 are discussing and making progress on that front. Obviously,
12 if you need my assistance, you, again, know how to reach me.

13 Turning to number four, the superseding consolidated
14 document request, I did, obviously, receive your letters. I
15 have reviewed your letters. Anyone want to say anything in
16 addition to what was in the letters, that is to say, in
17 response to the other side, or the like?

18 Mr. Berman, why don't you take Ms. Cabraser's microphone,
19 please.

20 MR. BERMAN: The only thing that I would add to what -- or
21 just to highlight, your Honor, is that the party with the
22 documents is the party that knows which files should be
23 searched. And GM has it backwards. Just because we've
24 identified people from the documents they've given us, that
25 cannot possibly identify the proper universe for whose files

F4OHGMIC

1 should be searched. And we would point out that Valukas
2 interviewed 300 people. And so, clearly, maybe not all those
3 300 turn out to be relevant, but clearly more than 59 are
4 relevant.

5 We've given you two cases, the Go v. Rockefeller case and
6 the FTC v. Foster case, which places the burden on the
7 producing party to identify the custodians. And the only case
8 they cite is the BP case. And the BP case, as I understand
9 the record, BP did not advocate that the searches should be
10 limited. And the Court gave the plaintiffs in BP a chance to
11 go ask for more custodians. We don't really have that luxury
12 of time to wait and then come back, because we have a looming
13 trial date that all this discovery is geared to.

14 THE COURT: All right. I may not entirely understand the
15 argument to distinguish BP, but why isn't there -- explain the
16 time issue, which is to say, I guess to give you a sense of
17 where I stand at the moment, my inclination is that somewhere
18 in the middle of your position and New GM's position is where
19 this should come out; namely, that it might make sense to
20 approve an order for New GM to search the 59 deponents that
21 have been noticed already and allow you to discuss some
22 limited number thereafter, or above that, that might make
23 sense but short of the number that you're seeking, which does
24 strike me as potentially unduly burdensome.

25 Now, I don't know if the right way to do this is to allow

F4OHGMIC

1 them -- and I'll ask for Mr. Godfrey's view on this -- to add
2 deponents as you notice them or just to allow you to discuss.
3 But this does strike me as a situation, unlike the sort of
4 run-of-the-mill case, where you have millions and millions of
5 documents already. In all likelihood, I presume that you can,
6 on the basis of those documents, identify a universe of the
7 people most likely to produce relevant information, and that
8 the 59 that you have noticed already is presumably the core of
9 that group based on your review.

10 Now, in that regard, I think the cases like BP are
11 probably the more relevant and apposite precedent than the
12 sort of mine-run of cases where you don't have millions of
13 documents to review in the first instance.

14 MR. BERMAN: Our concern is that in response to various
15 governmental document requests and their own general
16 production in this case, like I would do if I were
17 representing a corporation, I would go out and I would find
18 out who the custodians are. And it may be a large number.
19 They know that number; we don't.

20 Just because we've identified 59 people -- if we had
21 noticed up 85 people, you know, so we've only noticed up 59
22 now. We may notice up a hundred. Imposing the burden on us
23 is kind of arbitrary. It depends on when our notice is sent
24 out. So we think there has to be something broader than 59.
25 I hear you when --

F4OHGMIC

1 THE COURT: I don't necessarily disagree, but I think it
2 should probably be narrower. Do you disagree with New GM's
3 estimate that the universe of custodians that you're seeking
4 is somewhere in the neighborhood of 300 or more?

5 MR. BERMAN: It is probably 300. You know, we used the
6 benchmark of the Valukas court. He went and somehow
7 identified 300 relevant witnesses. I'd be glad to work down
8 from that list. If they say, Here's a list of custodians, and
9 here's why we don't think we need to search these folks, I'd
10 be glad to listen to that. But with no more information than
11 we have now, it's kind of hard to have a meet-and-confer on
12 it.

13 THE COURT: Mr. Godfrey, I guess the question to you is
14 why not start with the universe that the plaintiffs have
15 identified and then work down from that list; namely, you come
16 back and say we don't think we should search these people for
17 these reasons, and you can discuss it and then in that manner
18 agree on a list that is greater than the 59 but less than the
19 300-plus?

20 MR. GODFREY: Well, first, we are trying to adhere to the
21 reasonable but aggressive schedule the Court set. If we start
22 with 300 custodians or 400 or all 200,000 employees, the
23 document searches will take forever, and they're not going to
24 turn up anything material that has not already been produced
25 for the most part.

F4OHGMIC

1 THE COURT: But the 200,000 is a red herring. They're not
2 asking for you to search 200,000.

3 MR. GODFREY: Not yet. Not yet.

4 THE COURT: Never will they, or if they do, they're not
5 going to find me particularly receptive to it. They're asking
6 for something in the neighborhood of 300. Why not start with
7 that group and discuss with them why some of those people
8 shouldn't be on there?

9 MR. GODFREY: Because when we've run some test searches,
10 it's just massive numbers of documents, and it's just a
11 massive undertaking; and it doesn't produce anything that they
12 don't already have. The reason the BP case is relevant is, as
13 in BP, in BP there were government subpoenas in something
14 called the Marine Corps Trial. And all the documents,
15 basically the core documents, were produced. Same here. They
16 were produced out of the box. They know who the deponents
17 are.

18 They originally had a list of 100. They narrowed it down
19 to 59. So they made a conscious selection. Starting with
20 100, they consciously and tactically reduced it to 59. We
21 expect they'll add something to that. But why we should have
22 to search beyond the deponents today, based upon an extensive
23 public record, including congressional testimony, reports that
24 come out from Congress, etc., why we start with 300, when they
25 already have identified the core witnesses and already made

F4OHGMIC

1 tactical decisions, is beyond me. It's just make-work. It's
2 unnecessary, expensive make-work that will delay things.

3 We're on track here with a reasonable yet aggressive
4 schedule. We have precisely the same issue as in the
5 Deepwater Horizon case where the judge ruled very clearly --
6 it's not binding on this Court, but I thought it was a prudent
7 and precise decision -- that they had more than enough
8 information than they would have in cases going to trial to
9 make decisions on who they want and who custodians were.

10 Now, if they came to me and said these five people look to
11 us like they're not part of the 59, we can talk about that.
12 But to start with 300 and for me to say, Look, I don't think
13 you need this person, the answer's going to be, Well, we want
14 it. That's the answer. So we've started with a rational
15 basis, which is deponents that they have identified, and we've
16 run the searches with respect to those deponents. Why we
17 should do every deponent they haven't identified or some small
18 subset they could have but haven't yet noticed up is beyond
19 me. It's make-work, it's unnecessary, and expensive.

20 THE COURT: Slow down a little bit so the court reporter
21 can keep up.

22 But what's your view on new deponents that they notice?
23 Would you add those to the searches or --

24 MR. GODFREY: Sure. I think that's a reasonable approach.
25 But that doesn't mean I get 150 new depositions noticed up

F4OHGMIC

1 tomorrow, because this shouldn't be a game. We should be
2 trying to get the material that they really need in a timely
3 fashion. And to say we need 300 custodial searches just
4 because that's what Mr. Valukas did -- you know, Mr. Valukas
5 interviewed a lot of people. Some people have relevant
6 information; some people didn't. He didn't cite 300 names in
7 the report, I don't think, but that's not the criteria here.
8 They've got the results of that work in terms of documents
9 that were turned over to the government.

10 THE COURT: All right. Might it be a rational position
11 for me to, say, agree on a list of, say, 100 if that in
12 particular was the sort of initial deponents' list that the
13 plaintiffs had come up with? Would that work?

14 MR. GODFREY: It might. What I'd like to do is, I think,
15 in some ways, these issues -- your Honor's helpful in getting
16 precision on these issues in terms of the parties' meet and
17 confer. I like to know what really -- if the choice is 300
18 versus 59, those are somewhat wide gulf. But if there's
19 really another 15 or 20, let's find out who the 15 or 20 are.
20 They took the 100 down to 59 for a reason. And, obviously,
21 they had good reason to do that, because I've never known
22 plaintiffs' lawyers like these to not take as many depositions
23 as they want. But if there's some people that they think they
24 might want, then let's talk about it. We can add those to the
25 custodial searches. But just to say 300 or 250 or 200 because

F4OHGMIC

1 that seems like a right number, that's not a rational approach
2 to this, in my view.

3 THE COURT: All right. Mr. Berman, anything else you want
4 to say?

5 MR. BERMAN: It sounds like we should have a further meet
6 and confer, see if we can, now that we've got the Court's
7 view, come to an agreement.

8 THE COURT: I've only given you a tentative view, but I'll
9 now give you a less tentative view, which is that I do
10 generally agree with New GM's approach; that is to say, I
11 think that this is a unique situation and kind of case in that
12 regard, distinguishable from the mine-run of cases where the
13 burden is appropriate to place on the defendants to identify
14 the appropriate custodians. I think, given the scope and
15 nature of the materials already in the plaintiffs' hand, that
16 some degree of the burden should be placed on them to do that
17 and/or that it provides a basis for the parties to discuss the
18 issue.

19 To that end, now, I am going to essentially approve, as an
20 initial starting place, the list of 59 custodians, the folks
21 that have already been noticed, with the understanding that
22 New GM has essentially consented to add anyone who is
23 hereafter noticed to that list, and also direct you to confer.
24 I do think that that shouldn't necessarily be the universe and
25 limited to that.

F4OHGMIC

1 If the plaintiffs have a reasonable proposal for adding
2 names to that, whether that be the 41 or so others that had
3 originally been on the list of depositions or some subset of
4 that, I'll leave that to you to try to work out. I would just
5 say, obviously, it is in everybody's interest to do that
6 sooner, rather than later, so that if you can't reach an
7 agreement, you can tee the issue up for me to resolve in a way
8 that doesn't get us off our schedule.

9 All right. The next item is -- yes, Mr. Godfrey.

10 MR. GODFREY: I should have mentioned, I apologize, your
11 Honor, we had referenced in our letter a few other minor
12 issues on this. Most of those were worked out yesterday, so
13 it really is down to this custodian issue. There may be one
14 other minor issue that people are working through. Late last
15 night, I got a e-mail from a younger colleague that most of
16 the minor issues have been resolved. I think we're down to
17 the issue that your Honor just gave us very helpful guidance
18 on. So thank you.

19 THE COURT: Okay. I had inferred as much from your
20 letters and also generally assume, if you have an issue, you
21 will speak up and stand up. But I'm pleased to hear that.

22 Speaking of reaching agreement, my understanding from my
23 law clerk is that you have, in fact, reached agreement on the
24 next agenda item, namely, the redaction of the board of
25 directors-related documents. Is that correct?

F4OHGMIC

1 MR. HILLIARD: Good morning, Judge, it is. We spent the
2 morning finalizing the language of the specific documents that
3 GM has agreed to produce. Just so the record --

4 THE COURT: That microphone is cursed today.

5 MR. HILLIARD: Let me lean down on that.

6 Just so that the record will have it, we've agreed on the
7 documents to be produced. The language is as follows:
8 "Referencing to GM's financial condition or bankruptcy in the
9 United States in the context of references to safety issues
10 and cutting costs and reducing expenses as it affected the
11 review/evaluation and decisions regarding recalls and safety."

12 Is that right, Mr. Bloomer?

13 MR. BLOOMER: Yes, that's correct.

14 THE COURT: Is this something that needs to be
15 memorialized in the form of an order or just suffices based on
16 your agreement?

17 MR. HILLIARD: This is enough.

18 THE COURT: Mr. Bloomer, you agree?

19 MR. BLOOMER: I would agree. We can exchange emails on
20 it. It's really just a category to define how the redaction
21 review goes.

22 THE COURT: Right.

23 MR. BLOOMER: Thank you.

24 THE COURT: Wonderful. As you know, I always love it when
25 you guys work things out yourselves.

F4OHGMIC

1 All right. Item number six -- and let's just be clear,
2 that's not because I don't like the work, but I think it's
3 better for everybody.

4 Number six is the King-Spalding issue. It sounds like we
5 should probably set a briefing schedule, although I'm not sure
6 anyone is here to speak for King-Spalding, but maybe defense
7 counsel can speak for King and Spalding.

8 Okay. Anyone disagree with that or have any proposals
9 about a schedule?

10 MR. HILLIARD: Judge, we agree that, given the issues
11 involved, we've advised GM of the issue, potentially the
12 crime/fraud issue that needs to be briefed and that we do need
13 a briefing schedule. We've also reached out to and are in
14 communication with King and Spalding's counsel. And by
15 agreement, the next step's going to be a proposed briefing
16 schedule, and we're meeting and conferring on that.

17 THE COURT: All right. If I understand that correctly,
18 you'll be submitting a proposed briefing schedule to me, which
19 is to say, I'll wait to hear from you on that before setting
20 it; is that right?

21 MR. HILLIARD: That's right.

22 THE COURT: Very good. Next item is the document
23 depository cost sharing. I don't think there's actually
24 anything there to discuss, but if anyone disagrees, you can
25 pop up now or forever hold your peace. Maybe not forever, but

F4OHGMIC

1 at least for today.

2 The proposed amended order regarding the effect of the
3 consolidated complaints, all right, I obviously gave you my
4 proposed order the other day. Consistent with my remarks at
5 the last conference, I tried to strike the right balance, or
6 what I saw as the right balance, between efficiency and
7 coordination, on the one hand, that is, ensuring that we don't
8 have a moving target, that everyone is on the same page for
9 purposes of both discovery and motion practice with respect to
10 what claims are and aren't in the case, and so on, and
11 striking a balance, on the other hand, with the rights of
12 individual plaintiffs on the other.

13 Now, in my view, that balance is struck, as I think I made
14 clear by treating the consolidated complaints and the
15 forthcoming amended consolidated complaints as the operative
16 complaints in this case and dismissing most, if not all, of
17 the underlying complaints, but not doing so with prejudice
18 until it is clear that the substantive rights of the
19 plaintiffs in those cases are protected.

20 Now, that is to say, at some point I think New GM is
21 entitled to a greater degree of repose, or all defendants, I
22 should say, presumably through dismissal of nonoperative
23 complaints with prejudice. But I'm inclined to defer that day
24 until later in the case, presumably at or around or in
25 relation to class certification motion practice.

F4OHGMIC

1 Now, at the same time, I want to be sure, as I said, that
2 we complete all discovery and motion practice with respect to
3 common issues of law and fact in the MDL, that is to say, if
4 there is discovery or motion practice that is specific to a
5 single case or a small set of cases, it may well make sense,
6 consistent with the MDL process generally, to leave those to
7 be done back in a transfer court. But, certainly, to the
8 extent that discovery or motion practice implicates a critical
9 mass of cases or common issues of law and fact, my view is
10 that that should be done in the MDL.

11 I certainly do not want a situation where a legal claim is
12 not included in the consolidated complaints, that we complete
13 discovery and motion practice, and then some lawyers come
14 running back into court to say that they need more or new
15 discovery on claims that have not been litigated. Now, one
16 option would, obviously, be to direct lead counsel to include,
17 I guess, all potential claims in the amended complaints; but
18 I've already indicated that I'm not inclined to do that for a
19 variety of reasons. But I do think there should be some
20 mechanism to ensure that everything is done at the right time
21 and to ensure that -- or to prevent a party from sitting on
22 its rights and essentially sandbagging the defendants.

23 That's sort of what I strove to do in the proposed order.
24 But given the complexity and, I think, importance of the
25 issues, I did not want to just enter that order, but thought

F4OHGMIC

1 it would make sense to give you an opportunity to comment on
2 it and perhaps improve it. That is my way of introduction.

3 I don't know if, Mr. Berman, you have some thoughts.

4 MR. BERMAN: Yes, your Honor. We are not going to offer
5 any improvements. We are not going to argue against it. We
6 think the order, even though it disagrees with some of our
7 positions, does strike the appropriate balance. And so we
8 would accept the order as drafted.

9 THE COURT: All right.

10 MR. BERMAN: As to some of the comments you made, what do
11 we do about discovery? First, until we see the consolidated
12 complaint, we're not going to know what we left out there, and
13 we're going to see the consolidated shortly. So perhaps one
14 way to address this is to let you know what claims were out
15 there that we did not include. It's going to be our intent to
16 include as many defects as we think we can, consistent with
17 our theories. I think there's going to be very little left on
18 the table when we file this consolidated complaint.

19 My thought would be we report back to you at the next
20 status conference what's out there. And, in terms of
21 discovery, we still haven't taken discovery that goes to a lot
22 of the defects. So we've got phase one, we've got phase two,
23 but there's a whole mass of defects out there that we haven't
24 begun any discovery. And when we start that discovery, to the
25 extent that there are claims out there that we didn't

F4OHGMIC

1 incorporate, seems like, through the coordinated action
2 mechanism, we could let these lawyers know we're serving phase
3 three discovery. If there's stuff that you want, because we
4 have not addressed it in the complaint, then we need to
5 coordinate that now. Kind of put them on notice.

6 THE COURT: All right. My sense from prior discussions of
7 this is there are two categories of issues -- or maybe I'll
8 phrase it as concerns -- that the defendants have, maybe
9 three. One is there are obviously some defendants who were
10 left out of the consolidated complaints altogether, and I
11 assume that may be why Mr. Schoon has returned to grace us
12 with his presence.

13 Now, they are interested in some degree of repose if they
14 have not been named; confident that they're not going to sort
15 of be hauled back into my courtroom. Number two, obviously,
16 the number of defects has grown from the beginning of this
17 case when it was focused, and still is largely focused, on the
18 ignition switch; but there are obviously many other defects
19 alleged in one or more of the complaints. And number three,
20 other legal theories, most prominently, perhaps, is the RICO
21 claims which were not included in the initial consolidated
22 complaints. I'm not asking you now whether they will or won't
23 be in the amended consolidated complaints, but I don't know if
24 there are others. But maybe you or defense counsel can
25 comment on that.

F4OHGMIC

1 I guess my concern -- and you've addressed the defect
2 issue, I think, and I don't know if you want to address the
3 other two -- and, in particular, taking RICO as an example, if
4 that is not included in the amended complaint, I do have some
5 concerns, or I think defendants have legitimate concerns, that
6 we sort of engage in motion practice with respect to the
7 consolidated complaints, and then a plaintiff may come into
8 court later and say, Hold on a second. My RICO claims are
9 still live or I want to renew them or I'm going to opt out and
10 bring them; and we haven't done whatever discovery is
11 necessary.

12 But I'm hearing you as saying (a) let's wait until we have
13 the amended consolidated complaint, and (b) we can figure out
14 a process where, even if claims like that are not included in
15 the amended consolidated complaints, you can essentially -- or
16 lawyers can be put on notice that, to the extent that they
17 have discovery requests that should be included, that they
18 need to do that now.

19 Is that a fair statement?

20 MR. BERMAN: And the lawyers are going to be put on notice
21 twice because, under your order, we have to give them the
22 amended complaint, I think it's, 15 days before we file it.
23 So they're going to see right then if there are claims or
24 defects, or whatever, that we haven't. I don't want to tip my
25 hand; but, again, on legal theories on our end, our legal

F4OHGMIC

1 theories, I don't think there's going to be much left that we
2 don't put in the consolidated complaint.

3 THE COURT: Are they going to be even longer; is that what
4 you're telling me? I do have a lot to reading in this case
5 already.

6 All right. Fair enough. I do think it's 14 days, not 15,
7 but you can look at that.

8 MR. BERMAN: I'll look that up. And on the amended
9 complaint, there is one wrinkle that I think there's no
10 objection to. When we originally proposed June 4, we had not
11 factored in this 14-day, I stand corrected, period. And
12 because of that, we would like to file the amended complaint
13 on June 15 rather than June 4, and I don't think there's any
14 objection from GM.

15 THE COURT: All right. Let me hear from GM -- actually,
16 before I do so, to the extent that they consent or I decide
17 that that is appropriate, can you do it by June 12 so that I
18 have at least the weekend before the June 16 conference?

19 MR. BERMAN: Sure.

20 THE COURT: All right. Mr. Godfrey.

21 MR. GODFREY: In reverse order, we obviously have no
22 objection to a short extension. We think it's appropriate
23 under the circumstances.

24 I hesitate to say that I could offer improvement to the
25 order. We agree with the order, but there might be something

F4OHGMIC

1 that the Court might want to consider. We do think it would
2 be helpful if the individual plaintiff counsels were -- the
3 burden was expressly placed upon them to coordinate with lead
4 counsel and to identify the discovery that they want, in other
5 words, a court order that puts the burden on them as part of
6 this order that, as we proceed down the path, if there's
7 discovery that you want for your individual complaint that's
8 somehow not melded into the master consolidated complaint, you
9 need to let lead counsel know or forever hold your peace.
10 That might be helpful. I think it's implicit in what the
11 Court has done; and, certainly, I don't think lead counsel has
12 particularly a different point of view on that subject with
13 us, because I think we have the same ultimate resolution in
14 that regard. But I think something, perhaps, more express
15 might be helpful, just to avoid any claimed misunderstanding
16 later on.

17 But as I say, we're happy with the order as is, but that
18 is one potential area for the Court to consider that might
19 sharpen the applications of the individual
20 plaintiffs' counsel.

21 THE COURT: All right. I agree that that would be
22 appropriate. What I'm going to do, though, is not add it to
23 this order. I don't hear -- I think what Mr. Berman said a
24 moment ago suggests to me that he doesn't disagree, but I
25 think that really relates to discovery more than it does to

F4OHGMIC

1 the effect of the consolidated complaints. And in that
2 regard, what I think I'll do is ask you guys to meet and try
3 and propose some language on that, and propose it to me either
4 in advance or at the next conference.

5 But I think we have some time on that. It is certainly
6 consistent with my view, namely, that, again, the MDL should
7 be the place in which discovery and motion practice is as to
8 common issues and legal issues and facts is done. In that
9 regard, I do think that counsel should be put on notice that
10 if they don't pursue discovery and coordinate discovery with
11 lead counsel here, that they will be out of luck later, unless
12 it is really case specific. I'll leave you guys to sort that
13 out.

14 Hearing no objections or proposed improvements to my
15 proposed order, I will enter that order after this conference,
16 and we'll work out the -- needless to say, it's not the last
17 word on how the underlying complaints will be treated and
18 underlying other claims. So thank you very much.

19 All right. The next item on our agenda is the question of
20 settlement. I had asked you to at least begin thinking about
21 whether there were alternative dispute resolution options that
22 might make sense here. It may be premature. I don't know.
23 But I did want to just make sure that that remains an issue
24 that everyone is thinking about and, to the extent that I can
25 assist, that you share your thoughts with me.

F4OHGMIC

1 Any thoughts on that?

2 MR. BERMAN: We hear you. We are thinking about it. We
3 are discussing mechanisms, and we're making some process in
4 that regard. And it's important that those negotiations, if
5 there are ever negotiations, or processes remain confidential.
6 There's a lot of attention on this case, both in the press and
7 with other lawyers, and we would prefer not to go further than
8 that, if that's okay with the Court.

9 THE COURT: That's fine with me, with the understanding
10 that I will regularly bring this up, because I do think that
11 it is important and consistent with my remarks at the first
12 conference that my task is to try and adjudicate this matter
13 in a speedy and efficient fashion consistent with Rule 1.

14 Now, anything you want to add, Mr. Godfrey?

15 MR. GODFREY: No, your Honor.

16 THE COURT: All right. Very good. Item number ten, my
17 understanding is that you folks told my law clerk this morning
18 that you have actually reached agreement on this, so it may
19 moot the briefing schedule that I had set. Is that correct?

20 MR. BERMAN: No, I think item 11 we have. Item ten, we
21 did not reach agreement on, and we are proceeding on the
22 briefing schedule.

23 THE COURT: All right.

24 MR. BERMAN: Sorry for the confusion.

25 THE COURT: No worries. Is there anything we need to

F4OHGMIC

1 discuss given that we have a briefing schedule? I would think
2 not. I do want to just alert you, I will certainly, as I
3 think I have with everything else in this case, do my best to
4 give you a quick answer on the issues after you have briefed
5 them. But I do have a number of other things going on in the
6 next few weeks, including trials in other matters. So I want
7 to put you on notice, you may want to give some thought to how
8 you'll proceed in the first few days of the depositions, in
9 the event you don't have a ruling from me, though I will do my
10 best to get you a ruling.

11 Item number 11, you have reached agreement; is that
12 correct?

13 MR. BERMAN: Item 11, New GM tendered a proposed order to
14 us, I think, two days ago. We've studied it, we've given it
15 to our expert, and I don't know if we're going to reach
16 agreement or not. What I've told New GM is that we'll get
17 them comments by Monday, but there is a little urgency to this
18 because of the July expert court deadline. If we can't reach
19 agreement by, let's say, Wednesday, I think we should set
20 letter briefs for the following Monday, five pages. But we
21 can't just let this linger.

22 And then there's going to be the second issue that we'll
23 be working on, just to alert the Court, a protocol for
24 destructive testing. This just applies to nondestructive
25 testing. There probably will be a need for destructive

F4OHGMIC

1 testing. And as soon as we get this one entered and get those
2 switches, we'll probably need to tee that up, if we have to or
3 agree to, before the next status conference.

4 THE COURT: Okay. Mr. Godfrey, any thoughts on that
5 proposal?

6 MR. GODFREY: I think we're going to reach agreement, your
7 Honor. I think anytime, particularly, when one is addressing
8 destructive testing --

9 THE COURT: One second. I don't know what's going on with
10 our system today. Go ahead.

11 MR. GODFREY: I think we will reach agreement. We were
12 going to alert the Court, particularly on these issues with
13 respect to destructive testing, which by its very nature, I
14 think the parties, even if we reach agreement, we don't want
15 the Court to bless it, so to speak, so that no one can
16 second-guess what the parties might do in that regard.

17 We've given a proposal. Mr. Berman will get back to us.
18 I'll be surprised if we have letter briefing on this. If we
19 do, we do; but this is the kind of issue that, generally
20 speaking, we've been able to work out after we figure out
21 where the real friction points are. I anticipate this will
22 fall in the category of not bothering you. That's our goal.
23 But if not, then we will do be short letter briefs because
24 there is some temporal urgency, at least in my perspective,
25 which we will give you.

F4OHGMIC

1 THE COURT: Are you in agreement with the schedule that
2 Mr. Berman proposed; namely, if you haven't reached agreement
3 by next Wednesday, you'll submit something by the following
4 Monday?

5 MR. GODFREY: Yes.

6 THE COURT: That is, letter briefs not to exceed five
7 pages.

8 All right. Very good. My understanding is that you have
9 also reached some form of agreement on the next issue, namely,
10 identifying deponents' custodial productions. If so, I'm
11 pleased because, quite candidly, I didn't really understand
12 what you guys were talking about in the letter. So is that
13 the case? Everyone is nodding.

14 I have muted the front microphones for the time being,
15 because they seem to be the ones that are giving us the
16 problem. Just to give you a heads-up, I will unmute them when
17 you need to speak, but don't take it personally in the
18 meantime.

19 All right. I see everyone nodding, so I take it you have
20 agreed on that. That doesn't strike me as something that
21 needs to be memorialized in an order. Sounds like an
22 agreement is sufficient; but if you disagree, just, obviously,
23 let me know or submit something.

24 Next item is, I guess, a reasonably big ticket one,
25 namely, essentially, the effect of Judge Gerber's ruling on

F4OHGMIC

1 this case. Obviously, you know that you're to submit a letter
2 to me, I think, by next Wednesday, if I'm not mistaken. So
3 one option would be just to await that, but I thought I would
4 at least raise it, it being the sort of elephant in the room
5 at this point, to see if you have any preliminary thoughts of
6 how much of an issue this is going to be, whether this is
7 something that will be litigated in front of me, in front of
8 Judge Gerber, in front of the Second Circuit, just sort of
9 what effect it has on what we're doing here.

10 So anyone?

11 MR. BERMAN: Mr. Godfrey gave us his views this morning on
12 the effect of the order on the presale complaint. This is the
13 first time we heard his views. We're thinking them through.
14 We're going to talk some more among ourselves and with
15 Mr. Godfrey, and we'll make those views known in our letter
16 that's due on April 29.

17 With respect to one issue you raised, and that is, the
18 Second Circuit or your Honor reviewing Judge Gerber's ruling,
19 Judge Gerber has certified it, and we could object to that
20 certification if we so wanted to. We don't want to do that
21 without getting some inclination on your thoughts on that. I
22 throw it back in your lap, so to speak.

23 THE COURT: Mr. Godfrey?

24 MR. GODFREY: I'm not going to throw anything your way,
25 your Honor. I did express our views with respect to the

F4OHGMIC

1 presale master consolidated complaint, which I believe should
2 be dismissed with prejudice. That will be a position, among
3 others, that we take in our letter on April 29. And we think
4 that it is appropriate in terms of the direct certification to
5 the Second Circuit, but I'm not sure there's anything else to
6 add, because you're going to get our letter in four or five
7 short days. I think that will outline the position in some
8 detail.

9 THE COURT: I think what I'll do is wait for the letter
10 and not yet share any views on the appeal and certification
11 question. At a minimum, I would want to see the letter, and I
12 also confess, I haven't had time to read Judge Gerber's
13 lengthy opinion with any great care. So I'm not going to give
14 you any indication whatsoever on that just yet.

15 Now, anything else to discuss at this point? I wouldn't
16 think so.

17 All right. The last item is, namely, the filing deadlines
18 or, more specifically, the time that things are filed. My
19 understanding is that you guys have essentially sorted that
20 out as well; is that correct?

21 MS. CABRASER: Your Honor, Elizabeth Cabraser. That is
22 correct. Having taken mutual umbrage in our joint letter to
23 the Court, we are discussing an internal schedule that the
24 parties would reach by agreement which would result in any
25 joint filings being filed earlier in the day than the midnight

F4OHGMIC

1 deadline and internal deadlines so that the process proceeded
2 in fairness to both sides, and we didn't have the last minute
3 pileups. And we hope that will also serve the convenience of
4 the Court better than either having last-minute filings, late
5 filings, or having to request last-minute extensions from the
6 Court.

7 THE COURT: All right. That sounds right to me. I will
8 say, I have been impressed thus far with how well you guys
9 have generally worked together. I've commented on this to my
10 law clerks. I think you guys are really a model in terms of
11 choosing the things to fight about that matter and managing to
12 agree on other things. I would think, consistent with that,
13 that you guys can sort this out. You're going to be living
14 together for a while. It really does make a lot of sense to
15 treat each other with professional respect and courtesy. And,
16 in that regard, whatever the rules may be, I would think that
17 you can sort this out to everybody's satisfaction, which is to
18 say, what goes around tends to come around. So the Golden
19 Rule should probably apply here, if nothing else.

20 All right. Other issues, I did flag the plaintiff fact
21 sheets as something I just wanted to update. I think, since
22 the endorsement, there have been a couple developments.
23 First, Mr. Hilliard filed a motion two days ago seeking to
24 vacate the dismissal with respect to some plaintiffs based on
25 certification that they have submitted substantially complete

F4OHGMIC

1 plaintiff fact sheets. That's docket entries 860 and 861.

2 I don't think the prior order created any deadlines for
3 responding to that. I don't know if, Mr. Godfrey or
4 Mr. Bloomer, you're prepared to respond now. I can await a
5 filed response. I assume you would need time to review those
6 to ensure that they are, in fact, complete. And also, I think
7 that the plaintiffs listed on Exhibit B are not the full -- I
8 think there are some additional plaintiffs who were previously
9 subject to the dismissal order that -- well, there are some
10 additional plaintiffs.

11 Mr. Godfrey.

12 MR. GODFREY: I'd like to take the Court up on its
13 suggestion that we respond in due course, because I didn't
14 have a chance to look at the filing last night. I know the
15 filing's been made. I know it affects what my answer might
16 be, and I'd like to just respond in writing, if that's
17 acceptable to the Court.

18 THE COURT: That is. And pursuant to the prior order, I
19 think it's incumbent upon you to move with respect to
20 plaintiffs who don't seek to vacate or certify that they have
21 filed, served completed fact sheets; that it's up to you to
22 move for dismissal with prejudice. I assume you will do that
23 in due course as well.

24 All right. Why don't you respond to Mr. Hilliard's
25 motion, consistent with the default local rules and the

F4OHGMIC

1 deadline, and I will wait to hear from you on that score and
2 with respect to the other plaintiffs as well.

3 Now, the one plaintiff who's in this mix that gives me a
4 little bit of pause is the pro se plaintiff that I had
5 previously identified. I think Ms. Robinett is her name. And
6 I had not granted New GM's motion to dismiss her complaint out
7 of concern that she might not have received notice of the
8 process earlier because she was sort of caught up in the mix
9 of this stuff. She did submit an objection, or at least a
10 letter, with respect to this matter. That was docketed by the
11 pro se office in her case, 14 CV 9466. And I take it she has
12 submitted or served a partially completed plaintiff fact
13 sheet, but it sounds as if she's sort of seeking some further
14 assistance.

15 Anyone have any insights here? Proposals? My
16 inclination, mindful of her pro se status and the need to sort
17 of bend over backwards on that basis, is to grant her an
18 extension and to ask plaintiffs' counsel to contact her and
19 see if they can provide some assistance, even if they don't
20 represent her, just at least some procedural assistance in
21 ensuring that she understands what she needs to do and by when
22 she needs to do it.

23 MR. HILLIARD: Happy to do so, your Honor.

24 THE COURT: All right. Mr. Godfrey, anything?

25 MR. GODFREY: I think, under the circumstances, that is a

F4OHGMIC

1 prudent course of action.

2 THE COURT: All right. I think what I'll do is I'm going
3 to issue a separate order with respect to Ms. Robinett that
4 I'll have somebody, either the clerk's office or counsel, send
5 to her, which is to say that you don't need to memorialize
6 this in the standard post-conference order. I'll take care of
7 that separately. And through that order, I'll grant her some
8 form of extension but also put her on notice that she does
9 need to do what she needs to do.

10 All right. And then, lastly, on the economic loss
11 plaintiff fact sheets, I saw that New GM filed a motion to
12 dismiss, I think, yesterday, the claims of two economic loss
13 plaintiffs pursuant to Order No. 45. It sounds, from that
14 motion, like it may ultimately be granted. I'll hear from
15 plaintiffs' counsel. I assume you'll respond in due course;
16 is that correct?

17 MR. BERMAN: Yes, we will respond, your Honor.

18 THE COURT: Very good. I do have one other item. Don't
19 know if you saw it, but in the Bolden case, 15 CV 1316, those
20 are, I think, plaintiffs represented by Mr. Robinson, there
21 was an amended complaint filed the other day on Wednesday.
22 And I'm not quite sure why or how, both because I think that
23 the time to file an amended complaint may have, as of right,
24 expired and, number two, I can't -- on a quick review, I'm not
25 sure what changes were made in the amended complaint, all of

F4OHGMIC

1 which made me a little bit puzzled as to what the amended
2 complaint was about.

3 Now, judging from the looks of puzzlement, at least from
4 the front table, I'm guessing that you're not aware of this at
5 all. Is that true, Mr. Berman?

6 MR. BERMAN: I must have missed that. We both did.
7 That's our bad for not seeing it on the docket, I guess. I
8 will find out what the story is behind that complaint.

9 THE COURT: Mr. Godfrey, do you have any further
10 information on that?

11 MR. GODFREY: No. I did not see that. I thought I'd read
12 everything through last night, but I did not see that filing.
13 We'll track it down. I have nothing to comment on it as a
14 result.

15 THE COURT: If you could take a look, again, docket No. 15
16 CV 1316. If there's anything to be done, I assume one of you
17 will tell me.

18 All right. Anything else that we need to raise?

19 MR. PAPELIAN: Your Honor, Joe Papelian on behalf of
20 Delphi. On the Robinett matter --

21 THE COURT: Can you take the microphone, please.

22 MR. PAPELIAN: Joe Papelian on behalf of Delphi. On the
23 Robinett matter, I wanted to advise the Court that I have
24 communicated with her and sent her a follow-up letter on
25 January 28 suggesting that she contact Mr. Hilliard. And I

F4OHGMIC

1 think we copied Mr. Hilliard on that letter. So she is, I
2 think, aware of the proceedings going on here.

3 MR. HILLIARD: That's the pro se one?

4 MR. PAPELIAN: Yes.

5 MR. HILLIARD: And to advise the Court, I just got a text
6 from my legal assistant. We've actually already communicated
7 with her prior to today, and we'll make sure that we help her
8 as much as we can, keeping in mind her pro se status.

9 THE COURT: All right. Terrific. I appreciate your
10 letting me know. Again, I'll issue a separate order as to
11 her.

12 Now, Ms. Cabraser, were you standing up as well?

13 MS. CABRASER: Yes, your Honor. Thank you. One
14 housekeeping matter with respect to the Court's Order No. 36,
15 the amended deposition protocol order, our federal/state
16 liaison counsel, Dawn Barrios, who's here this morning, has
17 been working with the state court counsel, as we head into
18 deposition season, with respect to coordination and
19 participation. And it turns out that there is one sentence in
20 Order No. 36 that is either not necessary or actually
21 confusing, and that is the first sentence in paragraph 20
22 which provides that "all depositions in this MDL proceeding
23 shall be cross-noticed in the coordinated actions."
24 Plaintiffs and New GM agree that that sentence should be
25 stricken, and we'll submit an amendment to that order

F4OHGMIC

1 accordingly.

2 THE COURT: All right. Mr. Godfrey, you agree?

3 MR. GODFREY: Yes. We will submit a jointly proposed
4 amendment, your Honor.

5 THE COURT: Great. Very good. I should say in that
6 regard, obviously, there are a lot of moving parts here. It's
7 a complicated case. I am not averse to, where there are
8 needed improvements, being told that. I would encourage you,
9 as you go forward and actually start implementing these
10 orders, that if there are ways in which we can and should
11 improve things or revisit things, to do so, which is to say,
12 notwithstanding my general aversion to reconsidering things
13 after I have ruled, certainly as to the procedural things, I'm
14 always open to the idea that there are ways that we can make
15 things better, more efficient, and the like.

16 Mr. Godfrey, did you want to say something as well, or you
17 just wanted to get the last word in?

18 MR. GODFREY: Both.

19 THE COURT: All right. I think I'll get the last word,
20 but go ahead.

21 MR. GODFREY: First, I wanted to remind the Court that I
22 am going off on trial. So whether the next status is June 16
23 or June 26, Mr. Bloomer will be handling the MDL status during
24 that period of time. I didn't want the Court just thinking I
25 was taking a vacation. I'm not. I'll be --

F4OHGMIC

1 THE COURT: I think you've already told us that you're not
2 taking vacation for the remainder of this case.

3 MR. GODFREY: Well, at least this year, your Honor. We
4 have that reasonable yet aggressive schedule, and I think I
5 know what that means.

6 Secondly, the parties were able to work out the Order 46
7 issue, which we had some discussion of at the last status,
8 which relates to the privilege issue during depositions. That
9 issue is likely to come up again with respect to the
10 plaintiffs' lead counsel's request for Mr. Valukas'
11 deposition. That's going to be later in the year. I just
12 wanted to alert the Court that we may have the need for
13 another order that relates to Mr. Valukas.

14 We'll have a meet-and-confer with the plaintiffs. We'll
15 either reach agreement or not reach agreement. I suspect
16 we'll reach agreement. But given the nature of Mr. Valukas'
17 role, I think the Court can readily see that we may need a
18 more tailored order in that case, but we'll see.

19 We just started the meet-and-confer process. I don't like
20 the Court to be surprised about something that we already know
21 is starting to emerge. And we have plenty of time to address
22 this, but it's going to come up at some point. And we'll
23 either resolve it by a private agreement or have the need for
24 court order, but if we'll have letter briefing, I don't know
25 yet. We've been pretty good as resolving these issues, as the

F4OHGMIC

1 Court knows.

2 THE COURT: I appreciate the heads-up. And, obviously, my
3 opinion and order on the Valukas report and related materials
4 should inform those discussions.

5 All right. Looks like no one else is trying to stand up.
6 I assume that concludes our business. You know the drill.
7 Please submit a proposed order memorializing what we have done
8 today, with the exception of Ms. Robinett matter which I will
9 do separately myself, within three business days, in contrast
10 to other substantive orders that I have asked you to submit on
11 the docket so that there's a record of the proposed orders.
12 My view is you don't need to do that with respect to the
13 orders memorializing what we've done in the conference,
14 because that's simply re-memorializing what we've done in
15 public already. And, obviously, you should follow the same
16 procedures as always for the next conference on June 16. And
17 I will see you then and hear from you in various ways before
18 then.

19 Thank you very much, and have a pleasant weekend.

20 (Adjourned)

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