

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

GENERAL MOTORS LLC IGNITION SWITCH
LITIGATION

14-MD-2543 (JMF)
14-MC-2543 (JMF)

ORDER NO. 154

This Document Relates to All Actions

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JESSE M. FURMAN, United States District Judge:

[Regarding the August 21, 2018 Status Conference]

The Court, having held a Status Conference on August 21, 2018, and having given counsel an opportunity to be heard on the agenda items set forth in the parties' August 17, 2018 tentative agenda letter and the Court's August 20, 2018 Order (Docket Nos. 5942, 5946), issues this Order to memorialize the actions taken and rulings made at the Status Conference.

I. NEXT STATUS CONFERENCE

A Status Conference will be held **Friday, November 2, 2018, at 9:30 a.m. EDT** in Courtroom 1105 of the Thurgood Marshall United States Courthouse, 40 Centre Street, New York, New York.

II. BANKRUPTCY PROCEEDINGS

Consistent with the Court's comments at the Status Conference, the parties shall provide updates pertaining to the bankruptcy proceedings in their monthly joint related case update letter. (Docket Nos. 249, 2389.) The parties should address the bankruptcy proceedings in their joint proposed agenda letters for future Status Conferences only as needed.

III. PERSONAL INJURY SUCCESSOR LIABILITY ISSUES

Consistent with the Court's comments at the Status Conference, the Court adopts the following schedule as next steps for personal injury successor liability issues: (i) by **Friday, November 9, 2018**, New GM will submit its opening brief, not to exceed 35 (double-spaced)

pages, on the choice-of-law, domination and control, and implied liability issues raised by plaintiffs (Docket Nos. 5083, 5631); (ii) by **Tuesday, December 18, 2018**, plaintiffs will submit their consolidated response, not to exceed 35 (double-spaced) pages; (iii) by **Friday, January 4, 2019**, counsel for individual plaintiffs may file supplemental responses with leave of Court for good cause shown; and (iv) by **Friday, January 25, 2019**, New GM will submit its reply, not to exceed 15 (double-spaced) pages.

IV. WAVE ONE PLAINTIFFS

Consistent with the Court's comments at the Status Conference, by **Friday, September 7, 2018**, New GM and the remaining Wave One plaintiffs shall submit a joint letter proposing next steps for those cases.

V. NEW GM'S MOTION TO DISMISS 319 CLAIMS UNDER RULE 12(b)(6)

Consistent with the Court's comments at the Status Conference, by **Tuesday, August 28, 2018**, New GM shall provide a written update to the Court of those plaintiffs for whom New GM's January 31, 2018 Motion to Dismiss 319 Claims Under Federal Rule of Civil Procedure 12(b)(6) (Docket No. 4996) is moot now so that the Court can terminate the motion on the plaintiffs' individual dockets. New GM also agreed at the Status Conference that the Court would, at the same time, terminate New GM's January 31, 2018 Motion to Dismiss 319 Claims Under Federal Rule of Civil Procedure 12(b)(6) for plaintiffs for whom the Motion is not yet moot, subject to New GM's right to move to dismiss those plaintiffs' claims at a later time.

VI. BELLWETHER TRIAL NO. 12 (McKNIGHT) SCHEDULE

Consistent with the Court's comments at the Status Conference, the Court amends the deadline set forth in Order No. 141 Paragraph 16 (Docket No. 5074) with respect to the *McKnight* matter as follows: by **Friday, September 7, 2018**, the parties will meet and confer and submit a joint proposed order regarding deadlines for submitting any *Daubert* motions, dispositive motions, and motions in *limine* for Bellwether Trial No. 12 (*McKnight*). The parties' submission should

also address the need for written jury questionnaires and number of jurors. The **Friday, December 7, 2018** deadline set forth with respect to Bellwether Trial No. 13 (*Roden*) in the Court's August 1, 2018 Memorandum Endorsement (Docket No. 5898) remains in force.

Also consistent with the Court's comments at the Status Conference, **by August 29, 2018**, either McKnight shall file any opposition to New GM's request for an order requiring plaintiff Genita McKnight to submit to medical and vocational examinations, (Docket No. 5949), or both parties shall file a proposed order establishing the parameters of any such medical and vocational examinations. The Court reserves judgment on New GM's request to file its letter and attached exhibit in redacted form, (Docket No. 5950), until it issues an Order in the matter.

VII. ECONOMIC LOSS EXPERT ISSUES


Consistent with the Court's comments at the Status Conference, the parties shall meet and confer by **Monday, September 3, 2018** regarding the sur-rebuttal expert reports to be served by plaintiffs consistent with the Court's August 21, 2018 Order (Docket No. 5952). If the parties cannot resolve their dispute, New GM shall file a letter motion no later than **Tuesday, September 4, 2018**, and Lead Counsel will file their opposition by **Wednesday, September 5, 2018**. Further, by **Wednesday, November 14, 2018**, the parties shall submit a joint letter providing their position(s) on the necessity of a *Daubert* hearing.

VIII. SETTLEMENT

Consistent with the Court's comments at the Status Conference, the parties should continue to keep the Court apprised of developments regarding settlement.

SO ORDERED.

Dated: August 27, 2018
New York, New York



JESSE M. FURMAN
United States District Judge