

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)

This Document Relates to All Actions

ORDER NO. 158

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JESSE M. FURMAN, United States District Judge:

**[Regarding Application of the Court's Conclusions to the
Fifth Amended Consolidated Complaint]**

On September 12, 2018, the Court ordered Lead Counsel for Plaintiffs and New GM to submit a stipulation and proposed order applying the Court's conclusions of law (identified below) to the Plaintiffs and claims in the Fifth Amended Consolidated Complaint (Docket No. 4838 ("5ACC")). (Docket No. 6028, at 108). The parties met and conferred, but could not reach agreement on all issues. The Court, having reviewed the parties' competing submissions (Docket Nos. 6266, 6267), largely agrees with Lead Counsel's approach. That is, although New GM is certainly correct (and Lead Counsel does not appear to dispute) that the Court's prior rulings are law of the case, the Court sees little purchase in resolving the parties' disputes with respect to application of those rulings to particular named plaintiffs at this time. Accordingly, and for good cause shown, the Court ORDERS as follows:

I. APPLICATION OF THE COURT'S CONCLUSIONS OF LAW TO THE 5ACC.

A. Statutory Consumer Fraud Claims

Plaintiff Janelle Davis's statutory consumer fraud claim is dismissed with prejudice pursuant to the Court's September 12, 2018 order (Docket No. 6028), subject to Plaintiff's right to appeal. (*See* 5ACC ¶ 152).

B. Unjust Enrichment Claims

The following Plaintiffs' unjust enrichment claims are dismissed with prejudice pursuant to the Court's September 12, 2018 order (Docket No. 6028), subject to Plaintiffs' right to appeal. (Paragraph citations are to the 5ACC.)

Plaintiff
Glover, Joe: ¶ 49
Hill, Barbara: ¶ 56
Brutche, John Marvin Jr.: ¶ 72
Brutche, Trina: ¶ 72
Lesnansky, Margaret: ¶ 73
Terry, Nathan: ¶ 76
Perillo, Tracey: ¶ 82
Tucker, LaTonia: ¶ 83
Bankhead, L. Rochelle: ¶ 92
Cartwright, Carla: ¶ 93
Dowdy, Dale: ¶ 94
Ferguson, Towana: ¶ 96
Mathis, Jenny: ¶ 97
Mosley, Billy: ¶ 98
Wilborn, Barry: ¶ 100
Backus, Patricia: ¶ 102
Blackwell, Jr., Lane: ¶ 109
Cesco, Martha: ¶ 110
Rodman, Karen: ¶ 114
Rogers, Valerie Mortz: ¶ 112
Wood, Heidi: ¶ 115
Wright, Alphonso: ¶ 116
Bosch, Carl: ¶ 119
Bosch, Evelyn: ¶ 119
Hartzell, Phyllis: ¶ 120
Stewart, Elizabeth: ¶ 122
Quinn, Debra: ¶ 128
Allshouse, Anna: ¶ 150
Davis, Janelle: ¶ 152
Hill, William: ¶ 153
Leonzal, Christine: ¶ 154
Shatek, Cynthia: ¶ 155
Sullivan, Jennifer: ¶ 156

Haynes, Larry: ¶ 157
Johnson, Elizabeth D.: ¶ 159
Murray, Ashley: ¶ 160
Wright, Linda: ¶ 162
Draper, Richelle: ¶ 193
Moore, Gwen: ¶ 194
Mulske, Jolene: ¶ 196
Mellen, Crystal: ¶ 176
Francis, Heather: ¶ 178
Reagan, Gene: ¶ 180
Sileo, Steven: ¶ 181
Delacruz, Javier: ¶ 182
Heckard, Arteca: ¶ 184
Torres, Irene: ¶ 186
Hensley, Bonnie: ¶ 173
Horton, Sandra: ¶ 174
Bainbridge, Gail: ¶ 198
Siefke, Bradley: ¶ 202
Steidle, Steven: ¶ 203
Troiano, William: ¶ 205
Welch, Reggie: ¶ 206
Glass, Shelton: ¶ 216
James, Frances: ¶ 228
Mayfield, Kimberly: ¶ 230
Williams, Edith: ¶ 231
Byrd, Alexis: ¶ 235
Johnson, Felisha: ¶ 236
Nettleton Auto Sales, Inc.: ¶ 50
Newsome, Sharon: ¶ 237
Tindell, Louise: ¶ 238
Walton, Silas: ¶ 239
Crockett, Alexis: ¶ 250
Garcia, Michael: ¶ 254
Hiller, Tony: ¶ 255
Graley, Melinda: ¶ 257

II. NO ANSWER TO THE 5ACC REQUIRED.

No answer or other response to the 5ACC is required under the Court's prior orders. (*See, e.g.,* Order No. 114 § IV, Docket No. 3431; Order No. 131 ¶ 12, Docket No. 4499; Docket No. 4522 (making clear that the only changes from the Fourth Amended Consolidated Complaint to

the 5ACC were to substitute plaintiffs, not to substantively alter any allegations or claims)).

SO ORDERED.

Dated: November 27, 2018
New York, New York

A handwritten signature in black ink, appearing to read "Jesse M. Furman", written over a horizontal line.

JESSE M. FURMAN
United States District Judge