

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. 121

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JESSE M. FURMAN, United States District Judge:

**[Regarding New GM’s Phase Two Bellwether Plan
Category C Replacement Case Selections]**

INTRODUCTION

1. Order No. 107 set forth the schedule for the Phase Two Bellwether Plan for Personal Injury and Wrongful Death Cases based on claims arising out of alleged defects in vehicles manufactured by General Motors LLC (“New GM”) or General Motors Corporation (“Old GM”). The Phase Two Bellwether Plan covers three categories of claims involving accidents occurring on or after July 11, 2009. (*See* Order No. 107, Docket No. 3081.)

2. Following the selection of cases for the Phase Two Discovery Pool, two of Lead Counsel’s Category C case selections, *Davidson* (15-CV-2708) and *Williams/Wilson/Forrister* (14-CV-8130), settled. Lead Counsel sought to select two replacement cases and the Court granted that request on November 18, 2016. (*See* Order No. 117, Docket No. 3543).

3. On November 18, 2016, Lead Counsel selected the *Dodson* (15-CV-8324) and *McPhail* (15-CV-2644) cases as their Discovery Pool Category C Replacement Cases. Those cases are currently proceeding through discovery as contemplated under the Court’s revised schedule set forth in Order No. 118. (Docket No. 3559.)

4. New GM's initial Category C case selections, *Dixon* (15-CV-4088) and *Cain* (15-CV-4088) completed fact discovery on December 1, 2016 as contemplated in Order No. 107. On December 5, 2016, Lead Counsel exercised their strike against *Dixon*, leaving the *Cain* case to proceed to trial. (Docket No. 3571.) At that time, only one of New GM's initial Category A case selections, *Jackson-Hood* (16-CV-0924), remained active due to the October 20, 2016 voluntary dismissal of personal injury claims in New GM's other Category A selection, *Boyd* (14-CV-8385).

5. On January 6, 2017, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), Category C plaintiff Keiara Cain voluntarily dismissed with prejudice her claims against New GM. (Docket No. 3615.) The Court terminated the *Cain* docket on January 9, 2017. (Docket No. 3624.)

6. On January 9, 2017, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), Category A plaintiff Lenora Jackson-Hood voluntarily dismissed with prejudice her claims against New GM. (Docket No. 3626.) The Court terminated the *Jackson-Hood* docket on January 10, 2017. (Docket No. 3629.)

7. Following the dismissal of the *Cain* and *Jackson-Hood* cases, New GM sought replacement bellwether selections, but only in Category C. On January 23, 2017, New GM and Lead Counsel submitted letter briefs regarding New GM's request. At that time, New GM identified *Thompson* (15-CV-4088) and *Tupper/Greene* (15-CV-4088) as its two proposed replacement selections. After consideration of New GM's submission and for good cause shown, the Court grants New GM's request to select replacement Category C cases.

8. The Court adopts a revised schedule for these two New GM Discovery Pool Category C Replacement Case selections as follows.

**SCHEDULE FOR NEW GM DISCOVERY POOL
CATEGORY C REPLACEMENT CASES**

9. Fact discovery and expert discovery for New GM's Discovery Pool Category C Replacement Case selections shall proceed on a different schedule from Lead Counsel's Discovery Pool Category C Replacement Case selections.

10. Fact discovery in the New GM Discovery Pool Category C Replacement Cases will conclude no later than **Monday, May 22, 2017**.

11. By **5:00 p.m. EDT on Thursday, May 25, 2017**, Lead Counsel will exercise one strike against a New GM Discovery Pool Category C Replacement Case.

12. The remaining case will constitute the New GM Phase Two Category C Replacement Case Early Trial Candidate and will proceed to case-specific expert discovery as follows:

- a. Lead Counsel shall disclose expert witnesses and submit any reports required under Fed. R. Civ. P. 26(a)(2)(B) on or before **Friday, July 7, 2017**.
- b. Lead Counsel shall present their expert witnesses for deposition on or before **Monday, August 7, 2017**.
- c. New GM shall disclose expert witnesses and submit any reports required under Fed. R. Civ. P. 26(a)(2)(B) on or before **Monday, August 14, 2017**.
- d. New GM shall present its expert witnesses for deposition on or before **Thursday, September 14, 2017**.
- e. Absent good cause, no rebuttal expert reports shall be permitted.
- f. Expert discovery for the Phase Two Category C Replacement Case Trial Candidate shall conclude by **Thursday, September 14, 2017**.


13. The New GM Phase Two Category C Replacement Case Trial Candidate shall be scheduled as MDL Bellwether Trial No. 10 from **January 15, 2018-February 2, 2018**.

14. Lead Counsel's Phase Two Category C Replacement Case Trial Candidate, original scheduled as MDL Bellwether Trial No. 10 under Order No. 118, shall now be scheduled as MDL Bellwether Trial No. 9 from **October 30, 2017-November 17, 2017**.

15. To the extent not modified herein, all deadlines in Order Nos. 107 and 118 (and any other previous order modifying Order Nos. 107 and 118) remain in full force and effect.

SO ORDERED

Date: January 30, 2017
New York, New York



JESSE M. FURMAN
United States District Judge