

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. 134

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JESSE M. FURMAN, United States District Judge:

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

INTRODUCTION

1. Order No. 128 set forth the procedures for case selection and the schedule for discovery for New GM’s Phase Two Bellwether Plan Category C Replacement Cases. (*See* Order No. 128, Docket No. 4307).¹ Order No. 128 also provided for a May 7, 2018 trial setting for the New GM Phase Two Category C Replacement Case Early Trial Candidate for Bellwether Trial No. 11. (*Id.* at ¶ 15).

2. On August 11, 2017, the Court continued the trial date for Bellwether Trial No. 11 to **Monday, June 18, 2018** and ordered the parties to review the current pretrial schedule, meet and confer and propose any modifications as appropriate. (*See* Order No. 131 § IV, Docket No. 4443.)

3. Upon review of the parties’ joint letter dated September 20, 2017, and for good cause shown, the Court adopts a revised schedule for New GM’s New Replacement Discovery Pool Category C Replacement Case selections as follows.

¹ Order No. 128 also details the procedural history of the Court’s Phase Two Bellwether Plan. (*See* Order No. 128 at ¶¶ 1-9.)

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

4. Fact discovery in the New GM Discovery Pool Category C Replacement Cases will conclude no later than **Friday, December 1, 2017.**²

5. By **5:00 p.m. EST on Friday, December 1, 2017**, Lead Counsel will exercise one strike against a New GM Discovery Pool Category C Replacement Case.

6. The remaining case will constitute the New GM Phase Two Category C Replacement Case Early Trial Candidate for Bellwether Trial No. 11 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 **Thursday, January 11, 2018.**
- b. Lead Counsel shall present their expert witnesses for deposition on or before **Tuesday, February 13, 2018.**
- c. New GM shall disclose expert witnesses and submit any reports required under Fed. R. Civ. P. 26(a)(2)(B) on or before **Tuesday, February 27, 2018.**
- d. New GM shall present its expert witnesses for deposition on or before **Thursday, March 29, 2018.**
- 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, March 29, 2018.**

² In light of the compressed fact discovery period, the parties will work cooperatively and in good faith to minimize any discovery disputes and to resolve any scheduling conflicts. In particular, the parties agree to negotiate in good faith scheduling depositions requested by the parties to be taken outside of the fact discovery period to the extent: 1) documents are discovered and/or produced late in the fact discovery period; 2) necessary to accommodate the schedule of the witnesses; and/or 3) necessary to avoid potential overlap and conflicts for trial counsel in the *Dodson* trial.

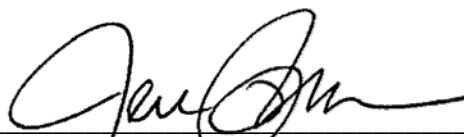
7. By **Friday, February 26, 2018**, the parties will meet and confer and submit a joint proposed order regarding deadlines for submitting any *Daubert* motions, dispositive motions, and motions *in limine* for Bellwether Trial No. 11.

8. The New GM Phase Two Category C Replacement Case Trial Candidate shall be scheduled as MDL Bellwether Trial No. 11 from **June 18, 2018-July 9, 2018**.

9. To the extent not modified herein, all deadlines in Order Nos. 107, 118, 121, and 128 (and any other previous order modifying Order Nos. 107 and 118) remain in full force and effect.

SO ORDERED

Date: September 25, 2017
New York, New York



JESSE M. FURMAN
United States District Judge