

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. 153

This Document Relates to All Actions

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JESSE M. FURMAN, United States District Judge:

**[Regarding Next Steps for Non-Ignition Switch Plaintiffs Subject to
Order No. 140 Motions or Notices]**

On March 29, 2018, the Court entered an order that directed Lead Counsel and counsel for New GM to meet and confer and submit joint or competing letters to the Court regarding next steps for certain Post-Sale plaintiffs who filed amended and severed complaints pursuant to the Order No. 140 motions and notices process. (*See* Order No. 146, Docket No. 5301). On June 22, 2018, after meeting and conferring, Lead Counsel and counsel for New GM submitted a joint letter proposing next steps for these plaintiffs. (*See* Docket No. 5744). The Court hereby adopts and orders the following procedures.

Identification of “Non-Ignition Switch Plaintiffs”¹

1. By **Friday, July 20, 2018**, New GM and Lead Counsel shall file on the main MDL docket a joint list of “Non-Ignition Switch Plaintiffs,” which may include (i) the Plaintiffs who filed amended complaints pursuant to Order No. 146 and whose complaints no longer allege any ignition-switch or key-rotation claims; and (ii) additional Post-Sale order personal injury claimants whose complaints (as currently pled, including through amendment if necessary) do not allege any

¹ For purposes of this Order only, “Non-Ignition Switch Plaintiff” means a plaintiff whose complaint purports to allege that his or her accident or injuries was caused by a defect other than an ignition switch or key rotation defect.

ignition-switch or key-rotation claims. These plaintiffs are referred to herein as the “Non-Ignition Switch Plaintiffs.”

Motion and Notice Practice

2. “No Plausibly Pled Defect/Causation” Cases: By **Monday, August 20, 2018**, with respect to the Non-Ignition Switch Plaintiffs’ operative complaints, New GM may file on the main MDL docket motions to dismiss the claims of those Non-Ignition Switch Plaintiffs (if any) that New GM believes fail to state a claim under Fed. R. Civ. Pro. 12(b)(6). By **Thursday, September 20, 2018**, counsel for Non-Ignition Switch Plaintiffs included in the motions shall file *on the main MDL docket* (1) a list of the plaintiffs who agree to voluntarily dismiss their claims; (2) a list of plaintiffs as to whom counsel plans to move to withdraw; and (3) a list of the plaintiffs who intend to press their claims (specifically identifying which plaintiffs intend to amend their complaints). By **Wednesday, October 10, 2018**, those Non-Ignition Switch Plaintiffs who agree to dismiss will file voluntary dismissals, and counsel for Non-Ignition Switch Plaintiffs who intend to withdraw will file motions to withdraw.

3. Statute of Limitations/Repose Cases: By **Monday, August 20, 2018**, with respect to the Non-Ignition Switch Plaintiffs’ operative complaints, New GM may file on the main MDL docket a notice identifying which claimants (if any) it believes are barred by the applicable statutes of limitation or repose. By **Thursday, September 20, 2018**, counsel for Non-Ignition Switch Plaintiffs included in the notice shall file *on the main MDL docket* (1) a list of the plaintiffs who agree to voluntarily dismiss their claims; (2) a list of plaintiffs as to whom counsel plans to move to withdraw; and (3) a list of the plaintiffs who intend to press their claims, along with the basis as to why those plaintiffs believe their claims are not barred. By **Wednesday, October 10, 2018**,

those Non-Ignition Switch Plaintiffs who agree to dismiss will file voluntary dismissals, and counsel for Non-Ignition Switch Plaintiffs who intend to withdraw will file motions to withdraw.

4. By **Monday, October 22, 2018**, Lead Counsel and New GM will file a joint letter identifying the number of and proposing next steps to address any remaining disputed claims addressed in paragraphs 2 or 3 above, including whether such cases should remain in the MDL.

Settlement Consideration

5. In order to determine eligibility for and to facilitate potential settlement of Non-Ignition Switch Plaintiffs, the Court adopts the following procedures.

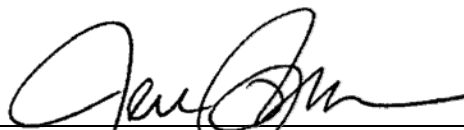
6. Plaintiff Fact Sheet and Order No 108 Compliance: By **Monday, August 20, 2018**, New GM will file a notice identifying Non-Ignition Switch Plaintiffs that it believes have not submitted a substantially complete Plaintiff Fact Sheet (“PFS”), have PFS deficiencies, or have not complied with Order No. 108 with respect to the allegations in the operative complaints (*i.e.* non-ignition-switch and non-key-rotation claims). The parties are to meet and confer to resolve any disputes. The claims of any Non-Ignition Switch Plaintiff who fails to comply with this paragraph will be dismissed without prejudice upon the filing of a notice of non-compliance by New GM. Any such dismissal will, upon the filing of a second notice of non-compliance by New GM no sooner than thirty (30) days after the affected plaintiff’s dismissal without prejudice, convert to a dismissal with prejudice without further notice or hearing if the plaintiff does not comply with his or her obligations or seek to vacate his or her dismissal without prejudice.

7. Settlement Window: In parallel with the motion and notice practice described above, the parties may consider potential eligibility for and settlement of Non-Ignition Switch Plaintiffs’ claims. On **Thursday, November 15, 2018**, New GM and Lead Counsel shall file a joint letter apprising the Court of the status of the Non-Ignition Switch Plaintiffs’ claims and proposing next steps for remaining Non-Ignition Switch Plaintiffs (if any) whose claims have not

been resolved through the motion and notice practice or settlement, including whether such claims should remain in the MDL.

SO ORDERED.

Dated: July 2, 2018
New York, New York



JESSE M. FURMAN
United States District Judge