

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. 162

This Document Relates to All Actions

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JESSE M. FURMAN, United States District Judge:

[Regarding Next Steps For 18 Post-Sale Personal Injury Claims]

Upon consideration of the discussion on the record during the March 1, 2019 status conference, and for good cause shown, the Court adopts the following procedures and schedule for the 18 “Personal Injury Next Steps” Plaintiffs listed in Docket No. 6505, Ex. A:

I. NEXT STEPS FOR 18 POST-SALE PERSONAL INJURY CASES NOT SUBJECT TO IGNITION SWITCH RECALLS

A. Air Bag Deployment Cases.

By **Friday, March 15, 2019**, New GM will provide Lead Counsel a list of plaintiffs it has identified as those it believes should be subject to dispositive motion practice in light of the Court’s December 28, 2017 Opinion and Order. *See In re GM LLC Ignition Switch Litig.*, 2017 WL 6729295, at *1 (S.D.N.Y. Dec. 28, 2017). By **Friday, March 22, 2019**, New GM and Lead Counsel shall submit a joint letter (and, if appropriate, a proposed order) with respect to how the Court should address the claims of those plaintiffs.

B. Suggestion of Remand No. 1.

1. Identification of Plaintiffs.

By **Friday, March 29, 2019**, the parties are to meet and confer and provide the Court joint or competing lists of plaintiffs who may be eligible for Suggestion of Remand No. 1. To be eligible for Suggestion of Remand No. 1, a plaintiff must:

- Be included on Exhibit A to Lead Counsel's Feb. 22, 2019 Letter (Docket No. 6505);
- Not be subject to potential motion practice under the Court's December 28, 2017 Opinion and Order; and
- Not have settled in principal or be eligible for inclusion in an aggregate settlement agreement as of March 29, 2019.

2. Venue for Remand or Transfer.

By **Monday, April 15, 2019**, Lead Counsel and Counsel for New GM shall submit to the Court a joint letter addressing the parties' recommendations as to the proper venue for remand or transfer of each of the plaintiffs subject to Suggestion of Remand No. 1. The parties' list shall identify which cases were transferred to this Court by the Judicial Panel on Multidistrict Litigation (as to which the Court would presumably need to enter a suggestion of remand) and which cases were directly filed in this District (as to which the Court could presumably enter an order transferring venue pursuant to 28 U.S.C. §§ 1404 and 1406.)

3. Suggestions of Remand / Procedural Posture.

By **Wednesday, May 8, 2019**, Lead Counsel and Counsel for New GM shall submit to the Court joint or competing proposed Suggestions of Remand for plaintiffs in each case subject to Suggestion of Remand No. 1 for the Court to submit to the Judicial Panel on Multidistrict Litigation. The proposal(s) shall include a remand packet that summarizes the key activities and rulings that have taken place since the cases were coordinated.

By **May 22, 2019**, counsel for plaintiffs in each case subject to Suggestion of Remand No. 1 and Counsel for New GM shall submit to the Court joint or competing proposed letters to apprise the transferor courts of the posture of each case.

SO ORDERED.

Dated: March 8, 2019
New York, New York



JESSE M. FURMAN
United States District Judge