

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. 33**

*This Document Relates to All Actions*

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JESSE M. FURMAN, United States District Judge:

**[Regarding the January 20, 2015 Status Conference]**

The Court, having held a Status Conference on January 20, 2015 and having given Lead Counsel for Plaintiffs (“Lead Counsel”) and counsel for Defendants an opportunity to be heard on the agenda items set forth in the Court’s January 16, 2015 Memo Endorsement (14-MD-2543 Docket No. 539), issues this Order to memorialize the actions taken and rulings made at the Status Conference.

**I. ADDITIONAL STATUS CONFERENCE DATES**

Unless and until the Court orders otherwise, the Status Conference previously scheduled for February 11, 2015 has been CANCELED. As previously ordered, the Court will conduct additional Status Conferences on the following dates: **March 13, 2015**, and **April 8, 2015**. The parties should be prepared to address at the March 13, 2015 Status Conference whether additional Status Conferences should continue to be scheduled on a monthly basis (as opposed to every six weeks, two months, or some other schedule). Unless the Court orders otherwise or indicates otherwise, all Status Conferences will begin at 9:30 a.m. and will be held in Courtroom 1105 of the Thurgood Marshall United States Courthouse, 40 Centre Street, New York, New York.

**II. COORDINATION IN RELATED ACTIONS**

The parties are to continue their coordination efforts in Related Actions pursuant to Order No. 15 (14-MD-2543 Docket No. 315) and to keep the Court apprised of emerging coordination issues through their biweekly joint letter updates (*see* Order No. 8 § V (14-MD-2543 Docket No. 249)) or in separate letter updates, as circumstances require.

**III. PLAINTIFF FACT SHEET ISSUES**

The parties should meet and confer to discuss and work out any remaining Plaintiff Fact Sheet issues. The parties should promptly bring any unresolved issues to the Court's attention.

**IV. NEW GM'S PHASE ONE PRODUCTION**

The parties are to meet and confer regarding the concerns Lead Counsel raised with respect to the timing of New GM's Phase One production (14-MD-2543 Docket No. 383), including a schedule for New GM's continued rolling production of Phase One discovery documents. The parties should promptly bring any unresolved issues to the Court's attention.

**V. DISCOVERY RELATED TO POST-RECALL REPAIR COMPLAINTS**

The parties should meet and confer regarding responsiveness guidelines for the post-recall repair complaints and a proposed production schedule for the responsive, non-privileged documents. (*See* 14-MD-2543 Docket No. 334.) The parties should promptly bring any unresolved issues to the Court's attention.

**VI. DEPOSITION PROTOCOL ORDER**

The parties should meet and confer regarding the issue raised in the parties' joint January 15, 2015 letter (14-MD-2543 Docket No. 532, ¶ 6) with respect to the Deposition Protocol Order (14-MD-2543 Docket No. 529): namely, whether Order No. 32 ¶ 43 should be amended to address further the reasonable opportunity of Plaintiffs' Counsel from each Coordinated Action to question

a deponent — either directly or through representation of similarly situated counsel. Additionally, the parties should consider whether Order No. 32 should be amended to permit the use of technology that would allow counsel to participate in a deposition in real time but from a remote location. Finally, pursuant to Order No. 32 ¶ 46, the parties shall propose supplemental deposition protocols by submitting an agreed-upon proposed order (or orders), or competing proposed orders and supporting letter briefs not to exceed five (5) pages, no later than **March 4, 2015**.

**VII. ISSUES REGARDING PRESERVATION AND INACCESSIBLE DOCUMENTS**

The parties should continue to meet and confer regarding the preservation and inaccessibility of documents, including electronically stored information. The parties should submit an agreed upon order regarding the preservation of and inaccessibility of documents by **March 6, 2015**. If the parties are unable to reach an agreement, Lead Counsel and counsel for Defendants should each submit a letter brief (not to exceed five single-spaced pages) setting forth their positions and attaching their proposed orders, as well as a redline showing the differences between the competing orders.

**VIII. COMMON BENEFIT ASSESSMENT ORDER**

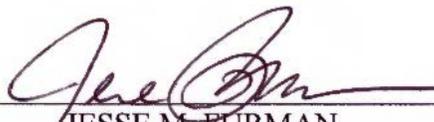
The parties should continue to meet and confer regarding the proposed common benefit assessment order. The parties should consider whether and to what extent the Court should adopt procedures that provide counsel and courts in Coordinated Actions and/or Related Actions the opportunity to weigh in on the common benefit assessment order. The parties should submit an agreed upon common benefit assessment order by **February 27, 2015**. If the parties are unable to reach an agreement, Lead Counsel and counsel for Defendants should each submit a letter brief (not to exceed five single-spaced pages) setting forth their positions and attaching their proposed orders, as well as a redline showing the differences between the competing orders.

**IX. THE BLEDSOE, ELLIOTT, AND SESAY PLAINTIFFS' OBJECTIONS TO AND MOTION TO RECONSIDER ORDER NO. 29**

Defendants and Lead Counsel should each file consolidated responses to the *Bledsoe*, *Elliott*, and *Sesay* plaintiffs' motion to reconsider and/or objections to Order No. 29 (*see* 14-MD-2543 Docket Nos. 499, 502, 503, 506) by **January 29, 2015**, and the *Bledsoe*, *Elliott*, and *Sesay* plaintiffs shall file a consolidated reply, if any, by **February 5, 2015**. (The Court previously set earlier deadlines, but is extending the deadlines in light of the inclement weather.)

SO ORDERED.

Dated: January 26, 2015  
New York, New York

  
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JESSE M. FURMAN  
United States District Judge