



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)

This Document Relates To:
Fleck, et al. v. General Motors LLC, 14-CV-8176
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ORDER

JESSE M. FURMAN, United States District Judge:

[Regarding the Application of Certain Evidentiary Rulings in MDL Bellwether Trial Nos. 1 and 2 to MDL Bellwether Trial No. 5 (Cockram)]

1. **Application of Certain Evidentiary Rulings in Bellwether Trial Nos. 1 and 2 to Bellwether Trial No. 5:** Pursuant to Order No. 100 (Docket No. 2836), New GM and Cockram have submitted a joint letter, competing letter briefs, and proposals regarding the applicability of certain evidentiary rulings from Bellwether Trials Nos. 1 and 2 to Bellwether Trial No. 5. (14-MD-2543 Docket Nos. 3281-3283). Having reviewed the parties' submissions, and for good cause shown, the Court adopts the holdings contained in the chart attached as Exhibit 1 to this Order concerning the applicability of the listed evidentiary rulings from Bellwether Trial Nos. 1 and 2 to Bellwether Trial No. 5.

2. **Effect of This Order on Other Rules and Orders:** To the extent not explicitly modified herein, the Court's Individuals Rules and Practices in Civil Cases and Rules and Procedures for Trials and all other applicable Orders of this Court remain in full force and effect. The Court may enter additional and/or modified orders regarding the pretrial schedule of Bellwether Trial No. 5 as circumstances require.

SO ORDERED.

Date: August 31, 2016
New York, New York



JESSE M. FURMAN
United States District Judge

Issue Briefed in Bellwether Trial No. 1 (<i>Scheuer</i>) or Bellwether Trial No. 2 (<i>Barthelemy</i>) and Ruling	Application to <i>Cockram</i> ¹
<p>Categorical Disputes re Other Similar Incidents (OSIs), Litigation conduct, and Deferred Prosecution Agreement (DPA) for Jaclyn Palmer, Mary Barra, Laura Andres, and Courtland Kelley (Docket Nos. 2040, 2047)</p> <p>Ruling: 1/10/2016 (Docket No. 2056)</p>	<p>HOLDING: The Court’s order regarding the categorical deposition disputes related to Jaclyn Palmer, Mary Barra, and Laura Andres applies to <i>Cockram</i>. The Court’s order with respect to Courtland Kelley does not apply in <i>Cockram</i>, because the parties have not designated his deposition testimony.</p>
<p>Ray DeGiorgio and Doug Parks Deposition Designations (Docket Nos. 2070, 2071)</p> <p>Ruling: 1/12/2016 (Docket Nos. 2075, 2080)</p>	<p>HOLDING: The Court’s order regarding the deposition designations of Raymond DeGiorgio and Doug Parks in <i>Scheuer</i> applies to <i>Cockram</i> to the extent the same testimony is designated.</p>
<p>Doug Parks Deposition Designation Exhibits (<i>Scheuer</i> Trial Tr. at 233-36)</p> <p>Ruling: 1/13/2016 (1/13/16 Trial Tr. at 233-36)</p>	<p>HOLDING: The Court’s order regarding the deposition exhibits of Raymond DeGiorgio and Doug Parks in <i>Scheuer</i> applies to <i>Cockram</i> to the extent the same exhibits are offered.</p>
<p>Laura Andres and Brian Thompson Deposition Designations (Docket Nos. 2101, 2102)</p> <p>Ruling: 1/14/2016 (Docket No. 2105)</p>	<p>HOLDING: The Court’s order regarding the deposition designations of Laura Andres and Brian Thompson in <i>Scheuer</i> applies to <i>Cockram</i> to the extent the same testimony is designated.</p>

¹ Nothing in this proposed order should be construed to waive any of the parties’ preserved objections or rights to appeal the Court’s rulings. To the contrary, all arguments from prior briefing and/or oral arguments on such motions are expressly preserved.

<p>Alberto Manzor Deposition Designations (Docket No. 2118, 2119)</p> <p>Ruling: 1/19/2016 (Docket No. 2133)</p>	<p>The parties agree that the Court’s order regarding the deposition designations of Alberto Manzor in <i>Scheuer</i> applies to <i>Cockram</i>, but dispute whether the Court’s order regarding the deposition designations of Alberto Manzor in <i>Barthelemy</i> applies to <i>Cockram</i>.</p> <p>HOLDING: The Court’s order regarding the deposition designations of Alberto Manzor in <i>Scheuer</i> applies to <i>Cockram</i> to the extent the same testimony is designated. The parties’ dispute concerning the applicability of the Court’s order regarding the deposition designations of Manzor in <i>Barthelemy</i> is addressed below.</p>
<p>John Sprague, Arturo Alcala, David Carey Deposition Designations and Exhibits (Docket No. 2130, 2131)</p> <p>Ruling: 1/19/2016 (Docket Nos. 2143, 2144, 2145)</p>	<p>HOLDING: The Court’s order regarding the deposition designations and exhibits of John Sprague and Arturo Alcala in <i>Scheuer</i> applies to <i>Cockram</i> to the extent the same testimony is designated. The Court’s order with respect to David Carey does not apply in <i>Cockram</i>, because the parties have not designated his deposition testimony.</p>
<p>Jaclyn Palmer and Michael Millikin Deposition Designations and Exhibits (Docket Nos. 2137, 2138)</p> <p>Ruling: 1/19/2016 (Docket Nos. 2147, 2149)</p>	<p>HOLDING: The Court’s order regarding the deposition designations of Jaclyn Palmer and Michael Millikin in <i>Scheuer</i> applies to <i>Cockram</i> to the extent the same testimony is designated and the same exhibits are offered.</p>
<p>Laura Andres Deposition Designation Exhibits (<i>Scheuer</i> Trial Tr. at 804)</p> <p>Ruling: 1/19/2016 (<i>Scheuer</i> Trial Tr. at 804-805)</p>	<p>HOLDING: The Court’s order regarding the deposition exhibits of Laura Andres in <i>Scheuer</i> applies to <i>Cockram</i> to the extent the same exhibits are offered.</p>
<p>Jaclyn Palmer Deposition Designation Exhibit Redactions (Docket No. 2158)</p> <p>Ruling: 1/21/2016 (<i>Scheuer</i> Trial Tr. at 1183-84)</p>	<p>HOLDING: The Court’s order regarding the redaction of deposition exhibits of Jaclyn Palmer in <i>Scheuer</i> applies to <i>Cockram</i> to the extent the same exhibits are offered.</p>

<p>Secretary Foxx Letter (Docket Nos. 1990, 2003)</p> <p>Ruling: 1/6/2016 (<i>Scheuer</i> Final Pretrial Conference Hr'g Tr. at 3:24-4:22)</p>	<p>The parties disagree regarding the applicability of the Court's ruling on the Secretary Foxx Letter. Cockram believes that the Court's ruling with respect to hearsay should apply, but that she should be given an opportunity, before the document is admitted at trial, to raise new arguments not made in <i>Scheuer</i> due to the different facts and allegations involved in the <i>Cockram</i> matter. New GM believes the ruling should apply and that the relevant facts from <i>Scheuer</i> are the same as in <i>Cockram</i>.</p> <p>HOLDING: The Court's order regarding the Secretary Foxx letter in <i>Scheuer</i> applies to <i>Cockram</i>. Given that Cockram is pursuing punitive damages, the Court is skeptical of Cockram's suggestion that there may be independent relevance objections to admission of the letter. Nevertheless, the Court will give Cockram an opportunity to raise arguments neither made nor addressed in <i>Scheuer</i> with respect to the admissibility of the Foxx letter. The parties shall confer and agree upon an appropriate process to present any new arguments to the Court for its timely resolution.</p>
<p>OSI Photographs Opening Demonstratives (Docket Nos. 2049, 2050)</p> <p>Ruling: 1/10/2016 (Docket No. 2057)</p>	<p>HOLDING: The Court's order regarding the use of other similar incident photographs in opening demonstratives and in connection with expert testimony at trial in <i>Scheuer</i> applies to <i>Cockram</i>, unless Cockram offers an independent basis for the admission of the photographs.</p>
<p>Commentary re Old GM Conduct (1/12/2016 <i>Scheuer</i> Trial Tr. at 88-92)</p> <p>Ruling: 1/12/2016 (<i>Scheuer</i> Trial Tr. at 88-92.)</p>	<p>HOLDING: The Court's order regarding commentary about Old GM conduct during the opening statement and the scope of the Court's crime fraud ruling and Motion <i>in Limine</i> No. 9 in <i>Scheuer</i> applies to <i>Cockram</i>.</p>

<p>VTTI Report (Docket Nos. 2116, 2119)</p> <p>Ruling: 1/19/2016 (<i>Scheuer</i> Trial Tr. at 789-90)</p>	<p>The parties disagree regarding the applicability of the Court’s ruling on the VTTI Report. Cockram does not believe the ruling should apply due to the facts specific to the <i>Cockram</i> matter. New GM believes the ruling should apply and that the relevant facts from <i>Scheuer</i> are the same as in <i>Cockram</i>.</p> <p>HOLDING: The Court’s order regarding the VTTI Report in <i>Scheuer</i> does not apply to <i>Cockram</i>, substantially for the reasons set forth in Cockram’s letter. (Docket No. 3281, at 1-3). That is, given that Cockram disclaims the allegations in her complaint with respect to the sufficiency of the recall, the reason for allowing the VTTI Report into evidence in <i>Scheuer</i> (to explain why New GM did or did not do certain things in 2014) does not apply. Accordingly, unless Cockram opens the door to the evidence through her arguments or evidence at trial, New GM may not admit the Report. As New GM notes, however, the Report may be useable in connection with the testimony of experts as “the kind of report an expert would rely on.” (Docket No. 3283, at 3 n.4).</p>
<p>Presenting GM Answer to Jury (<i>Scheuer</i> Trial Tr. at 1247-52, 1264)</p> <p>Ruling: 1/21/2016 (<i>Scheuer</i> Trial Tr. at 1247-52)</p>	<p>HOLDING: The Court’s order regarding presenting New GM’s answer to Cockram’s complaint in <i>Scheuer</i> applies to <i>Cockram</i>. The parties shall meet and confer regarding any proposed redactions to New GM’s <i>Cockram</i> answer and raise any disputes at least 48 hours prior to the answer being offered into evidence.</p>
<p>Joseph Fedullo Hybrid Witness Testimony (Docket Nos. 2088, 2100)</p> <p>Ruling: 1/15/2016 (<i>Scheuer</i> Trial Tr. at 649)</p>	<p>HOLDING: The Court’s order regarding the testimony of Joseph Fedullo as a hybrid fact and expert witness in <i>Scheuer</i> applies to <i>Cockram</i>.</p>
<p>Mark Hood Expert Testimony (Docket Nos. 2108, 2110)</p> <p>Ruling: 1/15/2016 (<i>Scheuer</i> Trial Tr. at 643:19-20)</p>	<p>HOLDING: The Court’s order regarding the testimony of Mark Hood in <i>Scheuer</i> applies to <i>Cockram</i>.</p>

<p>Stevick Expert Testimony (Docket Nos. 2109, <i>Scheuer</i> Trial Tr. at 713-24)</p> <p>Ruling: 1/15/2016 (<i>Scheuer</i> Trial Tr. at 715-724)</p>	<p>HOLDING: The Court's order regarding the testimony of Glen Stevick in <i>Scheuer</i> applies to <i>Cockram</i>.</p>
<p>Joseph Fedullo Exhibits (Docket Nos. 2125, 2127)</p> <p>Ruling: 1/19/2016 (<i>Scheuer</i> Trial Tr. at 789-793.)</p>	<p>The parties disagree about the applicability of the Court's order regarding the VTTI report used in connection with the testimony of Joseph Fedullo in <i>Scheuer</i> applies to <i>Cockram</i>. The parties agree that the Court's remaining rulings regarding the exhibits used in connection with the testimony of Joseph Fedullo in <i>Scheuer</i> applies to <i>Cockram</i>, but <i>Cockram</i> may raise arguments not made in <i>Scheuer</i>.</p> <p>HOLDING: The Court addressed the parties' dispute concerning the VTTI Report above. The Court's remaining rulings regarding exhibits used in connection with the testimony of Joseph Fedullo in <i>Scheuer</i> applies in <i>Cockram</i>, except that <i>Cockram</i> may raise arguments not made in <i>Scheuer</i> with respect to the admissibility of such exhibits.</p>
<p>Limiting Instructions During Trial (Docket No. 2039)</p> <p>Order Issued: 1/11/2016 (<i>Scheuer</i> Trial Tr. at 5.)</p>	<p>HOLDING: The Court's order regarding certain limiting instructions to the jury in <i>Scheuer</i> applies to <i>Cockram</i>.</p>
<p>Preliminary Jury Instructions and Statement of Case (Docket No. 2031, 2046)</p> <p>Order Issued: 1/11/2016 (<i>Scheuer</i> Trial Tr. at 15-16)</p>	<p>The parties agree that the Court's ruling with respect to the Statement of the Case is fact specific to <i>Scheuer</i> and does not apply to <i>Cockram</i>. The parties agree that the Court's ruling with respect to the preliminary instructions applies to <i>Cockram</i>.</p> <p>HOLDING: The Court's order regarding the preliminary jury instructions and statement of the case in <i>Scheuer</i> does not apply to <i>Cockram</i>. The Court's ruling regarding the preliminary jury instructions applies to <i>Cockram</i>.</p>

<p>Stipulation and Jury Instruction re Admissibility of Statement of Facts, Valukas Report, and NHTSA Consent Order (Docket Nos. 2059, 2069, 2083)</p> <p>Ruling: 1/11/2016 (<i>Scheuer</i> Trial Tr. at 129-31); 1/12/2016 (<i>Scheuer</i> Trial Tr. at 218-220); 1/13/2016 (Docket No. 2087)</p>	<p>The parties agree that the Court’s order regarding the stipulation and jury instruction related to the Statement of Facts, Valukas Report, and NHTSA Consent Order applies to <i>Cockram</i>, subject to proper redactions of the Statement of Facts and Valukas Report in accordance with the court’s rulings and the parties submissions on this issue. The parties also agree New GM’s stipulation as to the Statement of Facts, Valukas Report, and the NHTSA Consent Order will be subject to the same reservation of rights proposed in <i>Scheuer</i> for the same documents and that the reservation of rights shall be read into the record, but not read to the jury (Docket No. 2087).</p> <p>HOLDING: The Court’s order regarding the stipulation and jury instruction related to the Statement of Facts, Valukas Report, and NHTSA Consent Order applies to <i>Cockram</i>, subject to proper redactions of the Statement of Facts and Valukas Report in accordance with the Court’s rulings and the parties submissions on this issue. New GM’s stipulation as to the Statement of Facts, Valukas Report, and the NHTSA Consent Order will be subject to the same reservation of rights proposed in <i>Scheuer</i> for the same documents. As in <i>Scheuer</i>, New GM’s reservation of rights shall be entered into the record but not in the presence of the jury. (Docket No. 2087)</p>
<p>Opening Demonstratives re Scheuer’s Medication Use (Docket Nos. 2049, 2050, 2053)</p> <p>Ruling: 1/10/2016 (Docket No. 2057)</p>	<p>The parties agree that the Court’s ruling is fact specific to <i>Scheuer</i> and does not apply to <i>Cockram</i>.</p> <p>HOLDING: The Court’s order regarding the <i>Scheuer</i> opening demonstratives does not apply to <i>Cockram</i>.</p>
<p>Damages of Lisa Scheuer and Plaintiff’s Children (<i>Scheuer</i> Trial Tr. at 132-34)</p> <p>Ruling: 1/12/2016 (<i>Scheuer</i> Trial Tr. at 132-34.)</p>	<p>The parties agree that the Court’s ruling is fact specific to <i>Scheuer</i> and does not apply to <i>Cockram</i>.</p> <p>HOLDING: The Court’s order regarding the <i>Scheuer</i> does not apply to <i>Cockram</i>.</p>

<p>Robert Scheuer and Paul Connett Testimony and Exhibits (Docket No. 2081)</p> <p>Ruling: 1/13/2016 (<i>Scheuer</i> Trial Tr. at 426-28)</p>	<p>The parties agree that the Court’s ruling is fact specific to <i>Scheuer</i> and does not apply to <i>Cockram</i>.</p> <p>HOLDING: The Court’s order regarding the the examination and exhibits for Robert Scheuer and Paul Connett does not apply to <i>Cockram</i>.</p>
<p>ATT Cell Phone Records (Docket No. 2096, 2098)</p> <p>Ruling: 1/14/2016 (<i>Scheuer</i> Trial Tr. at 439-40.)</p>	<p>The parties agree that the Court’s ruling is fact specific to <i>Scheuer</i> and does not apply to <i>Cockram</i>.</p> <p>HOLDING: The Court’s order regarding the <i>Scheuer</i> telephone records does not apply to <i>Cockram</i>.</p>
<p>Redaction of PFS Question 40(e) (Docket No. 2095)</p> <p>Ruling: 1/14/2016 (<i>Scheuer</i> Trial Tr. at 443)</p>	<p>The parties agree that the Court’s ruling is fact specific to <i>Scheuer</i> and does not apply to <i>Cockram</i>.</p> <p>HOLDING: The Court’s order regarding the <i>Scheuer</i> plaintiff fact sheet does not apply to <i>Cockram</i>.</p>
<p>Examination of Robert Scheuer re Medication Use (<i>Scheuer</i> Trial Tr. at 523-29)</p> <p>Ruling: 1/14/2016 (<i>Scheuer</i> Trial Tr. at 528-29)</p>	<p>The parties agree that the Court’s ruling is fact specific to <i>Scheuer</i> and does not apply to <i>Cockram</i>. <i>Cockram</i>, however, reserves her right to object to any similar examination regarding her medication use.</p> <p>HOLDING: The Court’s order regarding the examination of Robert Scheuer does not apply to <i>Cockram</i>. This holding does not in any way affect <i>Cockram</i>’s right to raise similar arguments and objections to examination regarding her medication use.</p>
<p>Dr. Marouk Demonstrative Exhibits (<i>Scheuer</i> Trial Tr. at 794-796)</p> <p>Ruling: 1/19/2016 (<i>Scheuer</i> Trial Tr. at 796)</p>	<p>The parties agree that the Court’s ruling is fact specific to <i>Scheuer</i> and does not apply to <i>Cockram</i>.</p> <p>HOLDING: The Court’s order regarding Dr. Markouk’s Demonstrative Exhibits in <i>Scheuer</i> does not apply to <i>Cockram</i>.</p>
<p>Marouk Affidavit (Docket No. 2152)</p> <p>Ruling: 1/20/2016 (<i>Scheuer</i> Trial Tr. at 971)</p>	<p>The parties agree that the Court’s ruling is fact specific to <i>Scheuer</i> and does not apply to <i>Cockram</i>.</p> <p>HOLDING: The Court’s order regarding Dr. Markouk’s affidavit in <i>Scheuer</i> does not apply to <i>Cockram</i>.</p>

<p>Susanna Farley Deposition Designations (Docket Nos. 2153, 2154)</p> <p>Ruling: 1/20/2016 (Docket No. 2157)</p>	<p>The parties agree that the Court’s ruling is fact specific to <i>Scheuer</i> and does not apply to <i>Cockram</i>.</p> <p>HOLDING: The Court’s order regarding the Susanna Farley’s deposition designations in <i>Scheuer</i> does not apply to <i>Cockram</i>.</p>
<p>Chad Viets Testimony and Exhibits (Docket Nos. 2160, 2165)</p> <p>Ruling: 1/21/2016 (<i>Scheuer</i> Trial Tr. at 1263)</p>	<p>The parties agree that the Court’s ruling is fact specific to <i>Scheuer</i> and does not apply to <i>Cockram</i>.</p> <p>HOLDING: The Court’s order regarding Chad Viet’s testimony and exhibits in <i>Scheuer</i> does not apply to <i>Cockram</i>.</p>
<p>Medical Costs Stipulation (Docket No. 2159)</p> <p>Ruling: 1/21/2016 (<i>Scheuer</i> Trial Tr. at 1184-85)</p>	<p>The parties agree that the Court’s ruling is fact specific to <i>Scheuer</i> and does not apply to <i>Cockram</i>, except to the extent the reasoning underlying the Court’s decision is applicable to <i>Cockram</i>.</p> <p>HOLDING: The Court’s order regarding the medical costs stipulation in <i>Scheuer</i> does not apply to <i>Cockram</i>, except to the extent the reasoning underlying the Court’s decision is applicable to <i>Cockram</i>.</p>
<p>Paul Connett Deposition Designations (Docket Nos. 2162, 2166)</p> <p>Ruling: 1/21/2016 (<i>Scheuer</i> Trial Tr. at 1264)</p>	<p>The parties agree that the Court’s ruling is fact specific to <i>Scheuer</i> and does not apply to <i>Cockram</i>.</p> <p>HOLDING: The Court’s order regarding the Paul Connett deposition designations in <i>Scheuer</i> does not apply to <i>Cockram</i>.</p>
<p>New Motion to Supplement Witness List, Recall Lisa Scheuer, and Admit Impeachment Evidence (Docket Nos. 2121, 2122, 2141, 2151)</p> <p>Ruling: 1/22/2016 (Docket No. 2173; <i>Scheuer</i> Trial Tr. at 1284-97)</p>	<p>The parties agree that the Court’s ruling is fact specific to <i>Scheuer</i> and does not apply to <i>Cockram</i>.</p> <p>HOLDING: The Court’s order regarding New GM’s motion to supplement its witness list, recall Lisa Scheuer, and admit impeachment evidence in <i>Scheuer</i> does not apply to <i>Cockram</i>.</p>

<p>Loudon Testimony (Docket No 2490)</p> <p>Ruling: 3/14/2016 (<i>Barthelemy</i> Trial Tr. at 5)</p>	<p>HOLDING: The Court’s order regarding the testimony of Steve Loudon in <i>Barthelemy</i> applies to <i>Cockram</i>.</p>
<p>Valukas Report, SOF, and NHTSA Path Forward Report (Docket Nos. 2412, 2431)</p> <p>Ruling: 3/8/2016 (Docket No. 2448)</p>	<p>HOLDING: The Court’s order regarding New GM’s categorical objections with respect to the Valukas Report, the Statement of Facts, and the NHTSA <i>Path Forward</i> report in <i>Barthelemy</i> applies to <i>Cockram</i>. The Court’s specific ruling regarding the Valukas Report in <i>Barthelemy</i> does not apply as the parties have briefed, and the Court has ruled on, Cockram’s submission. <i>See</i> 8/18/2016 Order (Docket No. 3232); the Court’s specific ruling regarding the Statement of Facts does not apply because New GM has made no objections to the version of the Statement of Facts Cockram will use during her trial; and the Court’s ruling regarding the <i>Path Forward</i> Report does not apply because Cockram does not seek to admit that document.</p>
<p>Categorical Deposition Designation Disputes re OSI Evidence (Docket Nos. 2412, 2428)</p> <p>Ruling: 3/8/2016 (Docket No. 2448)</p>	<p>HOLDING: The Court’s ruling regarding the categorical objection to other similar incident evidence in <i>Barthelemy</i> applies to <i>Cockram</i>.</p>

<p>Laura Andres Deposition Designations (Docket No. 2412, 2428)</p> <p>GM Letter: 3/4/2016 (Docket No. 2428)</p> <p>Plaintiff Letter: 3/4/2016 (Docket No. 2412)</p> <p>Order: 3/8/2016 (Docket No. 2448)</p>	<p>HOLDING: The Court's ruling regarding New GM's categorical objection to the Andres designations applies in <i>Cockram</i>, but the Court's ruling on the specific deposition designations of Laura Andres in <i>Barthelemy</i> does not apply as the excluded testimony is not designated by the parties in <i>Cockram</i>.</p>
<p>Brian Everest Deposition Designations (Docket No. 2412, 2428)</p> <p>Ruling: 3/8/2016 (Docket No. 2448)</p>	<p>HOLDING: The Court's ruling regarding the deposition designations of Brian Everest in <i>Barthelemy</i> does not apply in <i>Cockram</i> with respect to New GM's sustained objections from Tr. 13:4 to 138:5, but does apply with respect to New GM's overruled objections to Tr. at 150:6-163:4; 167:16-25; and 16822-171:20.</p>
<p>Lori Queen Deposition Designations (Docket No. 2412, 2428)</p> <p>Ruling: 3/22/2016 (Text Order, Docket No. 2607)</p>	<p>HOLDING: The Court's ruling regarding the Lori Queen deposition designations in <i>Barthelemy</i> apply in <i>Cockram</i> to the extent the same testimony is designated.</p>
<p>Gary Altman Deposition Designations (Docket No. 2412, 2428)</p> <p>Ruling: 3/16/2016 (Docket No. 2553)</p>	<p>HOLDING: The Court's ruling regarding the Gary Altman deposition designations in <i>Barthelemy</i> apply in <i>Cockram</i> to the extent the same testimony is designated.</p>

<p>Erik Mattson Deposition Designations (Docket Nos. 2412, 2428)</p> <p>Ruling: 3/16/2016 (Docket No. 2553)</p>	<p>HOLDING: The Court’s ruling regarding the Erik Mattson deposition designations in <i>Barthelemy</i> apply in <i>Cockram</i> to the extent the same testimony is designated.</p>
<p>Jaelyn Palmer Deposition Designations (Docket Nos. 2412, 2428)</p> <p>Ruling: 3/16/2016 (Docket No. 2553)</p>	<p>HOLDING: The Court’s ruling regarding the deposition designations of Jaelyn Palmer in <i>Barthelemy</i> applies in <i>Cockram</i>, except with regard to the Court’s exclusion of lines 46:11-46:22, which were admitted in <i>Scheuer</i>.</p>
<p>Michael Gruskin Deposition Designations (Docket Nos. 2412, 2428)</p> <p>Ruling: 3/15/2016 (Docket No. 2543)</p>	<p>HOLDING: The Court’s ruling regarding the deposition designations of Michael Gruskin in <i>Barthelemy</i> applies in <i>Cockram</i>.</p>
<p>Brian Stouffer Deposition Designations (Docket Nos. 2412, 2428)</p> <p>Ruling: 3/15/2016 (Docket No. 2543)</p>	<p>HOLDING: The Court’s ruling regarding the deposition designations of Brian Stouffer in <i>Barthelemy</i> does not apply in <i>Cockram</i>, except as to New GM’s sustained objections to Tr. 115:18-116:11 and 130:19-131:2.</p>
<p>Doug Wachtel Deposition Designations (Docket Nos. 2412, 2428)</p> <p>Ruling: 3/15/2016 (Docket No. 2543)</p>	<p>HOLDING: The Court’s order regarding the deposition designations of Doug Wachtel in <i>Barthelemy</i> does not apply because the incomplete designation that was excluded has been corrected in <i>Cockram</i>.</p>

<p>Arturo Alcala Deposition Designations (Docket Nos. 2412, 2428)</p> <p>Ruling: 3/14/2016 (Docket No. 2534)</p>	<p>HOLDING: The Court’s order regarding the deposition designations of Arturo Alcala in <i>Barthelemy</i> applies in <i>Cockram</i> to the extent the same testimony is designated.</p>
<p>Ray DeGiorgio Deposition Designations (Docket Nos. 2412, 2428)</p> <p>Ruling: 3/14/2016 (Text Order, Docket No. 2534)</p>	<p>The parties dispute the extent to which the Court’s order regarding the deposition designations of Raymond DeGiorgio in <i>Barthelemy</i> apply in <i>Cockram</i>.</p> <p>HOLDING: The Court’s order regarding the deposition designations of Raymond DeGiorgio in <i>Barthelemy</i> does not apply to <i>Cockram</i> except as to New GM’s sustained objection to Tr. 312:13-21.</p>
<p>Doug Parks Deposition Designations (Docket Nos. 2412, 2428)</p> <p>Ruling: 3/14/2016 (Docket No. 2534)</p>	<p>HOLDING: The Court’s order regarding the deposition designations of Doug Parks in <i>Barthelemy</i> does not apply to <i>Cockram</i>.</p>
<p>John Sprague Deposition Designations (Docket Nos. 2412, 2428)</p> <p>Ruling: 3/14/2016 (Docket No. 2534)</p>	<p>The parties agree that the Court’s ruling in <i>Barthelemy</i> applies to <i>Cockram</i>.</p> <p>HOLDING: The Court’s order regarding the deposition designations of John Sprague in <i>Barthelemy</i> applies to <i>Cockram</i>.</p>
<p>Terri Adams Deposition Designations (Docket Nos. 2412, 2428)</p> <p>Ruling: 3/13/2016 (Docket No. 2489)</p>	<p>The parties agree that the Court’s ruling is fact specific to <i>Barthelemy</i> and does not apply to <i>Cockram</i>.</p> <p>HOLDING: The Court’s order regarding the deposition designations of Terri Adams in <i>Barthelemy</i> does not apply to <i>Cockram</i>.</p>

<p>Opening Demonstratives (Docket No. 2484)</p> <p>Order: 3/13/2016 (Docket No. 2489)</p>	<p>The parties agree that the Court's ruling is fact specific to <i>Barthelemy</i> and does not apply to <i>Cockram</i>.</p> <p>HOLDING: The Court's order regarding the opening demonstratives in <i>Barthelemy</i> does not apply to <i>Cockram</i>.</p>
<p>David Kramer Deposition Designations (Docket Nos. 2412, 2428, 2580)</p> <p>Ruling: 3/20/2016 (Docket No. 2581)</p>	<p>The parties agree that the Court's ruling is fact specific to <i>Barthelemy</i> and does not apply to <i>Cockram</i>.</p> <p>HOLDING: The Court's order regarding the deposition designations of David Kramer in <i>Barthelemy</i> does not apply to <i>Cockram</i>.</p>
<p>Paulette Manuel Deposition Designations (Docket Nos. 2412, 2428)</p> <p>Ruling: 3/20/2016 (Docket No. 2581)</p>	<p>The parties agree that the Court's ruling is fact specific to <i>Barthelemy</i> and does not apply to <i>Cockram</i>.</p> <p>HOLDING: The Court's order regarding the deposition designations of Paulette Manuel in <i>Barthelemy</i> does not apply to <i>Cockram</i>.</p>
<p>Renee Rankins Deposition Designations (Docket Nos. 2412, 2428)</p> <p>Ruling: 3/20/2016 (Docket No. 2581)</p>	<p>The parties agree that the Court's ruling is fact specific to <i>Barthelemy</i> and does not apply to <i>Cockram</i>.</p> <p>HOLDING: The Court's order regarding the deposition designations of Renee Rankins in <i>Barthelemy</i> does not apply to <i>Cockram</i>.</p>
<p>Michael Benoit Deposition Designations (Docket Nos. 2412, 2428)</p> <p>Ruling: 3/21/2016 (Docket No. 2599)</p>	<p>The parties agree that the Court's ruling is fact specific to <i>Barthelemy</i> and does not apply to <i>Cockram</i>.</p> <p>HOLDING: The Court's order regarding the deposition designations of Michael Benoit in <i>Barthelemy</i> does not apply to <i>Cockram</i>.</p>

<p>Wesley Clark Deposition Designations (Docket Nos. 2412, 2428)</p> <p>Ruling: 3/21/2016 (Docket No. 2599)</p>	<p>The parties agree that the Court's ruling is fact specific to <i>Barthelemy</i> and does not apply to <i>Cockram</i>.</p> <p>HOLDING: The Court's order regarding the deposition designations of Wesley Clark in <i>Barthelemy</i> does not apply to <i>Cockram</i>.</p>
<p>Mary Fitch Deposition Designations (Docket Nos. 2412, 2428)</p> <p>Ruling: 3/21/2016 (Docket No. 2599)</p>	<p>HOLDING: The Court's order regarding the deposition designations of Mary Fitch in <i>Barthelemy</i> does not apply to <i>Cockram</i> as the excluded testimony is not designated by the parties in <i>Cockram</i>.</p>
<p>Maria Frank Deposition Designations (Docket Nos. 2412, 2428)</p> <p>Ruling: 3/21/2016 (Docket No. 2599)</p>	<p>The parties agree that the Court's ruling is fact specific to <i>Barthelemy</i> and does not apply to <i>Cockram</i>.</p> <p>HOLDING: The Court's order regarding the deposition designations of Maria Frank in <i>Barthelemy</i> does not apply to <i>Cockram</i>.</p>
<p>Harry Vorhaben Deposition Designations (Docket Nos. 2412, 2428)</p> <p>Ruling: 3/21/2016 (Docket No. 2599)</p>	<p>The parties agree that the Court's ruling is fact specific to <i>Barthelemy</i> and does not apply to <i>Cockram</i>.</p> <p>HOLDING: The Court's order regarding the deposition designations of Harry Vorhaben in <i>Barthelemy</i> does not apply to <i>Cockram</i>.</p>
<p>Alberto Manzor Deposition Designations (Docket Nos. 2412, 2428)</p> <p>Ruling: 3/10/2016 (Docket No. 2467)</p>	<p>The parties dispute the extent to which the Court's order regarding the deposition designations of Albert Manzor in <i>Barthelemy</i> applies to <i>Cockram</i>.</p> <p>HOLDING: The Court's order regarding the deposition designations of Alberto Manzor in <i>Barthelemy</i> does not apply to <i>Cockram</i> except as to the sustained New GM objections to Tr. at 73:23-74:3; 89:11-17; 169:8-176:21; and 207:4-210:2.</p>

<p>Michael Millikin Deposition Designations (Docket Nos. 2412, 2428)</p> <p>Order: 3/10/2016 (Docket No. 2467)</p>	<p>HOLDING: The Court's order regarding the deposition designations of Michael Millikin does not apply in <i>Cockram</i> because the testimony at issue is not designated by either party.</p>
<p>Dr. Stacey Vial Deposition Designations (Docket Nos. 2592, 2594)</p> <p>Ruling: 3/21/2016 (Docket No. 2597)</p>	<p>The parties agree that the Court's ruling is fact specific to <i>Barthelemy</i> and does not apply to <i>Cockram</i>.</p> <p>HOLDING: The Court's order regarding the deposition designations of Stacey Vial in <i>Barthelemy</i> does not apply to <i>Cockram</i>.</p>
<p>Andrew Cahill Exhibits and Demonstratives (Docket No. 2579)</p> <p>Ruling: 3/20/2016 (Docket No. 2583)</p>	<p>HOLDING: The Court's order regarding the exhibits submitted for use with the testimony of Andrew Cahill in <i>Barthelemy</i> applies to <i>Cockram</i> to the extent the same exhibits are offered.</p>
<p>Categorical Exhibit Objections (Docket Nos. 2463, 2464, 2475, 2476)</p> <p>Ruling: 3/11/2016 (Docket No. 2486)</p>	<p>HOLDING: The Court's order in <i>Barthelemy</i> regarding categorical exhibit objections with respect to certain medical records does not apply to <i>Cockram</i>. The Court's order regarding post-accident communications applies to <i>Cockram</i>. The Court's order regarding the exemplar exhibits applies to <i>Cockram</i> to the extent the same exhibits are offered.</p>
<p>Request for Foundational Depositions (Docket No. 2466)</p> <p>Ruling: 3/11/2016 (Docket No. 2486)</p>	<p>The parties agree that the Court's ruling is fact specific to <i>Barthelemy</i> and does not apply to <i>Cockram</i>.</p> <p>HOLDING: The Court's order regarding the plaintiffs' motion for foundational depositions in <i>Barthelemy</i> does not apply to <i>Cockram</i>.</p>

<p>No Need for Sponsoring Witnesses with Respect to Stipulated Documents</p> <p>Ruling: 3/9/2016 <i>Barthelemy</i> Final Pretrial Conference Tr. at 8:14-9:3; 13:17-21</p>	<p>The parties disagree regarding the applicability of the Court’s ruling in <i>Barthelemy</i> that sponsoring witnesses are not required to admit certain documents about which the parties have stipulated are authentic and not hearsay or subject to a hearsay exception to the <i>Cockram</i> case. Cockram’s position is that the Court’s order should apply in the <i>Cockram</i> case. New GM’s position is that the Court’s order in <i>Barthelemy</i> applied to the specific circumstances presented for the limited number of documents at issue and does not have broad applicability to <i>Cockram</i>, but understands that the Court strongly encourages the parties to resolve their disputes regarding stipulated documents to avoid the need for court intervention.</p> <p>HOLDING: The Court’s guidance with respect to the issue of “sponsoring witnesses” applies to <i>Cockram</i>.</p>
<p>Stipulation Regarding Plaintiff’s Trial Exhibits</p> <p>Ruling: 3/8/16 (Docket No. 2452)</p>	<p>The parties disagree regarding the applicability of the Court’s order regarding the authenticity and non-hearsay status of plaintiffs’ exhibits in <i>Barthelemy</i> to the <i>Cockram</i> case. Cockram’s position is that the stipulation should apply in <i>Cockram</i> to the extent the same documents are included in her trial exhibit list. New GM’s position is that the stipulation was explicitly case-specific and should not apply in <i>Cockram</i>.</p> <p>HOLDING: The Court’s order regarding the authenticity and non-hearsay status of certain exhibits does not apply in <i>Cockram</i> as the parties’ stipulation was specific to <i>Barthelemy</i>.</p>
<p><i>Barthelemy</i> Consent Order Ruling</p> <p>Ruling: 3/29/16 (<i>Barthelemy</i> Trial Tr. at 1807:21-1808:23)</p>	<p>The parties agree that the Court’s order in <i>Barthelemy</i> striking the NHTSA Consent Order does not apply in <i>Cockram</i>.</p> <p>HOLDING: The Court’s order striking the NHTSA Consent Order in <i>Barthelemy</i> does not apply to <i>Cockram</i>.</p>