



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. 37**

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JESSE M. FURMAN, United States District Judge:

**[Regarding Plaintiffs’ Request to Compel Production of  
Unredacted Documents and To Amend Order No. 10]**

On February 23, 2015, Lead Counsel for Plaintiffs filed briefs (1) seeking a court order compelling New GM to provide unredacted versions of GM Board of Directors-related documents; and (2) seeking to amend this Court’s Order No. 10 to prohibit redactions of “Highly Confidential Information.” (14-MD-2543 Docket Nos. 600, 601). New GM filed its opposition to Plaintiffs’ requests on February 27, 2015. (14-MD-2543 Docket Nos. 613, 615).

Plaintiffs’ request to compel production of unredacted versions of GM Board of Directors-related documents is DENIED as premature. Specifically, the Court finds that the parties did not exhaust the opportunities to meet and confer prior to Plaintiffs’ filing their request, and is persuaded that such a meeting would not be futile based on New GM’s representation that it has “a proposal for narrowing, if not resolving, the dispute.” (14-MD-2543 Docket No. 613 at 2). The parties are directed to discuss, in good faith, their disputes regarding the redacted documents, and — if such a process is unsuccessful in resolving all of the disputes — are further directed to meet and confer regarding a process for submitting the challenged documents (or a representative subset thereof) for *in camera* review by the Court.

Turning to Plaintiffs’ request to amend Order No. 10, it is GRANTED to the limited extent that the Order appears to authorize redaction of “Highly Confidential Information” that is

otherwise relevant and not independently protected from disclosure by one of the grounds listed in Paragraph 3(d). (14-MD-2543 Docket No. 294). Accordingly, the first sentence of Paragraph 3(d) of the Order is amended to state as follows:

Any Producing Party may redact from the documents and things it produces any Highly Confidential Information, as defined in Paragraph 2, that the Producing Party claims is irrelevant or that the Producing Party claims is subject to attorney-client privilege, work-product protection, a legal prohibition against disclosure, or any other privilege or immunity.

To the extent Plaintiffs seek additional amendments to Order No. 10 — including but not limited to prohibiting *all* redactions of “Highly Confidential Information” — their motion is DENIED without prejudice to renewal upon good cause (based on, for example, a showing that a party is abusing and/or improperly applying the authorization to redact material). Further, although the Court will not amend Order No. 10 to require, *with respect to materials already produced*, the production of metadata indicating when irrelevant information has been redacted from a document, the parties are directed to meet and confer regarding the production of such metadata going forward (a subject that New GM has indicated it is willing to discuss). (14-MD-2543 Docket No. 615, at 3).

SO ORDERED.

Dated: March 3, 2015  
New York, New York

  
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JESSE M. FURMAN  
United States District Judge