



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
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ORDER NO. 53

JESSE M. FURMAN, United States District Judge:

[Regarding Lead Counsel’s April 22, 2015 Motion to Vacate Dismissal and New GM’s April 29, 2015 Motion to Dismiss with Prejudice]

On March 24, 2015, the Court granted New GM’s motion to dismiss, without prejudice, the claims of several Plaintiffs that had failed to submit a plaintiff fact sheet (“PFS”) or related documentation as required by Order No. 25, noting that “if Plaintiffs do, in fact, submit all required documentation within the next thirty days, Order No. 25 provides an avenue for relief from dismissal: They can move to vacate the dismissal without prejudice pursuant to Paragraph 25 of the Order.” (Order No. 41 (14-MD-2543 Docket No. 698), at 2; *see* Order No. 25 (14-MD-2543 Docket No. 422) ¶ 25 (“If the Court dismisses a Complaint without prejudice under the previous paragraph, the Order will be converted to a Dismissal With Prejudice upon the MDL Defendants’ motion — to be filed no earlier than thirty (30) days after the Court’s entry of the Order of Dismissal without Prejudice — unless a Plaintiff submits a completed Short-Form PFS or moves to vacate the dismissal without prejudice within that same time period.”)).

On April 22, 2015, Lead Counsel filed such a motion to vacate with respect to several of the plaintiffs whose claims were dismissed pursuant to Order No. 41, indicating that those plaintiffs (listed on Exhibit A of their memorandum) certified that they had submitted substantially complete PFSs as required by Order No. 25. (14-MD-2543 Docket No. 861). Lead

Counsel noted that other Plaintiffs — many of whom were listed on Exhibit B of their memorandum — “had not yet submitted a substantially complete” PFSs “despite their diligent efforts.” (14-MD-2543 Docket No. 861). (*Id.* at 2).

On April 29, 2015, pursuant to Paragraph 25 of Order No. 25, New GM filed a motion to dismiss, *with* prejudice, the claims of those Plaintiffs listed on Exhibit B of Lead Counsel’s aforementioned memorandum, along with the claims of other Plaintiffs whose claims were dismissed pursuant to Order No. 41. (14-MD-2543 Docket No. 898). (A list of those Plaintiffs is attached to this Order as **Exhibit 1**.) In its motion, New GM also indicated that it “is still reviewing the PFSs submitted by plaintiffs identified in Exhibit A to Lead Counsel’s motion to reinstate who have certified substantial completion of their PFSs,” and that it “reserves the right to move to dismiss with prejudice the claims of any plaintiff listed in Exhibit A . . . whose PFS submission is later found not to have been substantially complete as of April 23, 2015, insofar as any such plaintiff’s certification will have been false.” (*Id.* at 2).

Because Plaintiffs listed on Exhibit A to Lead Counsel’s motion have certified that they have all submitted a substantially complete PFS (*see* 14-MD-2543 Docket No. 861 at 2 & Ex. A), Lead Counsel’s motion to vacate the dismissal with respect to those Plaintiffs is GRANTED pursuant to Order No. 25, and their cases are hereby reinstated. This Order, however, is without prejudice to New GM filing a motion to dismiss with respect to any such plaintiffs whose PFS submission is later deemed to have been incomplete as of the date of the motion’s filing.

As for New GM’s motion to dismiss with prejudice, any opposition (by Lead Counsel or by any individual Plaintiff that it is a subject of that motion) shall be filed no later than **May 19, 2015**. Failure to submit any opposition to New GM’s motion may result in dismissal with

prejudice of that Plaintiff's claims without further notice. New GM's reply, if any, shall be filed no later than **May 29, 2015**.

The Clerk of Court is directed to terminate 14-MD-2543 Docket No. 860.

SO ORDERED.

Dated: May 5, 2015
New York, New York



JESSE M. FURMAN
United States District Judge

EXHIBIT 1

Case	Plaintiff
Abney, et al. v. General Motors LLC 1:14-cv-05810	Antillon, Charday
Edwards, et al. v. General Motors LLC 1:14-cv-06924	Banks, Isadore
Hayes, et al. v. General Motors LLC 1:14-cv-10023	Barnes, Willie, Individually and Representative of the Estate of Frances Barnes
Fleck, et al. v. General Motors LLC 1:14-cv-08176	Blevins, Jason
Abney, et al. v. General Motors LLC 1:14-cv-05810	Bridges, Takeyia
Fleck, et al. v. General Motors LLC 1:14-cv-08176	Carpenter, Taylor
Abney, et al. v. General Motors LLC 1:14-cv-05810	Casciotti, Nicholas
Abney, et al. v. General Motors LLC 1:14-cv-05810	Cummings, Janeille
Abney, et al. v. General Motors LLC 1:14-cv-05810	Davis, Rodger
Edwards, et al. v. General Motors LLC 1:14-cv-06924	Enzor, Marc
Abney, et al. v. General Motors LLC 1:14-cv-05810	Faggins, Olyvia
Abney, et al. v. General Motors LLC 1:14-cv-05810	Gbadegesin, Oyedokun
Edwards, et al. v. General Motors LLC 1:14-cv-06924	Herren, Gena Individually and Representative of the Estate of Morgan D'Nan Foster
Abney, et al. v. General Motors LLC 1:14-cv-05810	Jamison, Stephanie
Jones v. General Motors LLC 1:14-cv-01052	Jones, Steven
Abney, et al. v. General Motors LLC 1:14-cv-05810	Laplaze, Leydanette
McCormick, et al. v. General Motors LLC 1:14-cv-00483	Lewis, Sherron
Edwards, et al. v. General Motors LLC 1:14-cv-06924	Lichtenwalner, Pamela
Abney, et al. v. General Motors LLC 1:14-cv-05810	Lilly, Tarsha

Case	Plaintiff
Abney, et al. v. General Motors LLC 1:14-cv-05810	Lunn, Jennifer
Abney, et al. v. General Motors LLC 1:14-cv-05810	Menhorn, Jasmin
Abney, et al. v. General Motors LLC 1:14-cv-05810	Moreno, Jeffrey
McCormick, et al. v. General Motors LLC 1:14-cv-00483	Odom, Carl
Abney, et al. v. General Motors LLC 1:14-cv-05810	Olivarez, Edward
Hayes, et al. v. General Motors LLC 1:14-cv-10023	Payton, Perry
Abney, et al. v. General Motors LLC 1:14-cv-05810	Roland, Abria
Abney, et al. v. General Motors LLC 1:14-cv-05810	Roland, Abria Individually and Next Friend of Cameron Roland-Green
Abney, et al. v. General Motors LLC 1:14-cv-05810	Simms, Wylanda Individually and Next Friend of Stacey Simms, Jr.
Abney, et al. v. General Motors LLC 1:14-cv-05810	Sutton, Marcus
Fleck, et al. v. General Motors LLC 1:14-cv-08176	Thompson, Willie S.
Abney, et al. v. General Motors LLC 1:14-cv-05810	Tribou, Samantha
Hayes, et al. v. General Motors LLC 1:14-cv-10023	White, Casey
Fleck, et al. v. General Motors LLC 1:14-cv-08176	Williams, Katie
Edwards, et al. v. General Motors LLC 1:14-cv-06924	Williams, Terrell