



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. 90

This Document Relates to All Actions
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JESSE M. FURMAN, United States District Judge:

[Regarding the December 17, 2015 Status Conference]

The Court, having held a Status Conference on December 17 2015, and having given Lead Counsel for Plaintiffs and counsel for Defendants an opportunity to be heard on the agenda items set forth in the Court’s December 15, 2015 Memo Endorsement (Docket No. 1888), issues this Order to memorialize the actions taken and rulings made at the Status Conference.

I. ADDITIONAL STATUS CONFERENCE DATES

Unless and until it orders otherwise, the Court will conduct the next Status Conference on **Friday, February 26, 2016, at 9:30 a.m. EST** in Courtroom 1105 of the Thurgood Marshall United States Courthouse, 40 Centre Street, New York, New York.

II. STATUS OF BANKRUPTCY PROCEEDINGS

Consistent with the Court’s comments at the Status Conference, the parties should meet and confer regarding New GM’s position that the plaintiffs’ December 16, 2015 appeal from the Bankruptcy Court should be deferred pending the Second Circuit Appeal regarding the Bankruptcy Court’s June 1, 2015 Judgment. The parties should notify the Court by **Wednesday, December 23, at 12:00 p.m. EST** of their respective positions in this regard.

III. COORDINATION IN RELATED ACTIONS

The parties should continue their coordination efforts in Related Actions pursuant to

Order No. 15 (Docket No. 315) and keep the Court apprised of emerging coordination issues through their biweekly joint letter updates (*see* Order No. 8 § V, Docket No. 249) or in separate letter updates, as circumstances require.

IV. CUMULATIVENESS OF EVIDENCE TO BE PROFFERED IN SCHEUER

Consistent with the Court's comments at the Status Conference, the parties should be prepared to discuss at the final pretrial conference the evidence they intend to offer at the *Scheuer* trial so that the Court can make an *ex ante* evaluation of what can and should be excluded on cumulative grounds pursuant to Federal Rule of Evidence 403.

V. TRIAL DEMONSTRATIVES CREATED FOR CROSS-EXAMINATION

Consistent with the Court's comments at the Status Conference, the parties will not be required to exchange, in advance, trial demonstratives created for purposes of cross-examination.

VI. TRIAL EXHIBITS

Consistent with the Court's comments at the Status Conference, the parties should continue to meet and confer regarding exhibit objections. Additionally, the parties should meet and confer regarding the process through which trial exhibits are presented to the jury to ensure that there is a record at trial as to the foundation for the exhibits that come into evidence.

VII. TRIAL CONFIDENTIALITY

Consistent with the Court's comments at the Status Conference, the parties may redact from exhibits entered into evidence information that the parties agree is irrelevant to the issues presented in the *Scheuer* trial.

VIII. PRE-TRIAL DEADLINES FOR BELLWETHER TRIAL NOS. 2-6

Consistent with the Court's comments at the Status Conference, by **Thursday, December 31, 2015**, the parties should meet and confer regarding the deadlines for the subsequent bellwether trials set forth in Order No. 89 (Docket No. 1864) and propose any

modifications consistent with the Court's goal to move the MDL forward at a "reasonable, but aggressive" pace. Unless and until the Court orders otherwise, the deadlines in Order No. 89 remain in full force.

IX. FACTUAL CORRECTION TO THE COURT'S DECEMBER 7, 2015 OPINION AND ORDER

Consistent with the Court's comments at the Status Conference, the parties should, by **Wednesday, December 23, 2015**, submit either a joint letter or separate letters advising the Court of their positions as to what the Court should do regarding the factual error in the December 7, 2015 Opinion and Order (Docket No. 1825).

X. DISPUTES REGARDING PUTATIVE CLASS MEMBER DISCOVERY AND PUTATIVE ABSENT CLASS MEMBER DISCOVERY

Consistent with the Court's comments at the Status Conference, the Court defers ruling on the parties' dispute about discovery of putative absent class members until after the Court rules on the motion to dismiss the economic loss plaintiffs' Third Amended Consolidated Complaint ("TACC") (Docket No. 1902). Within **one week** of the Court issuing a decision with respect to the motion to dismiss the TACC, the parties should submit a joint proposal or competing letter briefs regarding discovery of putative absent class members.

Consistent with the Court's comments at the Status Conference, the Court will defer ruling on any issues with respect to discovery of putative class members named in the TACC until after receiving the parties' submission(s) regarding motion practice on the TACC on **Wednesday, January 6, 2016**.

XI. ISSUES RAISED BY MR. PELLER'S DECEMBER 3, 2015 LETTER

Consistent with the Court's comments at the Status Conference regarding Mr. Peller's December 3, 2015 letter (Docket No. 1789), the Court grants Mr. Peller's *nunc pro tunc* request for an extension of the deadlines set forth in Order No. 69 (Docket No. 1162) for Mr. Peller's

clients until after the Second Circuit appeal initiated by the *Elliott* plaintiffs has been resolved. Except as specifically modified herein, Order No. 69 remains in full force and effect.

Consistent with the Court's comments at the Status Conference, the Court will defer addressing the common benefit billing dispute raised by Mr. Peller until a later date.

SO ORDERED.

Dated: December 22, 2015
New York, New York



JESSE M. FURMAN
United States District Judge