



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. 111

This Document Relates to All Actions

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JESSE M. FURMAN, United States District Judge:

[Regarding the July 28, 2016 Status Conference]

The Court, having held a Status Conference on July 28, 2016, and having given counsel an opportunity to be heard on the agenda items set forth in the Court’s July 26, 2016 Memo Endorsement (Docket No. 3142), issues this Order to memorialize the actions taken and rulings made at the Status Conference.

I. ADDITIONAL STATUS CONFERENCE DATES

In addition to the Status Conference previously scheduled for **September 7, 2016 at 9:00 a.m. EDT** (see Order No. 100 § 3 (Docket No. 2833)), a Status Conference will be held **Thursday, October 13, 2016 at 2:00 p.m. EDT** in Courtroom 1105 of the Thurgood Marshall United States Courthouse, 40 Centre Street, New York, New York.

II. SECOND CIRCUIT AND BANKRUPTCY PROCEEDINGS

Consistent with the Court’s comments at the Status Conference, the parties should continue to keep the Court apprised of proceedings in the Second Circuit and the Bankruptcy Court that may be related to the MDL Proceeding.

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 joint letter updates (*see* Order No. 8 § V, Docket No. 249) or in separate letter updates, as circumstances require.

IV. FOURTH AMENDED CONSOLIDATED COMPLAINT

Consistent with the Court's comments at the Status Conference, the parties shall meet and confer and, no later than **Thursday, October 6, 2016, at noon**, submit a joint letter, not to exceed fifteen single-spaced pages — or, if the parties are unable to reach agreement, competing letter briefs not to exceed ten single-spaced pages — regarding issues related to the Fourth Amended Consolidated Complaint, including but not limited to: implications of the Second Circuit decision for allegations and claims in plaintiffs' forthcoming Fourth Amended Consolidated Complaint, implications of the Court's order on New GM's partial motion to dismiss the TACC (Docket No. 3119), further motion practice, the scope of class certification briefing, a proposed schedule for class certification, remand issues, absent putative class member discovery, and any other issues the parties consider important for the Court's consideration or resolution.

V. BANKRUPTCY APPEALS PENDING IN MDL 2543

Consistent with the Court's comments at the Status Conference, until the Court orders otherwise, those Bankruptcy Court appeals currently pending in MDL 2543 shall remain stayed. The parties are directed to meet and confer and, no later than **Thursday, August 4, 2016**, submit a joint letter stating their respective positions regarding a proposed schedule for resolving each of the appeals in light of the Second Circuit proceedings and filing of the Fourth Amended Consolidated Complaint.

VI. ADDITIONAL DEPOSITIONS ON PHASE ONE AND PHASE TWO RECALLS IN MDL 2543

Consistent with the Court's comments at the Status Conference, unless and until the

Court orders otherwise, its prior rulings regarding MDL discovery procedures (*e.g.*, the “one-deposition rule”) remain in effect.

VII. COCKRAM TRIAL SUMMATION AND COLLATERAL ESTOPPEL BRIEFING

Consistent with the Court’s July 26, 2016 Memo Endorsement (Docket No. 3142), the *Cockram* plaintiff’s request to alter the Court’s standard order of summations is **DENIED**. Additionally, the parties are directed to submit simultaneous briefs, not to exceed fifteen pages, regarding the collateral-estoppel effect issue no later than **Tuesday, August 9, 2016**; replies, not to exceed eight pages, shall be filed no later than **Tuesday, August 16, 2016**.

VIII. REMAND FOR LIMITED PURPOSE IN YINGLING

Consistent with the Court’s comments at the Status Conference regarding the *Yingling* matter (14-CV-5336), by the earlier of: (1) receipt of notice from the parties that they have executed their settlement agreement; or (2) **Thursday, August 18, 2016**, the Court the will file a suggestion of remand with the JPML for the limited purpose of allowing the transferor court (in this case, the United States District Court for the Western District of Pennsylvania) to oversee the approval of the settlement and allocation of the confidential settlement amount to plaintiff and the minor beneficiaries of James Yingling’s estate in accordance with Pennsylvania’s wrongful death statute. (*See* 42 Pa. Cons. Stat. § 8301; Pa. R. Civ. P. 2039, 2206.)

SO ORDERED.

Dated: August 4, 2016
New York, New York



JESSE M. FURMAN
United States District Judge