



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. 117

This Document Relates to All Actions

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JESSE M. FURMAN, United States District Judge:

[Regarding the November 10, 2016 Status Conference]

The Court, having held a Status Conference on November 10, 2016, and having given counsel an opportunity to be heard on the agenda items set forth in the Court’s November 7, 2016 Memo Endorsement (Docket No. 3497), and November 9, 2016 Order (Docket No. 3504), issues this Order to memorialize the actions taken and rulings made at the Status Conference.

I. ADDITIONAL STATUS CONFERENCE DATES

The Status Conference previously scheduled for **Friday, December 14, 2016 at 9:30 a.m. EST** shall remain on the schedule. In addition, a Status Conference will be held **Friday, February 10, 2017, at 9:30 a.m. EST**. Both Status Conferences shall be held in Courtroom 1105 of the Thurgood Marshall United States Courthouse, 40 Centre Street, New York, New York.

II. SUPREME COURT, SECOND CIRCUIT, AND BANKRUPTCY PROCEEDINGS

Consistent with the Court’s comments on the record at the Status Conference, the parties should continue to keep the Court apprised of proceedings in the Bankruptcy Court that may be related to the MDL Proceeding and New GM’s petition for a writ of certiorari to the U.S. Supreme Court regarding the Second Circuit decision.

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. ABSENT CLASS MEMBER COMMUNICATIONS AND DISCOVERY

Consistent with the Court's comments on the record at the Status Conference, the parties are permitted to communicate with absent class members, subject to the agreed-upon voluntarily safeguards. Among other things, the parties should inform absent class members that more information can be found on the MDL website (<http://gmignitionmdl.com>), including contact information for the lawyers are handling the litigation.

V. PLAINTIFFS' BRAND VALUE DIMINUTION THEORY

Consistent with the Court's comments at the Status Conference, the parties shall submit simultaneous letter briefs, not to exceed ten pages, regarding the question of whether plaintiffs' proposed amendments regarding their brand value diminution theory in the Fourth Amended Consolidated Complaint are futile by no later than **Friday, November 18, 2016**.

VI. PHASE TWO BELLWETHER REPLACEMENT CASE SELECTION

Consistent with the Court's comments at the Status Conference, Lead Counsel shall identify two Category C cases to replace their previously dismissed or settled selections, and New GM shall retain its right to strike one of Lead Counsel's selections. The parties shall meet and confer regarding the trial schedule for the Category C cases. To the extent any of the parties' bellwether cases settle, the parties are to promptly file a joint letter notifying the Court of such settlement and indicating the parties' views as to if and when a replacement case should be selected.

VII. SETTLEMENT

Consistent with the Court's comments on the record at the Status Conference, the parties will keep the Court apprised of developments regarding settlement.

SO ORDERED.

Dated: November 18, 2016
New York, New York



JESSE M. FURMAN
United States District Judge