



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

GENERAL MOTORS LLC IGNITION SWITCH LITIGATION

This Document Relates To All Actions
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14-MD-2543 (JMF)
14-MC-2543 (JMF)

ORDER NO. 132

JESSE M. FURMAN, United States District Judge:

[Regarding Selection of a Mediator for the Economic Loss Class Actions]

On August 21, 2017, Lead Counsel and counsel for New GM each submitted, on an *ex parte* basis, a list of three potential mediators (from a universe of five proposed mediators) to be selected by the Court. (The list of five potential mediators and the parties' respective selections shall be filed and maintained under seal.) Upon review of the parties' selections, the Court hereby selects **Layn R. Phillips** of Phillips ADR. Counsel shall promptly contact Mr. Phillips to negotiate a fee arrangement, confirm that he is able and willing to serve as the mediator in this matter (including but not limited to confirming that he does not have any conflicts that would preclude his service), and that he is available to begin meeting with the parties in a timely fashion (ideally, in the next month or two at the latest), and shall advise the Court by joint letter no later than **September 25, 2017**, in the event that a new selection must be made.

By that same date, the parties shall also submit an agreed upon proposed Order of appointment (or competing proposed orders with appropriate letter briefing) that sets forth the terms and conditions of the mediator's appointment, as appropriate, presumably including but not limited to the scope of the mediator's authority; the payment of fees and costs; the confidentiality and preservation of communications; the propriety and terms of *ex parte* communication with the parties; and the propriety and terms of communication (*ex parte* or

otherwise) with the Court. (With respect to the issue of communications with the Court, the Court reserves judgment pending the parties' proposed Order, but is inclined to believe that the mediator should be permitted to communicate confidential information to the Court, to be filed under seal, with the agreement of counsel for both sides and should otherwise be permitted to communicate with the Court regarding non-confidential matters, including procedural issues and updates on the progress of settlement communications.)

SO ORDERED.

Dated: September 11, 2017
New York, New York



JESSE M. FURMAN
United States District Judge