

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*

**ORDER NO. 135**

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JESSE M. FURMAN, United States District Judge:

**[Regarding the Terms and Conditions of the Appointment of the Economic Loss Mediator]**

Order No. 132 appointed **Layn R. Phillips** of Phillips ADR as the economic loss mediator in this matter. (Docket No. 4525). Mr. Phillips has confirmed that he is able and willing to serve as the mediator in this matter and that he is available to begin meeting with the parties in a timely fashion. The Court further ordered the parties to submit an agreed upon proposed order of appointment that sets forth the terms and conditions of the mediator’s appointment. (*Id.* at 1-2).

Based on the joint submission, the Court hereby orders that:

1. Mr. Phillips’ authority is limited to facilitating settlement discussions for the economic loss actions.

2. Mr. Phillips has the authority to schedule settlement discussions at times that are mutually convenient for himself and the parties.

a. Mr. Phillips, all counsel and parties, and any other persons participating in settlement discussions shall treat as “Highly Confidential Information” (consistent with Order No. 10, Docket No. 294) the contents of any written settlement statements or other settlement-related communications, anything that happened or was said, and any position taken or view expressed by any participant in connection with any settlement conference or discussion. “Highly Confidential Information” under this order shall not be:

(i) Disclosed to anyone other than attorneys (and their designated experts) whose primary responsibilities include overseeing the litigation in the above-captioned MDL 2543;

(ii) Disclosed to the Court; or

(iii) Used for any purpose, including impeachment, in any pending or future proceeding.

b. To facilitate settlement discussions, Mr. Phillips may have ex parte communications with any party and party representative. If a party does not want Mr. Phillips to share any of the contents of an ex parte communication with another party, the sharing party shall make that clear to Mr. Phillips, and he will not share that information.

c. Notwithstanding paragraph 2(a)(ii) above, upon the agreement of all participating parties, Mr. Phillips may communicate “Highly Confidential Information” to the Court without violating this Order or the rules governing confidentiality of settlement discussions. Absent notice to and consent of all parties, Mr. Phillips may not otherwise communicate with the Court regarding non-confidential matters, including procedural issues and updates on the progress of settlement communications.

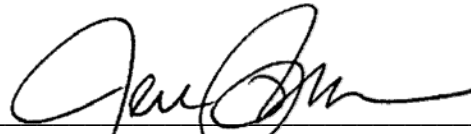
3. Lead Counsel for plaintiffs and New GM shall split the costs associated with Mr. Phillips’ service. Lead Counsel on the one hand, and New GM on the other, will each pay one-half (1/2) of any costs associated with Mr. Phillips and any personnel working under his direction at their normal and customary hourly rates, which are attached hereto as Exhibit A. Mr. Phillips may incur necessary expenses and costs at reasonable amounts to permit him to fully facilitate settlement of these related actions, and Lead Counsel for plaintiffs and New GM shall each reimburse Mr. Phillips for one-half (1/2) of such costs and expenses. Such costs and expenses

may consist of, but are not limited to, the engagement of additional necessary personnel, including any outside experts. Any disputes regarding compensation, costs and expenses, or the allocation of payment of such fees and costs among the parties, shall be brought to the Court's attention, but only after the parties have conferred in good faith to resolve or narrow the dispute.

The Court thanks Mr. Phillips in advance for his service to the parties and the Court.

SO ORDERED.

Date: September 26, 2017  
New York, New York



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JESSE M. FURMAN  
United States District Judge