

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)

*This Document Relates to All Actions*

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**AGREED AMENDED ORDER REGARDING  
THE PRESERVATION OF IGNITION SWITCH PARTS  
GOVERNED BY NHTSA RECALL CAMPAIGN 14v-047000**

**I. Introduction**

General Motors LLC (“New GM”) and Plaintiffs, through Lead Counsel, jointly submit this Agreed Amended Preservation Order for approval and entry by the Court. This Amended Preservation Order supersedes the preservation provisions in the August 11, 2014 Agreed Order Regarding the Preservation of Ignition Switch Parts Governed by NHTSA Recall Campaign 14v-047000 (Docket No. 35), and modifies New GM’s obligations for maintaining and preserving recalled ignition switch parts covered by National Highway Traffic Safety Administration (“NHTSA”) Recall Campaign 14v-047000.

**II. Background**

1. On August 11, 2014, this Court entered the Agreed Order Regarding the Preservation of Ignition Switch Parts Governed by NHTSA Recall Campaign 14v-047000 (“Agreed Preservation Order”), which sets forth New GM’s obligations for maintaining and preserving recalled ignition switch parts covered by NHTSA Recall Campaign 14v-047000. (Docket No. 35, at 1.)

2. The Agreed Preservation Order provided that “[a]s of July 23, 2014, New GM had received, or was in the process of receiving, ignition switch parts from more than 400,000 vehicles

affected by NHTSA Recall Campaign 14v-047000.” (*Id.* ¶ 9.) The Agreed Preservation Order further provided that “[a]ll parties reserve the right to request a modification of this Order, including seeking an order further limiting New GM’s preservation obligations with respect to the preserved vehicle ignition switch parts.” (*Id.* ¶ 17.)

### **III. Protocol for Continuing Preservation of Ignition Switch Parts**

3. New GM has represented that it will be subject to undue burden and incur unnecessary costs if the company continues to store all the recalled ignition switch parts covered under NHTSA Recall Campaign 14v-047000 that are the subject of the Agreed Preservation Order. Plaintiffs are amenable to modifying New GM’s obligations so long as Plaintiffs are in no way prejudiced. The Parties agree that it is appropriate for the Court to enter preservation orders that properly balance the right of Plaintiffs to obtain relevant evidence against the potential undue burden and expense to New GM of preserving large numbers of parts that have been the subject of recalls.

4. For good cause shown, the Court orders the following with respect to New GM’s obligations to continue preserving ignition switch parts covered by NHTSA Recall Campaign 14v-047000 that are the subject of the Agreed Preservation Order.

#### **A. Switch Parts Associated with Named Plaintiffs**

5. New GM shall undertake reasonable efforts to assist any named plaintiff in a case that has been transferred to MDL 2543 (or pending in another venue) with preserving ignition switch parts covered by NHTSA Recall Campaign 14v-047000 that may be relevant to the plaintiff’s claims. To allow New GM to do so, before a recall repair is performed, a named plaintiff (or his or her counsel) must provide both the dealership replacing the ignition switch parts and New GM with reasonable, advance notice that the plaintiff wishes to have parts preserved for

purposes of litigation. New GM will then use reasonable efforts to arrange for the dealership making the repair to return the ignition switch parts to New GM for storage and preservation.

**B. Ongoing Preservation of Sample of Other Switch Parts**

6. New GM is only obligated to preserve and must continue preserving the following number of recalled ignition switch parts covered under NHTSA Recall Campaign 14v-047000 that are the subject of the Agreed Preservation Order:

<b>New GM Recall</b>	<b>Make</b>	<b>Model</b>	<b>Model Year</b>	<b>Number of Parts to Be Preserved</b>
14063	Saturn	ION	2003	109
14063	Saturn	ION	2004	140
13454	Chevrolet	Cobalt	2005	178
14063	Saturn	ION	2005	78
14063	Chevrolet	HHR	2006	147
13454	Chevrolet	Cobalt	2006	269
14063	Saturn	ION	2006	131
14063	Pontiac	Solstice	2006	20
14063	Chevrolet	HHR	2007	152
13454	Chevrolet	Cobalt	2007	258
14063	Saturn	ION	2007	148
13454	Pontiac	G5	2007	31
14063	Pontiac	Solstice	2007	28
14063	Saturn	Sky	2007	12
14092	Chevrolet	HHR	2008	69
14092	Chevrolet	Cobalt	2008	130
14092	Pontiac	G5	2008	9
14092	Pontiac	Solstice	2008	4
14092	Saturn	Sky	2008	8
14092	Chevrolet	HHR	2009	51
14092	Chevrolet	Cobalt	2009	106
14092	Pontiac	G5	2009	13
14092	Pontiac	Solstice	2009	3
14092	Saturn	Sky	2009	5
14092	Chevrolet	HHR	2010	55
14092	Chevrolet	Cobalt	2010	77
14092	Pontiac	Solstice	2010	0
14092	Saturn	Sky	2010	0
14092	Pontiac	G5	2010	0
14092	Chevrolet	HHR	2011	52
	<b>Totals</b>			<b>2,283</b>

The Parties agree that preservation of these parts will result in New GM preserving a representative sample of ignition switch parts covered by NHTSA Recall Campaign 14v-047000, and New GM may not argue otherwise for any purpose in litigation.

7. Subject to paragraph 5, New GM is not required to preserve ignition switch parts covered by NHTSA Recall Campaign 14v-047000 over and above the number of parts identified in paragraph 6. New GM may now dispose of and shall not further preserve any ignition switch parts not identified in paragraph 6.

8. This Order shall also apply to related cases later filed in, removed to, or transferred to this Court.

9. All parties reserve the right to request a modification of this Order, including seeking an order further limiting New GM's preservation obligations with respect to the preserved vehicle ignition switch parts.

DATED: February 15, 2019

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*Attorneys for General Motors LLC*

SO ORDERED

Dated: February 19, 2019  
New York, New York



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The Honorable Jesse M. Furman  
United States District Judge