

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. 30

This Document Relates to All Actions

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JESSE M. FURMAN, United States District Judge:

[Regarding the December 15, 2014 Status Conference]

The Court, having held a Status Conference on December 15, 2014, and having given Lead Counsel for Plaintiffs (“Lead Counsel”) and counsel for Defendants an opportunity to be heard on issues addressed in the agenda items set forth in the Court’s December 11, 2014 Memo Endorsement (14-MD-2543, Docket No. 471), issues this Order to memorialize the actions taken and rulings made at the Status Conference.

I. MDL 2543 DOCUMENT DEPOSITORY

The parties should continue to meet and confer regarding MDL 2543 document depository issues (including cost sharing).

II. PLAINTIFF FACT SHEET DATABASE

The parties should continue to meet and confer regarding the use of modern technology to ensure that Plaintiffs’ Fact Sheets (a) will be placed in an electronic and searchable database; (b) are provided to Defendants in digital format with extracted text; and (b) have built in mechanisms to prevent errors in VIN, Social Security Number (“SSN”), and other personal information. If the parties are unable to resolve any issues with respect to the Plaintiff Fact Sheet

Database by **Wednesday, December 24, 2014 at 12:00 p.m. EST**, the parties should submit letter briefs (not to exceed five single-spaced pages) addressing any unresolved issues.

III. ECONOMIC LOSS TRIAL INTERIM DEADLINES

The Court will not set a comprehensive economic loss schedule, at a minimum, until the Bankruptcy Court has resolved New GM's Motions to Enforce and, perhaps, until motion practice regarding choice of law and Fed. R. Civ. P. 12(b)(6) issues have been litigated before the Court.

The Court will allow briefing to proceed with respect to choice-of-law issues relating solely to claims brought by those plaintiffs in the Post-Sale Consolidated Complaint (14-MD-2543, Docket No. 345) that "allege vehicles that were definitely manufactured by New GM," as referenced in Order No. 28 (14-MD-2543, Docket No. 474). The parties should meet and confer to determine if any Post-Sale Consolidated Complaint plaintiff alleging a cause of action based on a 2010 model year vehicle should also be included in this choice-of-law briefing. By **Wednesday, December 31, 2014 at 12:00 p.m. EST**, the parties should submit a joint letter (not to exceed five single-spaced pages) identifying the plaintiffs and the states at issue in the choice-of-law briefing. Lead Counsel and New GM should submit simultaneous opening briefs (not to exceed 40 double-spaced pages) by **Friday, February 20, 2015**, with simultaneous response briefs (not to exceed 30 double-spaced pages) by **Monday, March 23, 2015**.

All plaintiffs who allege economic loss claims based on vehicles manufactured by New GM should submit substantially complete Plaintiff Fact Sheets by **Monday, March 2, 2015** in accordance with the requirements set forth in Order No. 25 ¶ 16 (14-MD-2543, Docket No. 422).

IV. SUMMARY JURY TRIAL

The Court will not set a summary jury trial unless both sides are interested, given that the purpose of a summary jury trial is to provide a mechanism to obtain data and facilitate potential

settlement. The parties should continue to discuss whether it makes sense to utilize a summary jury trial or other alternative procedures to gather information to facilitate potential settlement.

V. PHASE II DISCOVERY SCHEDULE

Phased discovery in this MDL shall be sequential. Phase II discovery will begin on **Tuesday, May 5, 2015**, and should “build on” what is learned in Phase I. The parties are to submit an agreed upon proposed order governing the Phase II discovery schedule by **Monday, January 5, 2015**. If the parties are unable to reach an agreement, Lead Counsel and counsel for Defendants should each submit a letter brief (not to exceed five single-spaced pages) setting forth their positions and attaching their proposed orders, as well as a redline showing the differences between the competing orders.

VI. DEPOSITION PROTOCOL ORDER

The parties are to submit an agreed upon proposed deposition protocol order by no later than **Thursday, January 9, 2015**. If the parties are unable to reach an agreement, Lead Counsel and counsel for Defendants should each submit a letter brief (not to exceed five single-spaced pages) setting forth their positions and attaching their proposed orders, as well as a redline showing the differences between the competing orders.

VII. ELECTRONICALLY STORED INFORMATION/PRESERVATION ISSUES

The parties should continue the meet-and-confer process, including — if appropriate — with forensic experts present, in an effort to reach agreement on a proposed ESI/preservation order, including meeting and conferring as appropriate concerning the issues raised by Lead Counsel’s October 29, 2014 memorandum.

VIII. REVIEW OF COMMON BENEFIT TIME RECORDS

The Court will give additional thought to whether any additional orders are necessary with respect to the review of common benefit time records.

IX. COMMON BENEFIT ASSESSMENT ORDER

The parties should continue discussions on a proposed common benefit assessment order and should submit either an agreed upon order by no later than **Thursday, January 9, 2015** or be prepared to address any issues with the Court at the January 20, 2015 Status Conference.

X. EXPERT DISCOVERY ORGANIZATION

The parties should continue to meet and confer regarding whether expert discovery (reports and/or depositions) should be divided or organized into (a) generic experts (applicable to all or most cases) and (b) case-specific experts (specific to individual cases, such as medical experts with respect to a particular plaintiff).

XII. ADDITIONAL STATUS CONFERENCE DATES

The Court will conduct future Status Conferences on the following dates: **January 20, 2015; February 11, 2015; March 13, 2015; April 8, 2015**. (The Court notes that the January conference date is **different** from the January 9, 2015 conference date initially set by the Court.) Unless the Court orders otherwise or indicates otherwise, all Status Conferences will begin at **9:30 a.m.** and will be held in **Courtroom 1105** of the Thurgood Marshall United States Courthouse, 40 Centre Street, New York, New York.

SO ORDERED.

Dated: December 19, 2014
New York, New York



JESSE M. FURMAN
United States District Judge