

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. 45

This Document Relates to All Actions

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JESSE M. FURMAN, United States District Judge:

**[Mechanism and Timetable For Dismissal of
Economic Loss Plaintiffs With Overdue Discovery]¹**

Order No. 30 Section III requires that “[a]ll 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).” (14-MD-2543 Docket No. 478). In accordance with Order No. 39 Section X, the parties submitted a proposed order regarding the appropriate mechanism and timetable to dismiss the claims of economic loss Plaintiffs alleging vehicles manufactured by New GM who fail to submit substantially complete economic loss Plaintiff Fact Sheets (“PFS”). (14-MD-2543 Docket No. 671). The Court, having reviewed and approved the parties’ agreed mechanism and timetable, hereby ORDERS:

1. Any Plaintiff who fails to comply with his or her PFS obligations may be subject to having his or her claims dismissed. If a Plaintiff has not submitted a substantially complete PFS as of the date of this Order, the MDL Defendants shall send a Notice of Overdue Discovery to

¹ Nothing herein is intended to affect the obligation of any Plaintiff whose individual economic loss claims are reinstated pursuant to Order No. 29 (or any amendment thereto) to submit a PFS. The parties are presently meeting and conferring on that issue and will submit competing letter briefs by April 3, 2015 if they cannot reach agreement.

Plaintiff's counsel identifying the discovery overdue and stating that, unless the Plaintiff complies with the Court's discovery orders, the case may be subject to dismissal.

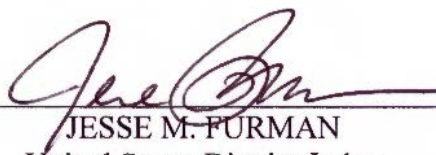
2. If a Plaintiff fails to submit a completed PFS within fourteen (14) days after service of the Notice of Overdue Discovery, the MDL Defendants may move the Court for an Order dismissing the economic loss claims of the Plaintiff without prejudice.

3. Plaintiff shall have fourteen (14) days from the date of the MDL Defendants' motion to dismiss to file a response either (a) certifying that the Plaintiff has submitted a completed PFS or (b) opposing the MDL Defendants' motion for other reasons. If a Plaintiff certifies that he or she has submitted a completed PFS, the Plaintiff's claims shall not be dismissed. The Court may, upon motion or *sua sponte*, dismiss the claims of any Plaintiff whom the Court finds to have submitted a false or incorrect certification.

4. If the Court dismisses the economic loss claims of a Plaintiff without prejudice under the previous paragraph, the Order will be converted to a Dismissal With Prejudice upon the MDL Defendants' motion — to be filed no earlier than thirty (30) days after the Court's entry of the Order of Dismissal Without Prejudice — unless Plaintiff submits a substantially complete PFS or moves to vacate the Dismissal Without Prejudice within that same time period.

SO ORDERED

Dated: March 30, 2015
New York, New York



JESSE M. FURMAN
United States District Judge