

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. 77

JESSE M. FURMAN, United States District Judge:

[Regarding the August 28, 2015 Status Conference]

The Court, having held a Status Conference on August 28, 2015, and having given Lead Counsel for Plaintiffs (“Lead Counsel”) and counsel for Defendants an opportunity to be heard on the agenda items set forth in the August 25, 2015 memo endorsement (Docket No. 1284), issues this Order to memorialize the actions taken and rulings made at the Status Conference.

I. ADDITIONAL STATUS CONFERENCE DATES

Unless and until the Court orders otherwise, the Court will conduct additional Status Conferences on the following dates: **Friday, October 9, 2015; Friday, November 20, 2015;** and **Friday, December 18, 2015**. Further, unless the Court orders or indicates otherwise, all Status Conferences will begin at **9:30 a.m. Eastern Time** and will be held in Courtroom 1105 of the Thurgood Marshall United States Courthouse, 40 Centre Street, New York, New York.

II. BANKRUPTCY COURT PROCEEDINGS

In light of the Second Circuit’s September 9, 2015 Order accepting a direct appeal of the Bankruptcy Court’s Judgment on New GM’s Motions to Enforce, the parties are directed to make a motion for expedited appeal. The parties are also to keep the Court apprised regarding Bankruptcy proceedings that implicate the bellwether complaints.

III. VALUKAS DEPOSITION DISPUTE

The deposition of New GM's counsel, Mr. Anton Valukas, may proceed on September 24, 2015, consistent with the Court's comments at the Status Conference. The deposition of Mr. Valukas shall be limited to no more than three hours, unless Plaintiffs make a detailed showing demonstrating a need for more time by **Friday, September 11, 2015**. Plaintiffs may make this showing on an *ex parte* basis if doing so would require revealing deposition or trial strategy, although the Court encourages the Plaintiffs to make any such filing public, if at all and to the extent possible. To the extent Plaintiffs make such a public or redacted filing, New GM has until **Wednesday, September 16, 2015** to file any response.

IV. BELLWETHER EXPERT DISCOVERY DEADLINES

Consistent with its comments during the Status Conference, the Court modifies its August 28, 2015 Memo Endorsement (Docket No. 1301) regarding bellwether expert discovery deadlines as follows:

- Plaintiffs will present their experts for deposition no later than **Friday, October 2, 2015**;
- New GM will disclose expert witnesses and submit any reports required under Fed. R. Civ. P. 26(a)(2)(B) no later than **Friday, October 9, 2015**;
- New GM will present its experts for deposition no later than **Friday, November 20, 2015**.

V. PHASE THREE DISCOVERY PLAN

The parties should submit any agreed upon proposed order regarding the Phase Three Discovery Plan by **Friday, October 2, 2015**. (*See* Order No. 20 [Regarding the Phase One Discovery Plan], Docket No. 383; Order No. 31 [Regarding the Phase Two Discovery Plan], Docket No. 526.) If the parties are unable to reach agreement, Lead Counsel and counsel for Defendants shall each submit a letter brief (not to exceed five single-spaced pages) setting forth

their respective positions and attaching their respective proposed orders, as well as a redline showing the difference between the two orders.

VI. PRIVILEGE CHALLENGES

The parties should continue to meet and confer and propose a reasonable and efficient process for resolving privilege disputes.

VII. ROBINSON DEPOSITION PRIVILEGE DISPUTE

Having reviewed the parties' briefs (Docket Nos. 1296, 1300), the Court sustains New GM's objections for the reasons stated by the Court at the Status Conference.

VIII. PLAINTIFF FACT SHEET MOTIONS TO DISMISS

Consistent with Order No. 72 (Docket No. 1237), if a party files a motion with respect to Plaintiff Fact Sheet issues, the party or parties to whom the motion is directed shall file a response indicating their opposition or non-opposition to the motion in accordance with the schedule laid out in the Order.

IX. FILING OF DOCUMENTS ON MDL MEMBER CASES' DOCKETS

The parties are reminded that, unless ordered otherwise, they should not file any submissions only on a relevant member case's docket, but also on the 14-MD-2453 docket and then "spread" the filing to any relevant member case's docket.

X. MOTIONS TO SEAL

Except for rare exceptions (*see* ¶ 6(A) of the Court's Individual Rules and Practices in Civil Cases), filing documents under seal or in redacted form requires Court approval. To be approved, sealing and/or redactions must be narrowly tailored to serve whatever purpose justifies them and otherwise consistent with the presumption in favor of public access to judicial documents. *See, e.g., Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119-20 (2d Cir.


2006). Accordingly, unless the Court orders otherwise, within seven (7) days of the Court ruling on the substance of any dispute wherein any party has filed a motion to temporarily seal (and regardless of whether the Court has granted the motion to temporarily seal), any party who believes that the materials should remain under seal or in redacted form shall file a letter brief regarding the propriety of doing so in light of the presumption in favor of public access to judicial documents. No responses or replies to any such submissions will be permitted without leave of the Court. Within three (3) days of the Court ruling on whether the materials at issue may be kept under seal and/or in redacted form, the relevant party must file on ECF and/or with the Sealed Records Department any documents implicated by the ruling that were not previously filed in the appropriate manner.

XI. ADDITIONAL MATTERS

The parties are to inform the Court if they learn of a case that is directly filed in this district and remains unassigned, is assigned to a different judge, or has not been consolidated with the MDL within ten (10) days of such direct filing.

SO ORDERED.

Dated: September 10, 2015
New York, New York



JESSE M. FURMAN
United States District Judge