



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. 83**

*This Document Relates to All Actions*

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JESSE M. FURMAN, United States District Judge:

**[Regarding the October 9, 2015 Status Conference]**

The Court, having held a Status Conference on October 9, 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 Court’s October 8, 2015 Memo Endorsement (14-MD-2543, Docket No. 1467), 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, 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 PROCEEDINGS**

The parties are to keep the Court apprised of any developments in the Bankruptcy Court that have a bearing on the bellwether trials, particularly MDL Bellwether Trial #1.

**III. COORDINATION IN RELATED ACTIONS**

The parties are to continue their coordination efforts in Related Actions pursuant to Order No. 15 (14-MD-2543, Docket No. 315) and keep the Court apprised of emerging coordination issues through their biweekly joint letter updates (*see* Order No. 8 § V, 14-MD-2543, Docket No. 249) or in separate letter updates, as circumstances require.

**IV. DEPOSITION DISPUTES**

Upon review of the parties' letter briefs, the Court will permit plaintiffs' requested depositions of Amber Hendricks and Lisa Stacey. No further deviations from the existing schedule and deposition protocols will be permitted absent exceptional circumstances.

Further, consistent with its comments during the Status Conference, the Court sustains Delphi's objection to inquiry during a Rule 30(b)(6) deposition into its communications with counsel representing Plaintiffs; however, the Court overrules Delphi's objection to inquiry into the destruction of certain boxes of documents and whether they included materials relating to the ignition switch. Consistent with the Court's comments at the Status Conference, New GM and Delphi are directed to meet and confer regarding revisions to the Rule 30(b)(6) deposition notice to Delphi.

**V. DISPUTED TRIAL SUBPOENA**

Consistent with the Court's comments during the Status Conference, New GM and Lead Counsel should meet and confer with counsel for former New GM General Counsel, Michael Millikin, and propose a briefing schedule concerning the purported trial subpoena for Mr. Millikin's appearance at MDL Bellwether Trial #1.

**VI. BELLWETHER REBUTTAL EXPERT REPORTS**

Consistent with the Court's comments during the Status Conference, the parties should

meet and confer regarding the necessity and permissibility of plaintiffs' submission of rebuttal expert reports after New GM produces its expert reports. The parties are to raise any issues still in dispute with the Court either jointly or in separate letter briefs, not to exceed five single-spaced pages, no later than **Friday, October 23, 2015**.

**VII. TRIAL WITNESSES**

Consistent with the Court's comments at the Status Conference, the parties should meet and confer regarding issues concerning bellwether trial witnesses and to raise any disputes with the Court sooner rather than later.

**VIII. JURY SELECTION MATTERS**

Consistent with the Court's comments at the Status Conference and preliminary views as set forth in Order No. 80 (14-MD-2543, Docket No. 1380), the parties should submit specific questionnaires for the Court's consideration and evaluation no later than **Friday, November 20, 2015**. (*See* Order No. 78, 14-MD-2543, Docket No. 1350.) The parties should identify, preferably jointly, questions that are objective, simple, straightforward, and would require disqualification of a juror for cause without any need for further inquiry. In a separate category, the parties should identify additional questions that they believe should be asked in the context of the questionnaire.

**IX. MOTION PRACTICE ON SECOND AMENDED CONSOLIDATED COMPLAINT**

Consistent with the Court's comments at the Status Conference and the Court's July 15, 2015 Memo Endorsement (14-MD-2543, Docket No. 1184), the Court defers motion practice on the Second Amended Consolidated Complaint until at least after the Bankruptcy Court rules on the issues pending before it.

**X. PHASE THREE DISCOVERY PLAN**

The parties should submit an agreed upon proposed order regarding the Phase Three Discovery Plan by **October 16, 2015**. (*See* Order No. 20 [Regarding the Phase One Discovery Plan], 14-MD-2543, Docket No. 383; Order No. 31 [Regarding the Phase Two Discovery Plan], 14-MD-2543, Docket No. 526.) If the parties are unable to reach agreement, Lead Counsel and counsel for the Defendants shall submit competing letter briefs (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.

**XI. PUBLIC ACCESS TO TRIAL**

Consistent with the Court's comments at the Status Conference, the parties should be prepared to discuss procedures for resolving issues related to public access in connection with the bellwether trials during the November 20, 2015 Status Conference.

SO ORDERED.

Dated: October 16, 2015  
New York, New York

  
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JESSE M. FURMAN  
United States District Judge