

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)

This Document Relates To:
Fleck, et al. v. General Motors LLC, 14-CV-8176

ORDER NO. 87

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JESSE M. FURMAN, United States District Judge:


[Regarding Privilege Issues During the First Bellwether Trial]

Upon review of the parties' submissions in connection with New GM's Motion *in Limine* No. 9 (*see* Docket Nos. 1617, 1704, and 1752), and for the reasons explained in today's Opinion and Order addressing that motion, it is hereby ORDERED that privilege issues during the first bellwether trial, including the substance and the content thereof, shall be subject to and governed by the following:

1. No deposition designations may include instructions not to answer questions on the basis of (or any other invocations of or questions about) privilege.
2. Instructions not to answer on privilege grounds from deposition excerpts may not be played, read, or otherwise referred to at trial.
3. Any "privilege," "work product," or other markings indicative of privilege assertions must be redacted from any documents prior to publication to the jury.
4. Parties shall not examine witnesses about or ask questions on subjects specifically foreclosed by prior Orders of this Court on privilege issues.
5. The parties are required to use good faith efforts to avoid asking questions likely to draw instructions not to answer on the basis of privilege unless they have a good faith belief that the door has been opened to such questioning (pursuant to Rule 502(a) of the Federal Rules of Evidence or otherwise), in which case they shall first advise the Court and the opposing party outside the presence of the jury.
6. Parties may raise privilege assertions or questions outside of the presence of the jury.

SO ORDERED.

Dated: December 3, 2015
New York, New York



JESSE M. FURMAN
United States District Judge