



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. 88**

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

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JESSE M. FURMAN, United States District Judge:

**[Regarding a Process for Addressing the Treatment of Confidential Evidence at Trial]**

Upon consideration of the proposed order submitted by General Motors LLC (“New GM”) and Lead Counsel for plaintiffs regarding a process for addressing the treatment of confidential evidence, if any, at the *Scheuer* trial, and for good cause shown, it is hereby ORDERED that:

1. Pursuant to Order No. 85, Paragraph 1(d) (Docket No. 1694), the parties exchanged trial exhibit lists on November 23, 2015. By Friday, December 11, 2015, the parties exchanged branded copies of their proposed trial exhibits.

2. By **Friday, December 18, 2015**, the parties shall identify trial exhibits, if any, that they believe necessitate confidential treatment at trial either because they contain (1) competitive business information, the disclosure of which would cause economic harm; or (2) sensitive medical records of Plaintiff that are irrelevant to the instant action. The parties should immediately meet and confer regarding any disagreement regarding these exhibits as well as the parties’ proposed process for their appropriate treatment at trial. In both the identification of such exhibits as well as in the proposed process for their treatment at trial, the parties should be mindful of the public right of access to judicial documents. *See, e.g., Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119-20 (2d Cir. 2006).

3. By **Wednesday, December 23, 2015**, the parties shall submit either an agreed-upon proposed order or letter briefs (not to exceed five single-spaced pages) regarding the appropriate treatment at trial of the materials identified in Paragraph 2 above.

4. With respect to trial exhibits containing sensitive personal information (*i.e.*, social security numbers, names of minor children, financial account numbers, home addresses, personal phone numbers, personal email addresses, and sensitive employment information protected by Order No. 71 (Docket No. 1236)) (“Sensitive Personal Information”), it is the responsibility of the party offering such exhibits into evidence to ensure that such sensitive personal information is properly redacted. Any such redactions must be narrowly tailored to serve the purpose or purposes that justify their use. When in doubt, the party planning to offer an exhibit containing Sensitive Personal Information should meet and confer with the other party regarding appropriate redactions. If there is any disagreement with respect to the redactions of Sensitive Personal Information, such disagreements should be raised outside the presence of the jury.

SO ORDERED.

Dated: December 14, 2015  
New York, New York

  
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JESSE M. FURMAN  
United States District Judge