

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. 18**

*This Document Relates to All Actions*

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JESSE M. FURMAN, United States District Judge:

**[Regarding the October 2, 2014 Status Conference]**

The Court, having held a Status Conference on October 2, 2014, and having given Lead Counsel for Plaintiffs (“Lead Counsel”) and counsel for Defendants an opportunity to be heard on issues addressed in the agenda items set forth in the Court’s September 30, 2014 Memo Endorsement (14-MD-2543, Docket No. 325), issues this Order to memorialize the actions taken and rulings made at the Status Conference.

**I. MDL 2543 WEBSITE**

The parties should meet and confer in advance of the November 6, 2014 Status Conference regarding whether it is preferable for the Court or for the parties to create and maintain the MDL 2543 website that is referenced in Order No. 15 § 13.

**II. DOCUMENT DEPOSITORY**

The parties should continue to meet and confer in advance of the November 6, 2014 Status Conference regarding sharing the costs associated with the MDL 2543 Document Depository that is currently hosted by ShareVault.

If the parties are unable to reach an agreement, Lead Counsel and counsel for Defendants shall submit a joint letter (not to exceed five single-spaced pages) by October 31, 2014. The joint letter shall include specific information about the chronology of events (when any agreement was

made as to a vendor or as to the costs to be borne by each party), the nature and extent of any agreement, the timing and substance of discussions, the information provided to counsel, and — to the extent that alternative vendors have been identified — a detailed comparison of the pros and cons of the competing options, including security, functionality, and pricing.

**III. THIRD PARTY DOCUMENT DISCOVERY AND PRESERVATION**

The parties should continue to meet and confer with respect to taking reasonable steps to ensure that third parties are preserving evidence that could ultimately be within the scope of document requests in this MDL.

**IV. ADDITIONAL PRESERVATION PROTOCOLS**

The parties should continue to meet and confer regarding additional preservation protocols.

**V. DISCOVERY OR PRIVILEGE MASTER**

The Court's hope and intention is to personally handle any discovery disputes unless and until doing so becomes unmanageable for either the Court and/or the parties. Should the use of a discovery or privilege master become necessary, the Court will refer discovery and privilege disputes, as appropriate, to Magistrate Judge Dolinger.

**VI. BELLWETHER TRIAL ORDER**

The parties should continue to meet and confer regarding a reasonable, but aggressive schedule that provides for bellwether trials as quickly as reasonably possible, given the nature and extent of the discovery and the claims in this litigation.

No later than October 31, 2014, the parties shall submit an agreed-upon Bellwether Order. If the parties are unable to reach an agreement, Lead Counsel and counsel for Defendants shall each submit a letter brief (not to exceed ten single-spaced pages) setting forth their respective positions and attaching their respective proposed orders, as well as a redline showing the

differences between the two orders. The parties' briefs should cite and/or attach examples of Bellwether Orders from other MDL litigation.

**VII. CONSOLIDATED COMPLAINT BRIEFING SCHEDULE**

No later than October 31, 2014, the parties shall submit an agreed briefing schedule addressing motion practice and proposed page limits related to the consolidated complaints.

If the parties are unable to reach an 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 differences between the two orders.

**VIII. DOCUMENT DISCOVERY**

The parties shall continue to meet and confer regarding Plaintiffs' discovery requests and a Phase I Discovery Plan.

No later than October, 31, 2014, the parties shall submit an agreed-upon Phase I Discovery Plan. If the parties are unable to reach an 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 differences between the two orders. The parties' briefs should identify whether any distinction should be made between class-related discovery versus merits-related discovery.

No response is due to Plaintiffs' discovery requests unless and until agreement is reached between the parties or ordered by the Court.

**IX. PLAINTIFF FACT SHEETS**

No later than October 31, 2014, the parties shall submit agreed-upon proposed Plaintiff

Fact Sheets for economic loss, wrongful death, and personal injury plaintiffs. If the parties are unable to reach an 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 redline versions showing the differences between the parties' orders.

**X. PEOPLE OF THE STATE OF CALIFORNIA V. GENERAL MOTORS LLC, 14-CV-7787**

No later than October 9, 2014, counsel for the *People of the State of California* shall submit its brief (not to exceed 25 double-spaced pages) in support of Plaintiffs' Motion to Remand. No later than October 16, 2014, counsel for New GM shall submit its brief (not to exceed 25 double-spaced pages) in response. No later than October 23, 2014, counsel for the *People of the State of California* shall submit its reply brief (not to exceed ten double-spaced pages), if any.

**XI. DISCOVERY RELATED TO "ONGOING SAFETY ISSUES"**

Lead Counsel and counsel for New GM should meet and confer as soon as possible regarding Lead Counsel's discovery requests related to "ongoing safety issues." (14-MD-2543 ECF No. 303-1.) The discussions should explore the requests in the context of the relief sought by Plaintiffs and the parties should determine whether the requests can be narrowed to ease the burden on New GM in complying with the requests. The parties shall inform the Court by Tuesday, October 7, 2014, if they have reached agreement. If agreement has not been reached, each side may submit a letter (not to exceed five single-spaced pages) addressing the issue of the burden of complying with Plaintiffs' requests.

**XII. DEPOSITION PROTOCOL ORDER**

The parties should continue to meet and confer regarding the agreed-upon protocol governing depositions referenced in Order No. 15 § 15.

**XIII. COST-SHARING WITH PLAINTIFFS' COUNSEL IN RELATED ACTIONS**


The parties should continue to meet and confer regarding cost-sharing between Plaintiffs' counsel in the MDL and Plaintiffs' counsel in related actions.

**XIV. "NOT REASONABLY ACCESSIBLE" DATA FILINGS**

To the extent the parties have any issues with the letters filed in compliance with Order No. 11 § 16, the parties should meet and confer to resolve those issues and raise any disagreement by the November 6, 2014 Status Conference.

SO ORDERED.

Dated: October 7, 2014  
New York, New York

  
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JESSE M. FURMAN  
United States District Judge