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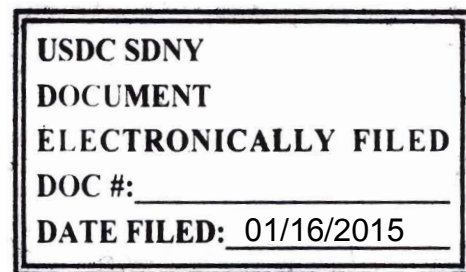
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January 15, 2015

The Honorable Jesse M. Furman
United States District Court for the
Southern District of New York
500 Pearl Street
New York, NY 10007



Re: *In re: General Motors LLC Ignition Switch Litigation,*
14-MD-2543 (JMF); 14-MC-2543

Dear Judge Furman:

Pursuant to this Court's Order No. 8 § IV.B, counsel for General Motors LLC ("New GM") and Lead Counsel – having met and conferred on multiple occasions with each other as well as with counsel for the other Defendants – submit this joint letter setting forth the parties' tentative agenda for the January 20 Status Conference. The parties believe that the Court does not need to allot more than three hours for the Status Conference. The parties would also like to discuss the schedule for future status conferences.

1. MDL 2543 Document Depository.

The parties continue to meet and confer regarding potential alternatives to ShareVault to serve as the MDL 2543 Document Depository. The parties request that the Court defer argument on the issues related to the MDL 2543 Document Depository, including cost sharing, until the February 11, 2015 Status Conference.

2. Coordination in Related Actions.

The parties will be prepared to address their ongoing coordination efforts in Related Actions (*see* Order No. 15, 14-MD-2543 Docket No. 315), including any new developments that may be included in the parties' bi-weekly related case update that is scheduled to be filed on January 16, 2015.

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3. Plaintiff Fact Sheet Issues.

Lead Counsel will be prepared to report the number of Plaintiffs who submitted by January 16 the Plaintiff Fact Sheets (and associated documents required by Order No. 25).

New GM continues to have concerns that the unresolved Plaintiff Fact Sheet Database issues may substantially prejudice its ability to effectively participate in the selection of the Initial Discovery Pool and, potentially, could delay the bellwether trial schedule set forth in Order No. 25.

4. New GM's Phase One Production.

New GM is complying and will continue to comply with its rolling production obligations and deadlines set forth in Court's orders. To date, New GM has produced into the MDL 2543 Document Depository 806,422 documents (totaling 4,303,141 pages), including more than 14,000 additional documents (totaling almost 180,000 pages) in December 2014, such as: (a) documents produced on December 4 and December 22 pursuant to Order No. 23 (14-MD-2543 Docket No. 404) from the *Melton II* privilege log; (b) documents produced on December 22 relating to the forty-seven (47) categories of documents for the seven Phase One Recalls identified in Order No. 20 (14-MD-2543 Docket No. 383); (c) documents produced on December 4 in response to Plaintiffs' Request for Production 415, in accordance with the parties' October 7, 2014 letter to the Court (14-MD-2543 Docket No. 332), including information related to warranty, repair, investigation, and customer complaints corresponding to certain Vehicle Identification Numbers ("VINs") provided by Plaintiffs; and (d) documents produced on December 4 relating to New GM's communications regarding, and provision of, loaner vehicles, as set forth in Defendant's October 7, 2014 letter to the Court (14-MD-2543 Docket No. 334). New GM anticipates several additional productions in the next few weeks as its rolling Phase One production continues. New GM began its rolling Phase One production on December 22, the date contemplated by the agreed upon Order No. 20. (*See* Order No. 20 ¶ 3.)

Order No. 20 requires New GM to make *rolling* productions of Phase One Discovery documents. Since the Court issued Order No. 20 on November 3, 2014, Defendants have made only a single Phase One production of approximately 120,000 pages of documents. That production was made on December 22, 2014, the last day by which Order No. 20 required New GM to start its production. Two-and-a-half months have passed since Order No. 20 was issued. Plaintiffs are concerned with the slow pace of New GM's Phase One discovery rollout and wish to discuss at the Status Conference the timing of further productions so that New GM does not backload the bulk of the Phase One production to the May 5, 2014 deadline established by Order No. 20.

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5. Discovery Related To Post-Recall Repair Complaints.

New GM applied agreed search terms to various databases and identified unique VINs that hit on the search criteria. New GM advises that it is preparing written responsiveness guidelines to be used in the required manual review of the records initially identified by the computer search terms. New GM expects to be able to share these guidelines with Lead Counsel shortly to get their input and agreement. After reaching agreement on the guidelines, the parties will meet and confer regarding a schedule for the production of responsive, non-privileged documents identified by the manual review. (*See* 14-MD-2543 Docket No. 334.)

Finally, New GM will provide Lead Counsel with a written description of the New GM Customer Assistance Center, Technical Assistance Center, and Warranty databases utilized in the post-recall complaint discovery.

6. Deposition Protocol Order.

The parties submitted for the Court's consideration letter briefs and competing proposed orders regarding the Deposition Protocol on January 9, 2015. (*See* 14-MD-2543 Docket Nos. 512, 513.)

The parties want to advise the Court of a difference in one aspect of the deposition procedures set forth in proposed Deposition Protocol Orders as compared to the Joint Coordination Order. (*See* Order No. 15, 14-MD-2543 Docket No. 315.) Paragraph 18 of the Coordination Order provides in relevant part that "[o]ne Plaintiffs' Counsel from each Coordinated Action shall be permitted a reasonable amount of time to question the deponent in those depositions following questioning by Lead Counsel for the MDL Plaintiffs" (Order 15 at ¶18.) It also provides that these counsel shall use "best efforts to ask questions that are non-duplicative of questions already asked at the deposition." (*Id.*) But Paragraph 43 of the parties' proposed Deposition Protocol Orders states that "[p]laintiffs' Counsel from the Coordinated Actions shall . . . designate one (1) attorney to serve as the examiner of each deponent on behalf of all plaintiffs in the Coordinated Actions." (*See, e.g.,* Redline of Proposed Deposition Protocol Order at ¶43.) The parties are discussing whether Paragraph 43 should be revised to address further the reasonable opportunity of Plaintiffs' Counsel from each Coordinated Action to question a deponent—either directly or through representation of similarly-situated counsel.

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7. Electronically Stored Information/Preservation Issues.

It is Plaintiffs' position that on October 29, 2014, Plaintiffs provided New GM with a memorandum outlining Plaintiffs' concerns with the extent of New GM's preservation efforts. There has been little discussion from New GM on this issue since then.

New GM plans to shortly circulate to Lead Counsel a draft proposed order addressing preservation and inaccessibility issues with respect to electronically stored information which New GM believes will further the meet and confer process. The parties plan on submitting either an agreed upon proposed order or to come prepared to update the Court with respect to the parties' discussions at the February 11, 2015 Status Conference.

8. MDL 2543 Website.

The parties continue to update the MDL 2543 Website (<http://gmignitionmdl.com>) in accordance with Order No. 27. (See 14-MD-2543 Docket No. 442.) The parties plan on jointly serving plaintiffs and defendants in newly filed and/or consolidated cases with an email notification regarding the MDL 2543 Website, including notice of Order No. 29 Regarding the Effect of the Consolidated Complaints. (See 14-MD-2543 Docket No. 477.)

9. Common Benefit Assessment Order.

Lead Counsel have circulated drafts and received comments and suggestions for a proposed common benefit assessment order. Revisions and suggestions from Plaintiffs Federal/State Liaison Counsel have been incorporated, and a further draft will circulate. The parties will be prepared to discuss the status of the draft proposed order at the January 20, 2015 Status Conference and plan on submitting either an agreed upon proposed order or letter briefs in advance of the February 11, 2015 Status Conference.

10. The *Bledsoe*, *Elliott*, and *Sesay* Plaintiffs' Objections to and Motion to Reconsider Order No. 29.

The parties have received and reviewed the *Bledsoe*, *Elliott*, and *Sesay* plaintiffs' motion to reconsider and/or objections to Order No. 29 (see 14-MD-2543 Docket Nos. 499, 502, 503, 506). Lead Counsel and counsel for Defendants are prepared to file written responses. The parties await the Court's instruction on a schedule for the briefing and disposition of these submissions.

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11. Confidentiality Issues.

It is Lead Counsel's position that the parties should continue to meet and confer on the confidentiality issues and public access to non-confidential documents. While Lead Counsel hope to find some common ground regarding these issues, Plaintiffs expect to bring substantive disputes with respect to such issues before the Court at the February 11, 2015 Status Conference.

New GM agrees that the parties should continue to meet and confer regarding any confidentiality issues. It is New GM's position that the procedures governing confidentiality designations and any challenges to same are set forth in Order No. 10 (14-MD-2543 Docket No. 294). Specifically, Paragraph 4 of Order No. 10 provides that, "[i]f the objecting party and the Producing Party are subsequently unable to agree upon the terms and conditions of disclosure for the material(s) in issue, the objecting party may move the Court for an order withdrawing the designation as to the specific designation on which the Parties could not agree." As such, New GM does not believe this is an appropriate agenda item before the completion of the meet and confer process and before any motion filed by Plaintiffs is fully briefed.

Respectfully submitted,

Richard C. Godfrey, P.C.
Andrew B. Bloomer, P.C.

Counsel for Defendant General Motors LLC

cc: Lead Counsel for Plaintiffs
Counsel of Record for Defendants

Counsel should be prepared to address, and/or update the Court with respect to, each of the issues discussed above at the January 20, 2015 status conference. The Clerk of Court is directed to docket this endorsed letter in 14-MD-2543 and 14-MC-2543.

SO ORDERED.

A handwritten signature in blue ink, appearing to read "Jesse M. Furman", is written over a horizontal line.

January 16, 2015