KING & SPALDING LLP
1185 Avenue of the Americas
New York, New York 10036
Telephone: (212) 556-2100
Facsimile: (212) 556-2222
Arthur Steinberg
Scott Davidson

KIRKLAND & ELLIS LLP
300 North LaSalle
Chicago, IL 60654
Telephone: (312) 862-2000
Facsimile: (312) 862-2200
Richard C. Godfrey, P.C. (admitted *pro hac vice*)
Andrew B. Bloomer, P.C. (admitted *pro hac vice*)

Attorneys for General Motors LLC

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re	:	Chapter 11
	:	
MOTORS LIQUIDATION COMPANY, *et al.*, f/k/a General Motors Corp., *et al.*	:	Case No.: 09-50026 (REG)
	:	
Debtors.	:	(Jointly Administered)

CONSOLIDATED OBJECTION BY GENERAL MOTORS LLC TO THE *SESAY* PLAINTIFFS' AND *ELLIOT* PLAINTIFFS' MOTIONS FOR LEAVE TO APPEAL PRELIMINARY STAY ORDERS OF THE BANKRUPTCY COURT

TABLE OF CONTENTS

Page

TABLE OF AUTHORITIES

Cases **Page(s)**

Statutes **Page(s)**

General Motors LLC (f/k/a General Motors Company) ("**New GM**"), by and through its undersigned counsel, hereby submits this consolidated objection ("**Objection**") to (i) the *Elliott Plaintiffs' Motions For Leave To Appeal Injunctive Order Of The Bankruptcy Court*, dated November 24, 2014 [Dkt. No. 13005] ("**Elliott Motion**"), with respect to the Ignition Switch Action[1] ("**Ignition Switch Actions**") filed by Laurence and Celestine Elliott, and Berenice Summerville (collectively, the "**Elliott Plaintiffs**") and (ii) the *Sesay Plaintiffs' Motions For Leave To Appeal Injunctive Order Of The Bankruptcy Court*, dated November 24, 2014 [Dkt. No. 13007] ("**Sesay Motion**," and together with the Elliott Motion, collectively, the "**Motions**"), with respect to the Ignition Switch Action filed by Ishmail Sesay and Joanne Yearwood (collectively, the "**Sesay Plaintiffs**," and together with the Elliott Plaintiffs, the "**E/S Plaintiffs**").[2] In support of this Objection, New GM respectfully represents as follows:

PRELIMINARY STATEMENT

1. In order for the E/S Plaintiffs to be granted leave to appeal the E/S Orders, they must establish each of the following factors: (i) the issues sought to be appealed involve a controlling question of law, (ii) there is substantial ground for difference of opinion regarding such issues, and (iii) an appeal now will materially advance the ultimate termination of the litigation (collectively, the "**Leave to Appeal Test**"). As demonstrated below, the E/S Plaintiffs

---

1 Capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the *Motion of General Motors LLC Pursuant to 11 U.S.C. §§ 105 and 363 to Enforce the Court's July 5, 2009 Sale Order and Injunction* ("**Motion to Enforce**"), dated April 21, 2014 [Dkt. No. 12620].

2 The Orders sought to be appealed by the E/S Plaintiffs are: (i) the *Order Denying The Relief Requested In Plaintiffs Lawrence And Celestine Elliott's No Stay Pleading Pursuant To The Court's Scheduling Orders And Motion For Order Of Dismissal For Lack Of Subject Matter Jurisdiction Pursuant To Bankr. R. 7012(b) And For Related Relief*, dated August 12, 2014 [Dkt. No. 12834] ("**Elliott Order**"), and (ii) the *Order Denying The Relief Requested In Plaintiffs' Amended No Stay Pleading, Motion For Order Of Dismissal For Lack Of Subject Matter And Personal Jurisdiction, Objections To GM's Motion To Enforce, Objections To The Court's Orders, And For Related Relief*, dated November 12, 2014 [Dkt. No. 12995] ("**Sesay Order**," and with the Elliott Order, the "**E/S Orders**").

cannot satisfy their burden of establishing the three elements of the Leave to Appeal Test, and, consequently, the Motions must be denied.

2. Strikingly absent from the Motions is any mention of Multi-District Litigation ("**MDL**") 2543 (*In re General Motors LLC Ignition Switch Litigation*) pending in the United States District Court for the Southern District of New York ("**District Court**"). The E/S Plaintiffs' individual Ignition Switch Actions are part of the MDL. In October 2014, at the direction of the MDL Court, Lead Counsel filed two consolidated complaints ("**Consolidated Complaints**") that were intended to subsume the claims that plaintiffs (including the E/S Plaintiffs) could fairly assert in the Ignition Switch Actions. Lead Counsel was selected to act on behalf of all plaintiffs in the Ignition Switch Actions, including the E/S Plaintiffs. Because the Consolidated Complaints filed by Lead Counsel are presently the operative pleadings for all plaintiffs, there is no reason to separately address the E/S Plaintiffs' Ignition Switch Actions or their individual contentions, through the context of the Motions.

3. The District Court has procedures in place to address any concerns that plaintiffs have regarding the actions of Lead Counsel in respect of the Ignition Switch Actions. The Bankruptcy Court similarly has procedures in place to address any concerns that plaintiffs have with Designated Counsel[3] in respect of the Motion to Enforce. That is the appropriate context to address the subject matter jurisdiction issue raised by the E/S Plaintiffs in the Motions. Anything different would undermine the role of Lead Counsel and Designated Counsel, and the streamlined and efficient case management procedures already in place in the District Court and the Bankruptcy Court.

[3] Designated Counsel were selected by the Bankruptcy Court to litigate the Motion to Enforce on behalf of plaintiffs that are subject to the Motion to Enforce. Designated Counsel coordinate their actions in the Bankruptcy Court with Lead Counsel.

4. As a practical matter, Designated Counsel have entered into Stay Stipulations (as herein defined) in the Bankruptcy Court with respect to their Ignition Switch Actions so that the Motion to Enforce can be addressed by the Bankruptcy Court. They have also agreed that the Bankruptcy Court will decide, in the first instance, the Four Threshold Issues (as herein defined). Designated Counsel filed their brief in the Bankruptcy Court with respect to the Four Threshold Issues on December 16, 2014. These actions plainly demonstrate Designated Counsel's acknowledgment that the Bankruptcy Court has subject matter jurisdiction to decide the Motion to Enforce.

5. Also, as a practical matter, the District Court already has recognized that the Bankruptcy Court has subject matter jurisdiction to interpret the Sale Order and Injunction. At the August 11, 2014 hearing in the MDL, Judge Furman stated:

> I am also going to be sensitive about stepping on the toes of Judge Gerber and the bankruptcy proceeding and ensuring an orderly process of the litigation of any issues before the Bankruptcy Court, mindful of the bankruptcy court's exclusive jurisdiction.[4]

Later at that same hearing, Judge Furman stated as follows:

> Judge Gerber is in a better position to interpret his prior orders and figure out what is and isn't subject to those orders and that it will just cause undue complications to withdraw the reference as to some subset of claims or proceedings.[5]

6. More recently, on December 12, 2014, Judge Furman decided whether motion practice with regard to the Post-Sale Consolidated Complaint should go forward in the MDL

---

4 August 11, 2014 MDL Hr'g Tr. at 6:20-24. Relevant excerpts from the August 11, 2014 MDL Hearing Transcript are annexed hereto as Exhibit "A."

5 *Id.* at 22:20-23.

before the Bankruptcy Court rules on the Motions to Enforce. In Order No. 28 in the MDL,[6] Judge Furman held that (with the limited exception of choice-of-law briefing):

> Upon review of the parties' briefs . . ., the Court concludes, with one possible exception, that all such briefing should be deferred until after Judge Gerber's decisions, substantially for the reasons provided by New GM in its memoranda of law. Plaintiffs may ultimately be proved right that the Sale Order "does not enjoin any of the claims in the Post-Sale Complaint" [citation omitted], but the Bankruptcy Court is tasked with deciding that question in the first instance—and Judge Gerber is in the process of doing just that with all deliberate speed.[7]

7. In addition, the parties discussed the effect of the Consolidated Complaints at the MDL status conference held before the District Court on December 15, 2014. The District Court ordered that the parties jointly submit a proposed order, pursuant to which each of the individual complaints alleging economic loss claims–including the individual Ignition Switch Actions brought by the E/S Plaintiffs–would be dismissed without prejudice, in favor of the Consolidated Complaints. Although the joint order will provide for a mechanism by which individual litigants can object to the dismissal of their claims, it is anticipated that the end result of the process will be that all economic loss claims are incorporated in, and subsumed by, the Consolidated Complaints.

8. In addition, while couched as a "subject matter jurisdiction" issue, the Motions essentially seek to litigate whether the E/S Plaintiffs' claims are appropriately asserted against New GM, or are barred by the Sale Order and Injunction. The Motions assume the conclusion that the Sale Order and Injunction does not bar their claims and, based on that invalid foundation, the E/S Plaintiffs incorrectly assert that the Bankruptcy Court has no subject matter jurisdiction over them. Significantly, however, the issue as to whether causes of action in the Consolidated

---

6 A copy of Order No. 28 entered in the MDL is annexed hereto as Exhibit "B."

7 The one exception noted in Order No. 28 was whether the District Court "should order briefing now on choice-of-law issues relating solely to claims brought by the nine sets of plaintiffs from seven states" where the vehicles at issue were manufactured by New GM (and not Old GM).

Complaints are barred by the Sale Order and Injunction was expressly made one of the "Four Threshold Issues"[8] by the Bankruptcy Court (*i.e.*, the Old GM Claim Threshold Issue). Resolution of the Old GM Claim Threshold Issue impacts all plaintiffs that have filed Ignition Switch Actions, not just the E/S Plaintiffs. In essence, the Motions improperly isolate the Old GM Claim Threshold Issue for separate resolution when that precise issue is currently being litigated by Designated Counsel in the Bankruptcy Court for all plaintiffs.

9. The Bankruptcy Court did not permanently enjoin the E/S Plaintiffs from proceeding in their Ignition Switch Actions. Rather, the Bankruptcy Court determined that the Sale Order and Injunction *prima facie* applied to their claims and temporarily stayed these claims while giving the E/S Plaintiffs (and more than 100 other groups of plaintiffs), through the Designated Counsel, an opportunity to address the Four Threshold Issues. Thus, the Bankruptcy Court's procedural orders (the E/S Orders) are not final and are not decisions with respect to "a controlling question of law." As such, the first necessary prong for the Leave to Appeal Test is not met.

10. The E/S Plaintiffs also fail the second necessary prong of the Leave to Appeal Test. There is no "substantial ground for difference of opinion" with respect to the Bankruptcy Court ruling that it has subject matter jurisdiction to interpret its prior Sale Order and Injunction. The Bankruptcy Court properly ruled in its Decisions[9] that the "no subject matter jurisdiction" argument advanced by the E/S Plaintiffs was contrary to overwhelming binding precedent from

---

8 The term "**Four Threshold Issues**" is defined in the Bankruptcy Court's July 11, 2014 Supplemental Scheduling Order ("**Supplemental Scheduling Order**"), as further supplemented by the Bankruptcy Court's Endorsed Order, dated August 22, 2014 ("**August 22 Order**").

9 The term "**Decisions**" refers to the: (i) *Decision with Respect to No Stay Pleading and Related Motion to Dismiss for Lack of Subject Matter Jurisdiction (Elliott Plaintiffs)*, dated August 6, 2014 [Dkt. No. 12815] ("**Elliot Decision**"), and (ii) *Decision with Respect to No Stay Pleading, and Related Motion for Abstention (Sesay Plaintiffs)*, dated November 10, 2014 [Dkt. No. 12989] ("**Sesay Decision**").

the United States Supreme Court, Second Circuit, the District Courts, and the Bankruptcy Courts. In a nutshell, the E/S Plaintiffs improperly framed the jurisdictional issue as one involving "related to" bankruptcy jurisdiction. The actual basis, according to the well-recognized case law, is "arising in" bankruptcy jurisdiction.

11. And, the E/S Plaintiffs also fail the third prong of the Leave to Appeal Test. It is the resolution of the Motion to Enforce by the Bankruptcy Court, not these potential appeals of a short-term stay, that will materially advance the Ignition Switch Actions.

12. Accordingly, the Motions fail to satisfy the Leave to Appeal Test, and they should be denied in their entirety.

BACKGROUND

A. The E/S Plaintiffs' Individual Ignition Switch Actions

13. The Elliott Plaintiffs, *pro se*, commenced their Ignition Switch Action against New GM on April 1, 2014. The Elliott Plaintiffs own a 2006 Chevrolet Cobalt purchased in 2006 from Old GM; Ms. Summerville owns a 2010 Chevrolet Cobalt purchased in December 2009. The 2010 Chevrolet Cobalt was recalled by New GM because there was a remote possibility that, after the vehicle was sold, a third party unrelated to New GM, during a repair of the vehicle, inserted a flawed ignition switch sold by Old GM. After retaining counsel, the Elliott Plaintiffs filed an amended complaint (which added Ms. Summerville as a named-plaintiff). The Sesay Plaintiffs commenced their Ignition Switch Action against New GM on August 1, 2014, and thereafter filed an amended complaint asserting the same or substantially similar causes of action as those asserted by the Elliott Plaintiffs. Mr. Sesay owns a 2007 Chevrolet Impala purchased used from a third party in December 2010; Ms. Yearwood owns a 2010 Chevrolet Cobalt purchased in April 2010.

14. The complaints filed by the E/S Plaintiffs attempt to allege claims solely against New GM, and not Old GM, although both complaints concern vehicles and/or parts manufactured by Old GM and various allegations regarding Old GM's conduct. The Ignition Switch Actions filed by the E/S Plaintiffs are similar to many other Ignition Switch Actions commenced against New GM that are the subject of the Motion to Enforce.

B. The Motion To Enforce And Procedures Established By The Bankruptcy Court

15. On April 21, 2014, New GM filed its Motion to Enforce, seeking to enforce the injunction provisions contained in the Sale Order and Injunction, against plaintiffs who had commenced lawsuits against New GM, asserting Retained Liabilities of Old GM. The Elliott Ignition Switch Action was designated as being subject to the Motion to Enforce. On April 22, 2014, the Bankruptcy Court issued an order scheduling a conference on the Motion to Enforce for May 2, 2014 ("**May Conference**").

16. At the May Conference, various bankruptcy-related issues were discussed, and there was a general consensus reached between New GM and counsel speaking on behalf of nearly all of the plaintiffs that, as part of the process in which the Court would address bankruptcy-related issues, plaintiffs would either (i) enter into a stipulation ("**Stay Stipulation**") with New GM staying their individual Ignition Switch Actions, or (ii) file with the Bankruptcy Court a "No Stay Pleading" setting forth why they believed their individual Ignition Switch Actions should not be stayed (collectively, the "**Initial Stay Procedures**").

17. The Initial Stay Procedures were set forth and approved in a Scheduling Order entered by the Bankruptcy Court on May 16, 2014 ("**May Scheduling Order**"). The overwhelming number of plaintiffs agreed to enter into Stay Stipulations with New GM.

18. Thereafter, the Bankruptcy Court held another conference on July 2, 2014 ("**July Conference**") wherein it held that, in the context of deciding the Motion to Enforce, the Four

Threshold Issues should be addressed first. At least one of the Four Threshold Issues identified by the Bankruptcy Court at the July Conference is implicated by the Motions; that being the Old GM Claim Threshold Issue. A briefing schedule respecting the Four Threshold Issues was established in the Supplemental Scheduling Order, as amended by the August 22 Order. Reply briefs on the Four Threshold Issues are due to be filed with the Bankruptcy Court on January 16, 2015, and oral argument will be held shortly thereafter.

19. Neither the May Scheduling Order, the Supplemental Scheduling Order nor the August 22 Order were appealed by the E/S Plaintiffs (or any other plaintiff).

20. Because new Ignition Switch Actions were being filed against New GM almost on a daily basis, New GM needed to implement stay procedures to address those new Actions. Accordingly, on June 13, 2014, New GM filed with the Bankruptcy Court a motion to establish stay procedures for newly-filed Ignition Switch Actions [Dkt. No. 12725] ("**Tag-Along Motion**"). The relief requested in the Tag-Along Motion was granted by Order dated July 8, 2014 [Dkt. No. 12764] ("**Stay Procedures Order**"), which required, *inter alia*, plaintiffs in newly filed Ignition Switch Actions to either enter into a Stay Stipulation or file a "No Stay Pleading" with the Bankruptcy Court.

21. As the Sesay Ignition Switch Action was filed after entry of the Stay Procedures Order, New GM designated that Action as being subject to the Motion to Enforce on a supplemental schedule filed with the Bankruptcy Court.

C. E/S Plaintiffs' No Stay Pleadings And The Bankruptcy Court's Denial Of Same

22. Both the Elliott Plaintiffs and the Sesay Plaintiffs filed No Stay Pleadings with the Bankruptcy Court, essentially making the same arguments. They both asserted that the Bankruptcy Court lacked "related to" jurisdiction to enjoin their individual Ignition Switch Actions against New GM because, according to their pleadings, they were asserting claims only

against New GM and not Old GM. New GM responded, arguing, among other things, that (i) the E/S Plaintiffs' claims were like the other plaintiffs' claims in other Ignition Switch Actions, (ii) certain of the vehicles at issue were manufactured by Old GM, and (iii) the E/S Plaintiffs' claims were based, in part, on Old GM's conduct. As such, at least some of their claims were Retained Liabilities and subject to the Motion to Enforce. New GM asserted that the E/S Plaintiffs were not uniquely situated and should be on the same schedule as the other plaintiffs in the more than 100 other Ignition Switch Actions that were subject to the Motion to Enforce.

23. The Bankruptcy Court agreed with New GM, and denied the relief requested in the E/S Plaintiffs' No Stay Pleadings in two separate Decisions. Both Decisions are similar. In the Elliott Decision, the Bankruptcy Court aptly summarized its ruling as follows:

> Once again, a plaintiff group wishing to proceed ahead of all of the others (only one week after I issued the written opinion memorializing my earlier oral ruling proscribing such an effort) has asked for leave to go it alone. Its request is denied. With a single exception, the issues raised by this group (the "Elliott Plaintiffs") don't differ from those addressed in Phaneuf. And as to that single exception— their claim that I don't have subject matter jurisdiction to construe and enforce the Sale Order in this case— their contention is frivolous . . . .

Elliott Decision, at 2 (footnotes omitted). With respect to the Elliott Plaintiffs' argument regarding "related to" jurisdiction, the Court found that:

> "Related to" jurisdiction has nothing to do with the issues here. Bankruptcy courts (and when it matters, district courts) have subject matter jurisdiction to enforce their orders in bankruptcy cases and proceedings under those courts' "arising in" jurisdiction. The nearly a dozen cases cited above expressly so hold.

Id. at 4 (footnote omitted). The Court further found that the Elliott Plaintiffs' "argument conflates the conclusion I might reach after analysis of matters before me—that certain claims ultimately might not be covered by the Sale Order—with my jurisdiction to decide whether or not they are." *Id.* at 7. The Court, thus, denied the Elliott Plaintiffs' motion to dismiss.

24. With respect to the Elliott "no stay" request, the Bankruptcy Court denied that as well, relying on a previous decision concerning a No Stay Pleading filed by another group of plaintiffs (*i.e.*, the Phaneuf Plaintiffs):[10]

> As in *Phaneuf*, I find that the Elliott Plaintiffs are asserting claims with respect to vehicles that were manufactured before the 363 Sale, and, although to a lesser extent than in *Phaneuf*, relying on the conduct of Old GM. Thus I find as a fact, or mixed question of fact and law, that the threshold applicability of the Sale Order—and its injunctive provisions—has been established in the first instance.
>
> And once again, even if the Sale Order did not apply in the first instance, a preliminary injunction would also be appropriate here, for the reasons discussed at length in *Phaneuf*, which I will not repeat at comparable length here—other than to say that the prejudice to all of the other litigants, and to the case management concerns I had with respect to the Phaneuf Plaintiffs, is just as much a matter of concern here.
>
> As in *Phaneuf*, I will not allow the Elliott Plaintiffs to go it alone. The Elliott Plaintiffs' claims can be satisfactorily addressed—and will have to be addressed—as part of the coordinated proceedings otherwise pending before me.

Elliott Decision, at 9.

25. The Sesay Decision is similar to the Elliott Decision:

> Once again, the Sesay Plaintiffs' counsel argues, as he did in *Elliott*, that I lack subject matter jurisdiction to hear the Motion to Enforce. This contention, as I held in Elliott (and which also is now the law of the case), is frivolous. Federal judges, including bankruptcy judges, have subject matter jurisdiction to enforce their own orders. In the bankruptcy sphere, where the court less commonly has federal question or diversity jurisdiction under 28 U.S.C. § 1331 or 1332, the court's subject matter jurisdiction rests on the Judicial Code's bankruptcy subject matter jurisdiction provision, 28 U.S.C. § 1334, and in particular its "arising in" prong. It has been repeatedly held that bankruptcy judges have "arising in" jurisdiction to construe and enforce orders they had earlier signed.
>
> As I observed in *Elliott*, the Sesay Plaintiffs' continued focus on the "related to" prong of § 1334, inexplicably still pressed here, misses the point. It is

[10] While the Phaneuf Plaintiffs initially filed a notice of appeal and a motion seeking leave to appeal the order denying their No Stay Pleading, the Phaneuf Plaintiffs have extended New GM's answer date to respond to the motion until 30 days after the Bankruptcy Court rules on the Four Threshold Issues. New GM requested a similar extension from the E/S Plaintiffs, but that request was denied.

> the "arising in" prong of § 1334 upon which district and bankruptcy judges' subject matter jurisdiction rests.
>
> Nor is it an answer for the Sesay Plaintiffs to contend that because they believe their claims, in whole or in part, should not be found to be covered by my earlier order, or my earlier order should not have said what it did or was invalid, my subject matter jurisdiction to decide those issues evaporates. As in Elliott, each contention assumes the fact to be decided. Despite the Sesay Plaintiffs' efforts to recast the issues, and to discuss other issues not at all relevant, the simple fact is that New GM seeks construction and enforcement of the Sale Order, and I have subject matter jurisdiction to do exactly that.

Sesay Decision, at 7-9.

D. The MDL And The Consolidated Complaints

26. On June 9, 2014, the Judicial Panel on Multidistrict Litigation established the MDL and designated the District Court as the MDL court. Currently, more than 140 cases are pending in the MDL. Many, like the Elliott and Sesay Ignition Switch Actions, involve economic loss claims based on vehicles with allegedly defective parts.

27. At an August 11, 2014 initial case conference, the District Court discussed the filing by Lead Counsel of a consolidated master complaint for all economic loss actions. Pursuant to Order No. 8 § III entered in the MDL,[11] the District Court ordered Lead Counsel to prepare, circulate for comment among plaintiffs' counsel, and file a "Consolidated Complaint with respect to all claims alleging economic loss," with provision for plaintiffs who were dissatisfied with the consolidated complaint to file objections. This followed Order No. 7 issued in the MDL,[12] in which the District Court stated that "sooner rather than later [Lead Counsel should] review all existing complaints (and the facts already in the public record . . .) and file a

[11] A copy of Order No. 8 entered in the MDL is annexed hereto as Exhibit "C."

[12] A copy of Order No. 7 entered in the MDL is annexed hereto as Exhibit "D."

consolidated or master complaint with the claims on behalf of the class or classes, as appropriate."

28. The District Court further stated in Order No. 7 (§ I) that "having a consolidated or master complaint sooner rather than later would streamline and clarify the claims and help eliminate those that are duplicative, obsolete, or unreflective of developing facts or current law. That would not only help advance this litigation, but would also presumably facilitate litigation of the issues currently pending before the Bankruptcy Court." The District Court, thereafter, established a process for the filing of the Consolidated Complaints whereby all plaintiffs would have an opportunity to review and comment on the Consolidated Complaints before they were filed as well as the ability to file objections after they were filed. *See* MDL Order No. 8 § III.

29. On October 14, 2014, Lead Counsel filed the two Consolidated Complaints. The E/S Plaintiffs did not file any objections to the Consolidated Complaints. The Consolidated Complaints subsume plaintiffs who commenced an individual Ignition Switch Action that has been transferred to the MDL. The Elliott Ignition Switch Action was transferred to the MDL on October 15, 2014. The Sesay Ignition Switch Action was transferred to the MDL on August 7, 2014. Accordingly, the E/S Plaintiffs are bound by the procedures in the MDL and the claims set forth in the Consolidated Complaints. It is anticipated that the E/S Plaintiffs' Ignition Switch Actions will shortly be dismissed without prejudice.

CONSOLIDATED OBJECTION

30. The Court should deny the E/S Plaintiffs leave to appeal the Orders denying their No Stay Pleadings because they completely fail to satisfy the required test for such extraordinary relief. The Leave to Appeal Test was set forth in *Enron Corp. v. Avenue Special Situations Fund II, L.P. (In re Enron Corp.)*, Adv. 05-010, 2006 WL 2548592 (S.D.N.Y. Sept. 5, 2006) as follows: "[i]n order to permit an interlocutory appeal pursuant to section 1292(b), the order being

appealed must '(1) involve a controlling question of law (2) over which there is substantial ground for difference of opinion,' and the movant must also show that '(3) an immediate appeal would materially advance the ultimate termination of the litigation.'" *Id.* at *3 (quoting 28 U.S.C. § 1292(b)). Each of these three requirements "must be met for a Court to grant leave to appeal." *In re Futter Lumber Corp.*, 473 B.R. 20, 26-27 (E.D.N.Y. 2012); *see also N. Fork Bank v. Abelson*, 207 B.R. 382, 390 (E.D.N.Y. 1997) ("Because Abelson's appeal meets only two of the three requirements as enunciated in 28 U.S.C. § 1292(b), the Court declines to grant leave to bring an Interlocutory Appeal.").

31. The standard under Section 1292(b) "is strictly applied as interlocutory appeals from bankruptcy courts' decisions are 'disfavored' in the Second Circuit." *Enron*, 2006 WL 2548592, at *3. As further explained by the court in *Enron*:

> leave to appeal is warranted only when the movant demonstrates the existence of "exceptional circumstances" to overcome the "general aversion to piecemeal litigation" and to "justify a departure from the basic policy of postponing appellate review until after the entry of a final judgment." Interlocutory appeal "is limited to 'extraordinary cases where appellate review might avoid protracted and expensive litigation,' ... and is not intended as a vehicle to provide early review of difficult rulings in hard cases." The decision whether to grant an interlocutory appeal from a bankruptcy court order lies with the district court's discretion.

Id. (footnotes and citations omitted); *see also Koehler v. Bank of Bermuda Ltd.*, 101 F.3d 863, 865 (2d Cir. 1996) (an interlocutory appeal is "a rare exception to the final judgment rule that generally prohibits piecemeal appeals"); *Liebert v. Levine (In re Levine)*, No. 94-44257, 2004 WL 764709, at *2 (S.D.N.Y. Apr. 9, 2004) ("The Second Circuit has repeatedly 'urged the district courts to exercise great care in making a § 1292(b) certification.'").

32. "One of the chief concerns of Section 1292 is the efficiency of the federal court system, and efficiency is of particular concern in large complex cases." *In re WorldCom, Inc. Sec. Litig.*, No. 02 CIV. 3288, 2003 WL 22953644, at *4 (S.D.N.Y. Dec. 16, 2003); *see also*

Ellsworth v. Myers (In re Cross Media Mktg. Corp.), No. 03-13901(BRL), 2007 WL 2743577, at *2 (S.D.N.Y. Sept. 19, 2007) ("[T]he party seeking an interlocutory appeal has the burden of showing exceptional circumstances, to overcome the general aversion to piecemeal litigation and to show that the circumstances warrant a departure from the basic policy of postponing appellate review until after entry of a final judgment.")(internal citation omitted)).

33. The Motions should be denied because the E/S Plaintiffs have failed to establish any of the three elements of the Leave to Appeal Test. In addition, the E/S Plaintiffs cannot show, nor do they even attempt to show, that exceptional circumstances exist to grant the Motions. Indeed, to the contrary, allowing the appeals to proceed would disrupt the carefully crafted litigation procedures enacted by the District Court and the Bankruptcy Court. Accordingly, as shown below, the situation here does not justify a departure from the rule postponing appellate review of interlocutory orders.

A. <u>There Is Not Substantial Ground For A Difference Of Opinion</u>

34. The E/S Plaintiffs fail to demonstrate that a substantial ground exists for a difference of opinion with regard to the issues sought to be appealed. To find that there is a substantial grounds for dispute, it must be shown that there is a genuine doubt as to the correct applicable legal standard relied upon by the bankruptcy court in denying a motion, *Ellsworth*, 2007 WL 2743577, at *2, and it must involve more than strong disagreement between the adversary parties. *See N. Fork Bank*, 207 B.R. at 390. "Merely claiming that the bankruptcy court's decision was incorrect is insufficient to establish substantial ground for difference of opinion." *Ellsworth*, 2007 WL 2743577, at *2.

35. The Supreme Court has held squarely that a bankruptcy court has subject matter jurisdiction to interpret and enforce its prior orders:

> Given the Clarifying Order's correct reading of the 1986 Orders, the only question left is whether the Bankruptcy Court had subject-matter jurisdiction to enter the Clarifying Order. ***The answer here is easy***: as the Second Circuit recognized, and respondents do not dispute, ***the Bankruptcy Court plainly had jurisdiction to interpret and enforce its own prior orders***. *See Local Loan Co. v. Hunt*, 292 U.S. 234, 239, 54 S. Ct. 695, 78 L. Ed. 1230 (1934). ***What is more, when the Bankruptcy Court issued the 1986 Orders it explicitly retained jurisdiction to enforce its injunctions***.

Travelers Indemn. Co. v. Bailey, 557 U.S. 137, 151 (2009) (emphasis added); *accord Celotex Corp. v. Edwards*, 514 U.S. 300, 313 (1995) (stating that litigants cannot be permitted to collaterally attack preexisting court orders "without seriously undercutting the orderly process of the law").

36. In the Elliott Decision, in addition to citing to *Travelers Indemnity*, the Bankruptcy Court cited to numerous other cases from the Second Circuit, this District Court, and the Bankruptcy Court for the Southern District of New York that unequivocally establish that the Bankruptcy Court has subject matter jurisdiction to interpret and, if appropriate, enforce the Sale Order and Injunction. *See* Elliott Decision, at 1-2; *see also* Sesay Decision, at 7-9. The District Court in the MDL has also agreed that the Bankruptcy Court should rule on issues related to its own orders. *See* MDL Order No. 7, at 3 ("the Court is inclined to believe that the Bankruptcy Court should rule, in the first instance, on matters relating to its prior orders and the bankruptcy generally").

37. In *Douglas v Stamco*, 363 Fed. App'x 100 (2d Cir. 2010), the Second Circuit rejected an argument identical to the E/S Plaintiffs that a bankruptcy court lacked authority to enforce "free and clear" provisions in a sale agreement in favor of a purchaser of a debtor's assets. In doing so, the Second Circuit recognized that enforcement of such free and clear provisions necessarily would affect the bankruptcy estate:

> [T]o the extent that the "free and clear" nature of the sale (as provided for in the Asset Purchase Agreement ("APA") and § 363(f)) was a crucial inducement in the

> sale's successful transaction, it is evident that the potential chilling effect of allowing a tort claim subsequent to the sale would run counter to a core aim of the Bankruptcy Code, which is to maximize the value of the assets and thereby maximize potential recovery to the creditors.

Id. at 102-03.

38. Likewise, substantially similar claims to those advanced by the E/S Plaintiffs were rejected in *Campbell v. Motors Liquidation Co. (In re Motors Liquidation Co.)*, 428 B.R. 43 (S.D.N.Y. 2010) (Buchwald, J.), a prior appeal from the Sale Order and Injunction:

> The jurisdictional issue here, if any, is the Bankruptcy Court's "core" or "arising under" jurisdiction to approve the 363 Transaction and issue the Sale Order. It is well-settled that bankruptcy courts have core jurisdiction to approve section 363 sales, *see* 28 U.S.C. § 157(b)(2)(N) ("[C]ore proceedings include ... orders approving the sale of property."), and corollary jurisdiction to interpret and enforce their own orders carrying out the provisions of the Bankruptcy Code. *See* 11 U.S.C. § 105(a); *cf. also* 28 U.S.C. § 1651 ("All Writs Act"). Moreover, courts have characterized the injunctive authority of bankruptcy courts as "core" when the rights sought to be enforced by injunction are based on provisions of the Bankruptcy Code, such as the "free and clear" authority of section 363(f).

428 B.R. at 56-57 (collecting cases).

39. The E/S Plaintiffs do not seriously contest these legal principles. In explaining the alleged "substantial ground for difference of opinion" regarding the Bankruptcy Court's assertion of jurisdiction, the E/S Plaintiffs state that the "Bankruptcy Court based its jurisdictional rulings exclusively on its ***unremarkable power, shared by all courts, to interpret and enforce its own orders***. But the jurisdictional issue before it was whether it had jurisdiction to enjoin a third party lawsuit . . . between nonparties to Old GM's bankruptcy." Elliott Motion, at 10 (emphasis added). However, as stated by the Bankruptcy Court, the E/S Plaintiffs "argument conflates the conclusion I might reach after analysis of matters before me—that

certain claims ultimately might not be covered by the Sale Order—with my jurisdiction to decide whether or not they are." Elliott Decision, at 7.[13]

40. The E/S Plaintiffs' thus failed to satisfy the second prong of the Leave to Appeal Test. There simply is no ground for a difference of opinion on the issue of whether the Bankruptcy Court has "subject matter jurisdiction" to interpret and enforce its prior orders, including the Sale Order and Injunction. The plain answer is that the Bankruptcy Court can exercise "arising in" subject matter jurisdiction over the Motion to Enforce.

B. <u>An Immediate Appeal Will Not Materially Advance The Litigation</u>

41. In addition, the E/S Plaintiffs cannot demonstrate that granting the Motions will advance the litigation between the parties as required by the Section 1292(b) standard. "[A]n immediate appeal is considered to advance the ultimate termination of the litigation if that appeal promises to advance the time for trial or shorten the time required for trial." *In re Oxford Health Plans, Inc.*, 182 F.R.D. 51, 53 (S.D.N.Y. 1998) (internal quotation omitted).

42. Here, an immediate appeal will not advance the time for trial or shorten the time required for trial. In fact, an immediate appeal will have no salutary effect on the Ignition Switch Actions. As stated above, all of E/S Plaintiffs' claims have been subsumed in the Consolidated Complaints, and their individual Ignition Switch Actions will shortly be dismissed without prejudice. Thus, even if the E/S Plaintiffs were successful and granted leave to appeal, and even if that appeal was ultimately successful, Lead Counsel in the MDL would still be prosecuting the

---

[13] Cases cited in the Motions to support permission of interlocutory appeals of preliminary injunctions in cases where defendants have brought jurisdictional challenges to the issuing court's authority are misleading because they are based on "related to" jurisdiction, which is not applicable here. *See In re Chateaugay Corp*., 213 B.R. 633 (S.D.N.Y. 1997) (granting leave to appeal issue relating to court's "related to" jurisdiction). Counsel also cites to *N. Fork Bank v. Abelson*, 207 B.R. 382 (E.D.N.Y. 1997), to support this proposition, but in that case, the court denied the motion for leave to pursue interlocutory appeal on the disputed jurisdictional issue.

Consolidated Complaints, and the E/S Plaintiffs' individual Ignition Switch Actions would not be going forward at this time.

43. The District Court overseeing the MDL has also agreed that the Bankruptcy Court should decide the Four Threshold Issues in the first instance. As stated by the District Court:

> [T]he Court is preliminarily disinclined to withdraw the reference with respect to any claims or proceedings currently pending before the Bankruptcy Court. The Court recognizes that some claims may not ultimately be subject to the Sale Agreement or Sale Order, but given the complexities involved, and the interrelated nature of the different claims, the Court is inclined to believe that the Bankruptcy Court should rule, in the first instance, on matters relating to its prior orders and the bankruptcy generally. Withdrawing the reference as to any of the claims or proceedings before the Bankruptcy Court risks prejudging complicated issues and may result in undue complications later in the litigation.

MDL Order No. 7, at 3.

44. In addition, the procedures for ruling on the Four Threshold Issues have been fixed for months. The E/S Plaintiffs neither objected to those procedures nor appealed the orders that established them. Through those procedures, the Four Threshold Issues will be fully briefed by the middle of January, 2015–approximately one month from the date hereof–and the Bankruptcy Court will likely decide those issues within a few months thereafter.

45. In contrast, the pleadings regarding the Motions will first need to be transmitted to the District Court to be ruled upon. *See* Fed. R. Bankr. P. 8003. Even assuming the District Court rules on the Motions expeditiously and even assuming the E/S Plaintiffs can somehow satisfy the other elements of the Leave to Appeal Test (which they cannot), that would only mean that the E/S Plaintiffs could then proceed with their appeal. Any appeal (if permitted to proceed in the District Court) will likely take several months to brief and decide; this timeline also does not take into account any further appeals. Thus, it is highly unlikely that the issues on appeal will be finally decided before the Bankruptcy Court decides the Four Threshold Issues.

46. Accordingly, the E/S Plaintiffs have failed to demonstrate that an immediate appeal will materially advance the ultimate termination of their Ignition Switch Actions.

C. The Bankruptcy Court's Decisions Do Not Involve A Controlling Question of Law

47. In order to satisfy the first prong of the Section 1292(b) standard, the "question must . . . be 'controlling' in the sense that reversal of the bankruptcy court would terminate the action, or at a minimum that determination of the issue on appeal would materially affect the litigation's outcome." *In re Adelphia Comm'ns Corp.*, 333 B.R. 649, 658 (S.D.N.Y. 2005). Here, the E/S Orders do no more than temporarily stay the underlying Ignition Switch Actions filed by the E/S Plaintiffs; they do not deal with a "controlling question of law" relating to the Ignition Switch Actions.

48. The validity of the E/S Plaintiffs' claims against New GM has not yet been decided by the Bankruptcy Court. That Court has simply found that the Sale Order and Injunction *prima facie* applies to the E/S Plaintiffs until the Bankruptcy Court has an opportunity to address the Four Threshold Issues–issues that affect not only the E/S Plaintiffs but more than 100 other groups of plaintiffs who are subject to the Motion to Enforce. The question at issue in this requested appeal is, thus, not "controlling," as the E/S Plaintiffs have not been permanently enjoined from asserting their claims against New GM.

49. Accordingly, as the substance of the E/S Plaintiffs' claims have not been decided, there is no controlling question of law at issue in these appeals. Thus, the E/S Plaintiffs have failed to establish this element of the Leave of Appeal Test.

CONCLUSION

50. Based on the foregoing, the E/S Plaintiffs have failed to establish any of the required elements of the Leave to Appeal Test and, thus, their Motions seeking leave to appeal the E/S Orders should be denied in their entirety.

WHEREFORE, New GM respectfully requests that the Court (i) deny the relief requested in the Motions, and (ii) grant it such other and further relief as is just and proper.

Dated: New York, New York
December 17, 2014

KING & SPALDING LLP

By: /s/ Arthur Steinberg
Arthur Steinberg
Scott Davidson
1185 Avenue of the Americas
New York, New York 10036
Telephone: (212) 556-2100
Facsimile: (212) 556-2222

KIRKLAND & ELLIS LLP
300 North LaSalle
Chicago, IL 60654
Telephone: (312) 862-2000
Facsimile: (312) 862-2200
Richard C. Godfrey, P.C. (admitted *pro hac vice*)
Andrew B. Bloomer, P.C. (admitted *pro hac vice*)

Counsel to General Motors LLC

Exhibit A

E8BJGMC Conference

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
------------------------------x

IN RE: GM IGNITION SWITCH LITIGATON 14 MD 2543

------------------------------x

August 11, 2014
11:10 a.m.

Before:

HON. JESSE M. FURMAN,

District Judge

time for lunch, at which point we will break and then when we come back, I will hear from anyone who wishes to be heard with respect to an application for one of those positions.

Needless to say, there is a lot to cover, so I intend to keep things moving. I would ask you to all be mindful of the fact that we have a lot to cover as well, so be economical in your own remarks. And again just a reminder, please identify yourselves and spell your names so that the Court Reporter can make an accurate record.

Let me also just note that throughout the litigation -- and today is no exception -- I am likely to ask lead counsel and defense counsel to submit proposed orders after any conferences that we hold just to ensure that we make an accurate record and everyone is on the same page. Again today is no exception, so I would just ask you all to pay attention and make good notes on what we're doing so that you can submit an accurate proposed order.

With that let me turn to the sort of general principles and housekeeping items that I mentioned as first on the agenda.

Number one, let me say my intention is to do everything in my power to ensure and comply with Rule No. 1 of the Federal Rules of Civil Procedure; namely, to ensure that this is a just, speedy and inexpensive determination of the disputes here. That is obviously a massive challenge in this

particular circumstance because at present I think by my count, there are 109 cases, they're pretty substantial cases and this is a pretty complex litigation. That is certainly my task, my challenge, and my mission, and I will do everything in my power to ensure that it is done.

By "just," that means justice for both sides to ensure that the resolution, whenever it happens, is fair to both sides, the process is fair to both sides, and within the plaintiffs' side, that is fair to all plaintiffs, in my judgment. As you know, the structure that I have adopted for counsel is appropriate given my present understanding of the case and the present composition of the multidistrict litigation.

I intend to monitor both of those, that is my understanding of the litigation and the issues in the litigation as well as the conduct of any counsel that I appoint to leadership positions and I am not adverse to modifying the structure or even specific appointments if the circumstances warrant it.

I am also going to be sensitive about stepping on the toes of Judge Gerber and the bankruptcy proceeding and ensuring an orderly process of the litigation of any issues before the bankruptcy court, mindful of the bankruptcy court's exclusive jurisdiction. I will do what I can for that matter to facilitate that litigation in his jurisdiction, but at the same

time I want to ensure that to the extent that there is litigation going on before me, that will ultimately go on before me, that we do what we can do to make sure that we are proceeding as efficiently and speedily as we can.

In that regard, my intention, as I think I made clear in the order last week, is to advance the litigation as much as possible, both to push forward cases that will not ultimately or plausibly be subject to any ruling or order by the bankruptcy court, and to ensure once there is a ruling from the bankruptcy court, and any appeals from whatever that ruling is, whatever claims are left can proceed expeditiously and are in a position to do so.

I also intend throughout the litigation to encourage settlement as much as possible. Ultimately the best outcome for everybody is one that is negotiated by the parties involved. You are the ones with both the technical expertise and the better understanding and knowledge about the issues in the litigation. I think it is obviously pretty early to do that at this point, and my sense from having read the letters that you submitted -- which I should note were extremely helpful to me -- is it is premature to really get into that.

I do want to set up a structure sooner rather than later to facilitate meaningful settlement discussions, and one of the things I do want to focus on if not today, then soon is what discovery would be helpful or necessary in order to

as we're looking at what the appropriate time is to move.

THE COURT: Let me turn to temporary lead counsel and just get your thoughts on this, mindful of the concern that I articulated.

MR. BERMAN: Steve Berman.

You asked in Question 2 what were the nature of the claims against Delphi, and Delphi built the ignition switch per GM's spec, but the company knew that the switches as built did not meet that spec, so they have been sued because of that.

The other defendant, Continental Automotive, built the airbags, but they built them according to GM specification, as we now understand the facts. The claims against Delphi and Continental are for conspiracy, fraudulent concealment and RICO.

What we think makes the most sense here, and we suggest to the court is the role of those defendants will be on our minds when we're preparing the consolidated complaint. In the Toyota case, by way of example, you had hundreds of claims that were brought before the consolidated complaint. All kinds of defendants were named. At the end of the day, after consulting with the executive committee and many claimants out there, there were no other defendants other than Toyota, and that may be the case here. I don't know it is the case because lead counsel, whoever they are, will have to consult with the plaintiffs' group out there. It could be one of the reasons I

think you want the consolidated complaint to go forward is to eliminate, if that is going to be the case, defendants who probably want to know whether they're going to be in or out of this litigation.

THE COURT: What I hear you saying is that there are concerns here, but we ought to just defer them until later and when you have a better sense of the claims you're pressing and so forth. Is that correct?

MR. BERMAN: That's correct. We have already agreed to meet with counsel for Delphi and get further clarification on their role and consider that as well.

THE COURT: All right. Very good.

MR. SCHOON: Thank your Honor.

THE COURT: Turning to No. 3, the question of whether I should withdraw the reference with respect to any claims or proceedings that are currently pending before the bankruptcy court. This is an issue on which I did share my preliminary views; namely, I am disinclined to go that route because of the interrelated nature of the claims in this case, on the theory Judge Gerber is in a better position to interpret his prior orders and figure out what is and isn't subject to those orders and that it will just cause undue complications to withdraw the reference as to some subset of claims or proceedings.

This is definitely an area where I might benefit from some education and argument from counsel. It may be something

that warrants some sort of motion practice or briefing, which is to say, that maybe this is something that I hear from you but we decide should be briefed. Let me turn to temporary lead counsel and ask you to address this.

MS. CABRASER: Good morning, your Honor. Elizabeth Cabraser, temporary lead counsel.

We think the court's insight that the consolidated complaint should be filed sooner rather than later provides the key to this issue. You heard from GM's counsel on how they categorize the claims. We categorize them somewhat differently based on our review of the complaints thus far.

We see many claims arising from post-bankruptcy purchases of post-bankruptcy vehicles. We see many post-bankruptcy crashes. We see many complaints, at least 36, that allege conduct on the part of new GM that began after the sale.

The complaints, because they were filed at different times by different counsel with different perspectives representing clients with different circumstances, don't provide a key or categorization of those claims. We think the role of the consolidated complaint is to set forth in separate counts and separate sections an organization of claims so that we have a basis for discussion and briefing after the consolidated complaint is on file as to whether and to what extent a withdrawal of the reference is necessary or

Exhibit B

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----------x

IN RE:

GENERAL MOTORS LLC IGNITION SWITCH LITIGATION

This Document Relates to All Actions

----------x

14-MD-2543 (JMF)
14-MC-2543 (JMF)

ORDER NO. 28

JESSE M. FURMAN, United States District Judge:

[Regarding Whether To Defer Briefing on Plaintiffs' Post-Sale Consolidated Complaint Until After the Bankruptcy Court Decides the Pending Motions To Enforce]

In Section IV of Order No. 22 (14-MD-2543 Docket No. 399), the Court directed the parties to brief "the threshold issue of whether and to what extent motion practice should be deferred until after Judge Gerber decides New GM's Motions to Enforce with respect to Plaintiffs' Consolidated Complaint Concerning All GM-Branded Vehicles That Were Acquired July 11, 2009 Or Later." Upon review of the parties' briefs (14-MD-2543 Docket Nos. 439-40 and 467-68), the Court concludes, with one possible exception, that all such briefing should be deferred until after Judge Gerber's decisions, substantially for the reasons provided by New GM in its memoranda of law. Plaintiffs may ultimately be proved right that the Sale Order "does not enjoin any of the claims in the Post-Sale Complaint" (14-MD-2543 Docket No. 440, at 1), but the Bankruptcy Court is tasked with deciding that question in the first instance — and Judge Gerber is in the process of doing just that with all deliberate speed.

The one possible exception is whether the Court should order briefing now on choice-of-law issues relating solely to claims brought by the nine sets of plaintiffs from seven states that — by New GM's own admission — "allege vehicles that were definitely manufactured by New GM." (14-MD-2543 Docket No. 439, at 5). If such briefing is practicable, the Court is

inclined to think it makes sense to proceed now, on the theory that (1) some or all of those claims are the most likely to survive, in some form, any Bankruptcy Court ruling; and (2) to the extent that any other claims survive the Bankruptcy Court's ruling, this Court's choice-of-law rulings with respect to those claims may expedite and narrow motion practice thereafter. The parties should confer on whether such limited briefing should proceed now (and on a proposed schedule for any such briefing, unless the schedule proposed by the parties in their joint letter of December 2, 2014 (14-MD-2543 Docket No. 445) would suffice) and be prepared to address the issue at the December 15, 2014 status conference.

SO ORDERED.

Date: December 12, 2014
New York, New York

JESSE M. FURMAN
United States District Judge

Exhibit C

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----------x

IN RE:

GENERAL MOTORS LLC IGNITION SWITCH LITIGATION

14-MD-2543 (JMF)
14-MC-2543 (JMF)

This Document Relates to All Actions

ORDER NO. 8

----------x

JESSE M. FURMAN, United States District Judge:

On August 11, 2014, the Court held the Initial Status Conference and gave Temporary Lead Counsel for Plaintiffs ("TLC"), counsel for Defendants, and other plaintiffs' counsel an opportunity to be heard on issues addressed in the agenda items set forth in Order No. 7 (14-MD-2543, Docket No. 215).[1] The Court, having reviewed all submissions by counsel in response to Order No. 5 (14-MD-2543, Docket No. 70), including all applications for leadership positions, and having considered the parties' arguments in court, issues this Order to, among other things, (1) appoint Plaintiffs' Lead and Liaison Counsel and members of the Plaintiffs' Executive Committee and take steps to further define the authority, duties, and responsibilities of those positions; (2) establish a procedure for reviewing cases filed directly in the multidistrict litigation ("MDL"); (3) set forth a schedule and process for the filing of a Consolidated Complaint and any objections thereto; (4) set a schedule for regular Status Conferences and a process for counsel to submit a proposed agenda in advance of each Conference; (5) determine a process to coordinate this MDL with related cases, including proceedings in the Bankruptcy Court and state courts; (6) set forth a process and briefing schedules for motions and appeals from the Bankruptcy

[1] Attached to this Order as Exhibit A is the sign-in sheet from the Initial Status Conference reflecting all counsel who indicated their appearance at the Conference.

Court; and (7-9) provide guidance and rules with respect to communications and submissions to the Court, including the submission of proposed orders.

I. PLAINTIFFS' COUNSEL APPOINTMENTS

At the outset, the Court reiterates its appreciation to Temporary Lead Counsel for their able assistance in the litigation up to this point. The Court appreciates that, without any guarantees for more permanent appointment, Temporary Lead Counsel was in a difficult position taking the lead and making recommendations to the Court. Temporary Lead Counsels' help in coordinating among Plaintiffs' counsel, in suggesting procedures for the appointment of counsel, in discussing threshold issues with defense counsel and the Court, and in making recommendations for other leadership positions was invaluable to the Court.

The Court thanks all counsel who applied for leadership positions for their interest and for their helpful written submissions and oral presentations. As the Court stated at the Initial Status Conference, there are many more well-qualified candidates than there are positions to fill and choosing among applicants was a difficult task. In doing so, the Court has considered the criteria it identified in Section II of Order No. 5, as well as (1) the desirability of having counsel who is familiar with bankruptcy law and procedure and (2) the need to ensure adequate representation for the full range of cases currently in the MDL (including, for example, both economic loss cases and personal injury/wrongful death cases; pre-Sale Order claims and post-Sale Order claims; claims limited to the ignition switch defect and claims relating to other alleged defects, and so on). In addition, the Court took into consideration not only the individual applicants' qualifications and experience, but the depth and quality of their firms, the experience and qualifications of any co-counsel, and the depth and quality of co-counsel's firms. The Court hopes and assumes that counsel appointed to leadership positions will take full advantage of the

range of talent among other counsel, whether through the formation of appropriate subcommittees or otherwise — and that other counsel, including those who applied unsuccessfully for leadership positions, will provide assistance as appropriate.

A. Leadership Appointments

Pursuant to the leadership structure approved and described by the Court in Order No. 5, the Court makes the following appointments:

Co-Lead Counsel: Steve W. Berman, Elizabeth J. Cabraser, and Robert C. Hilliard.

Executive Committee: David Boies, Lance A. Cooper, Melanie L. Cyganowski, Adam J. Levitt, Dianne M. Nast, Peter Prieto, Frank M. Pitre, Joseph F. Rice, Mark P. Robinson, Jr., and Marc M. Seltzer.

Plaintiff Liaison Counsel: Robin L. Greenwald.

Federal/State Liaison Counsel: Dawn M. Barrios.

All of the foregoing appointments are personal in nature. That is, although the Court anticipates that appointees will draw on the resources of their firms, their co-counsel, and their co-counsel's firms, each appointee is personally responsible for the duties and responsibilities that he or she assumes. In due course, the Court will discuss a process for evaluating appointees' performance and commitment to the tasks assigned.

The Court is aware that one or two of the foregoing counsel did not formally apply for the position to which he or she was appointed. If such counsel is unwilling or unable to serve in the position to which he or she was appointed, he or she shall file a letter motion on ECF (in **both 14-MD-2543 and 14-MC-2543**) seeking to withdraw from that position no later than **August 19, 2014**, at which point the Court will make a substitute appointment.

B. Defining the Authority, Duties, and Responsibilities of Counsel

The Court is inclined to believe that it should (1) define the authority, duties, and responsibilities of the foregoing leadership positions with greater specificity than set forth in

Order No. 5; and (2) should set more specific guidelines and rules regarding staffing, fees, expenses, and billing records than set forth in prior Orders. *See, e.g.*, Order No. 4, *In re Mirena IUD Prods. Liab. Litig.*, 13-MD-2434 (CS) (S.D.N.Y. May 22, 2013) (Docket No. 103) (directing lead and liaison counsel to propose guidelines for fees, expenses, and the like); Order No. 5, *In re Mirena IUD Prods. Liab. Litig.*, 13-MD-2434 (CS) (S.D.N.Y. July 10, 2013) (Docket No. 207) (specifying the authority, duties, and responsibilities of plaintiffs' leadership counsel and setting detailed guidelines and rules regarding staffing, fees, expenses, and billing records); *see also, e.g.*, Order No. 4, *In re Toyota Motor Corp. Unintended Acceleration Mktg., Sales Practices & Prods. Liab. Litig.*, 10-ML-02151 (JVS) (FMO) (C.D. Cal. June 1, 2010) (Docket No. 181) (ordering that lead and liaison counsel play a gatekeeping role with respect to all pleadings and motions). Lead Counsel is directed to confer with Liaison Counsel and the Executive Committee about those issues and to be prepared to address them at the next Status Conference. Alternatively, if prepared to do so, Lead Counsel may submit a proposed order addressing the issues, in accordance with Section VII below, in advance of the Conference.

II. PROCESS FOR REVIEWING CASES FILED DIRECTLY IN THIS DISTRICT

The Court establishes the following procedure for the review of cases that are directly filed within the Southern District of New York. Plaintiffs, through Lead Counsel, and Defendants will have seven (7) days from the date of a Court order consolidating a case with the MDL to meet and confer and object by letter motion to the inclusion of the case in the MDL. The party in favor of consolidation in the MDL will then have three (3) days to file a response to any such filed objection. Such objections and responses shall not exceed three (3) single-spaced pages and shall be filed **only** in 14-MD-2543 (and "spread" to the relevant member case). No replies will be allowed without leave of Court.

With regard to any cases the Court has already consolidated with the MDL, the seven-day period to meet and confer and object will begin to run as of the date of entry of this Order.

Failure to object as set forth herein shall constitute a waiver of any objection to inclusion of the case in the MDL.

III. CONSOLIDATED COMPLAINT

Within forty-five (45) days of the entry of this Order, Plaintiffs, through Lead Counsel, will make available for review by all Plaintiffs through electronically secure means a draft Consolidated Complaint with respect to all claims alleging economic loss. Plaintiffs will have seven (7) days to submit to Lead Counsel any comments on the draft Consolidated Complaint. Plaintiffs, through Lead Counsel, must file a final version of the Consolidated Complaint, **in both 14-MD-2543 and 14-MC-2543**, within sixty (60) days of the entry of this Order.

Plaintiffs seeking to object to the filed Consolidated Complaint must file their objections within seven (7) days, and Lead Counsel shall have seven (7) days to respond. Any such objections and responses shall not exceed five (5) single-spaced pages and shall be **filed in both 14-MD-2543 and 14-MC-2543**. No replies will be allowed without leave of Court.

IV. STATUS CONFERENCES

A. Status Conference Schedule

The Court will conduct the next Status Conference on **September 4, 2014**, at **9:30 a.m.**, in **Courtroom 310** of the Thurgood Marshall United States Courthouse, 40 Centre Street, New York, New York. (Please note that that is a different courtroom than the Court used for the Initial Status Conference.) Counsel should check in with the Courtroom Deputy at least fifteen minutes in advance. Counsel should arrive at the Courthouse with sufficient time to go through security. Seats in the courtroom may not be reserved.

The Court will conduct additional Status Conferences on the following dates: **October 2, 2014**; **November 6, 2014**; and **January 9, 2015**. The Court will schedule Status Conferences once every two months or so thereafter and additional Status Conferences as needed. Unless the Court orders or indicates otherwise, all Status Conferences will begin at **9:30 a.m.**, and will be held in Courtroom 1105 of Thurgood Marshall United States Courthouse, 40 Centre Street, New York, New York. (As noted, the September 4, 2014 Conference will be in Courtroom 310.)

B. Proposed Agendas

In advance of each Status Conference, Counsel for General Motors LLC ("New GM") and Lead Counsel shall meet and confer regarding the agenda for the Conference. No later than five (5) days prior to each Status Conference, Counsel for New GM and Lead Counsel shall file a joint letter, not to exceed five (5) single-spaced pages and to be filed in **both 14-MD-2543 and 14-MC-2543**, setting forth the parties' tentative agenda and the parties' proposals on those issues (and, to the extent applicable, submitting any proposed orders — joint or otherwise — in accordance with Section VII below). In the first paragraph of the joint letter, the parties shall indicate their views on (1) whether the Court should allot more than three hours for the Status Conference; and (2) whether the Court should utilize an oversize courtroom (such as Courtroom 110 or 310) as opposed to its ordinary courtroom (Courtroom 1105).

More immediately, Lead Counsel and counsel for Defendants shall meet and confer with respect to the agenda for the September 4, 2014 Status Conference within ten (10) days of the entry of this Order. Counsel should discuss the need to address and/or update the Court with respect to the following issues (in addition to any other issues identified by counsel):

1. An initial discovery plan to produce those relevant, non-privileged documents previously provided by New GM (and the other Defendants, to the extent applicable) to Congress and the National Highway Traffic Safety Administration ("NHTSA");

2. The entry of an appropriate protective order that balances the presumption in favor of public access to documents and information filed with the Court with the interests of maintaining as confidential information that is subject to protection under Rule 26(c) of the Federal Rules of Civil Procedure and the judicial opinions interpreting such Rule, and recognizes that the Court shall make all decisions regarding the sealing and/or redactions of pleadings or other materials filed in Court;

3. A proposal and plan to create a single electronic document depository that will be used in both this MDL and related state and federal cases;

4. The parties' positions on document discovery beyond the initial disclosures in item 1 above;

5. The parties' positions on third-party document discovery, including if such discovery should be limited to preservation efforts;

6. The parties' positions on document discovery of defendants other than New GM;

7. The parties' positions on the production of documents relating to the May 29, 2014 Report by Anton R. Valukas, and a process for addressing disputes regarding same;

8. The parties' positions on the production of documents provided by New GM to government agencies other than NHTSA, and a process for addressing disputes regarding same;

9. The entry of an Electronically Stored Information (ESI) order;

10. The entry of a Federal Rule of Evidence 502(d) order;

11. Additional preservation protocols that balance the right of Plaintiffs to obtain potentially relevant evidence against the undue burden and expense to New GM of preserving large numbers of parts that have been the subject of recalls or other evidence and a process for addressing disputes regarding the same; and

12. Other potential preservation issues relating to third parties, as well as a protocol for inspection of plaintiffs' vehicles in the event a named plaintiff wishes to sell a vehicle.

The Court expects Lead Counsel and counsel for Defendants to meet and confer in good faith on those issues (and all others that arise over the course of the litigation) in an effort to prepare agreed-upon orders for the Court's consideration whenever possible.

C. Proposed Orders

Unless the Court orders otherwise, no later than three (3) business days following each and every Status Conference, Lead Counsel and Counsel for New GM shall submit a proposed order (in accordance with Section VII below) memorializing any actions taken or rulings made at a Status Conference.

V. COORDINATION WITH OTHER ACTIONS

At each Status Conference, the parties shall apprise the Court of the existence and status of related cases proceeding in other courts, including state courts. Additionally, in consultation with Lead and Liaison Counsel, New GM is ordered to provide a joint written update to the Court every two (2) weeks, advising the Court of matters of significance (including hearings, schedules, and deadlines) in related cases, to enable this Court to effectuate appropriate coordination, including discovery coordination, with these cases.

The Court strongly believes that it is prudent to establish, at an early stage, appropriate procedures for coordinating this litigation with related cases in other courts, including the Bankruptcy Court and state courts. To that end, within ten (10) days of the entry of this Order, Plaintiff's Liaison Counsel and Federal State Liaison Counsel (and Lead Counsel, if Lead Counsel elects to join) shall meet and confer with Counsel for New GM to discuss appropriate additional procedures for such coordination. No later than five (5) days prior to the September 4, 2014 Status Conference, Plaintiff's Liaison Counsel, Federal State Liaison Counsel, and Counsel for New GM shall file a joint letter, not to exceed five (5) single-spaced pages and to be filed in **both 14-MD-2543 and 14-MC-2543**, setting forth the parties' proposals. Counsel should also be prepared to address the issue of coordination at the Status Conference itself.

VI. MOTIONS AND BANKRUPTCY APPEALS

Unless otherwise ordered by the Court, all motion papers shall comply (in form, length, etc.) with the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York (the "Local Rules") (available at http://nysd.uscourts.gov/rules/rules.pdf) and this Court's Individual Rules and Practices in Civil Cases (available at http://nysd.uscourts.gov/judge/Furman).

New GM (and other Defendants, as applicable) is ordered to respond by **Friday, August 29, 2014**, to the motion to remand filed in *Sumners v. General Motors, LLC*, 14-CV-5461 (JMF) (14-MD-2543, Docket No. 182). The *Sumners* Plaintiffs' reply, if any, will be due seven (7) days thereafter.

New GM is further ordered to notify the Court by letter no later than **Monday, August 18, 2014**, if it intends to object to the *Edwards* Plaintiffs' motion for leave to file an omnibus complaint (14-MD-2543, Docket No. 188). If New GM intends to object, it shall file a response in opposition by **Monday, August 25, 2014**. The *Edwards* Plaintiffs' reply, if any, will be due seven (7) days thereafter.

Counsel for New GM, Lead Counsel, and counsel for the *Phaneuf*, *Elliott*, and *Sesay* Plaintiffs will meet and confer regarding appropriate procedures relating to appeals from the Bankruptcy Court's No Stay Pleading decisions, and shall submit a letter not to exceed three (3) single-spaced pages with their respective positions regarding same.

VII. PROCESS FOR SUBMITTING PROPOSED ORDERS

Any and all proposed orders should be e-mailed to the Orders and Judgments Clerk of the Court (judgments@nysd.uscourts.gov), as a .pdf attachment. At the same time, counsel should e-mail the proposed order, as a .docx (i.e., Microsoft Word) attachment, to the Court

(Furman_NYSDChambers@nysd.uscourts.gov). Any such e-mail shall state clearly in the subject line: (1) the caption of the case, including the lead party names and docket number; and (2) a brief description of the contents of the document. Counsel shall not include substantive communications in the body of the e-mail. (The sender of an e-mail will ordinarily receive an auto-reply e-mail appearing to come from the Courtroom Deputy stating that substantive communications in the body of the e-mail will be disregarded. Parties need not, and should not, respond to the auto-reply message.)

VIII. TEXT-SEARCHABLE SUBMISSIONS

All filings and submissions — regardless of format and submission method — shall be text-searchable.

IX. CONTACTING CHAMBERS

Most procedural and logistical questions can be answered by consulting this Court's prior orders, the Local Rules, and the Court's Individual Rules and Practices in Civil Cases. Accordingly, counsel should review those materials before contacting Chambers by telephone.

X. CONCLUSION

The Clerk of Court is directed to terminate Docket Nos. 108, 112, 116, 121-22, 125, 132, 134-36, 138-39, 141-45, 147, and 149-78 in 14-MD-2543, and any associated entries in member cases.

SO ORDERED.

Dated: August 15, 2014
New York, New York

JESSE M. FURMAN
United States District Judge

Exhibit A

Aarin April Zeif Gould and Associates 17822 East 17th Street Suite 106 Tustin, CA 92780 714-669-2850 714-544-0800 (fax) aarin@wageandhourlaw.com
Aaron Samuel Podhurst Podhurst Orseck, P.A. City National Bank Building 25 W Flagler Street Suite 800 Miami, FL 33130-1780 305-358-2800 305-358-2382 (fax) apodhurst@podhurst.com
Aashish Desai Mower Carreon & Desai 2301 Dupont Dr, Ste 360 Irvine, CA 92612-7503 (949)474-3004
Adam M. Moskowitz Kozyak Tropin & Throckmorton 2525 Ponce de Leon Boulevard Suite 900 Coral Gables, FL 33134-6036 305-372-1800 372-3508 (fax) AMM@kttlaw.com
Adam Matthew Moskowitz Kozyak Tropin & Throckmorton, P.A. 2525 Ponce de Leon Blvd. 9th Floor Miami, FL 33134 (305)-372-1800 (305)-372-3508 (fax) amm@kttlaw.com
Alexander H. Schmidt Wolf Haldenstein Adler Freeman & Herz LLP 270 Madison Avenue New York, NY 10016 212.545.4723 212.545.7494 (fax) schmidt@whafh.com

ADAM J. LEVITT
312-214-0000
GRANT & EISENHOFER P.A.
alevitt@gelaw.com

Adam Moskowitz

Alexandra A Hamilton Cotchett, Pitre & McCarthy 840 Malcolm Road Suite 200 Burlingame, CA 94010 650-697-6000 650-697-0577 (fax) ahamilton@cpmlegal.com
Alfred G. Yates, Jr. 429 Forbes Avenue Pittsburgh, PA 15219 (412) 391-5164
Allan Aaron Joseph Fuerst Ittleman David & Joseph, PL 1001 Brickell Bay Drive 32nd Floor Miami, FL 33131 305-350-5690 786-364-7995 (fax) ajoseph@fuerstlaw.com
Allan Pixton Kirkland & Ellis LLP (IL) 300 North LaSalle Street Chicago, IL 60654 (312)-862-2453 (312)-862-2200 (fax) allan.pixton@kirkland.com
Allen C. Wilson The Law Firm of Allen Wilson 40 Wall Street, 28 Floor New York, NY 10005 (212)-714-0300 (202)-331-3759 (fax) wilsonallen3@aol.com
Alyson L. Oliver 950 W. University Drive Suite 200 Rochester, MI 48307 248 327-6556 248-436-3385 (fax) notifications@oliverlg.com

Alyson Louise Oliver
Oliver Law Group PC
950 W. University Drive, Suite 200
Rochester, MI 48307
(248)-327-6556
(248)-436-3385 (fax)
notifications@oliverlg.com

Andre T. Tennille
Conley Griggs Partin LLP
The Hardin Building
1380 West Paces Ferry Road,
N.W., Suite 2100
Atlanta, GA 30327
404-467-1155
404-467-1166 (fax)

Andrea B. Bierstein
Hanly Conroy Bierstein Sheridan Fisher & Hayes, LLP
112 Madison Avenue
New York, NY 10016
(212) 784-6403
(212) 784-6400 (fax)
abierstein@simmonsfirm.com

Andres Rivero
Rivero Mestre & Castro
2525 Ponce De Leon Blvd., Suite 1000
Coral Gables, FL 33134
(305) 445-2500
(305) 445-2505 (fax)
arivero@riveromestre.com

Andrew B Bloomer
Kirkland and Ellis LLP
300 North LaSalle
Chicago, IL 60654
312-862-2482
312-862-2200 (fax)
andrew.bloomer@kirkland.com

Andrew Baker Bloomer
Kirkland & Ellis LLP (IL)
300 North LaSalle Street
Chicago, IL 60654
(312)-862-2000
(312)-862-2200 (fax)
andrew.bloomer@kirkland.com

Andrew M. Volk
Hagens Berman Sobol Shapiro LLP (Seattle)
1918 8th, Avenue
Suite 3300
Seattle, WA 98101
(206) 268-9371
(206) 623-0594 (fax)
andrew@hbsslaw.com

Andrew Steven Friedman
Bonnett, Fairbourn, Friedman & Balint, P.C.
2901 N. Central, Suite 1000
Phoenix, AZ 85012
(602) 274-1100
(602) 798-5825 (fax)
afriedman@bffb.com

Archie Cleveland Lamb, Jr.
Archie Lamb , Associates
P. O. Box 2088
Birmingham, AL 35201
(205) 612-6789
(205) 314-0785 (fax)
alamb@archielamb.com

Arthur J Steinberg
King & Spalding LLP
1185 Ave of the Americas
New York, NY 10036-2601
212-556-2100

Ashley Dawn Rose
Mlg Automotive Law, Aplc
2801 W. Coast Hwy., Suite 370
Newport Beach, CA 92663
(949)-581-6900
(949)-581-6908 (fax)
arose@mlgautomotivelaw.com

Barry E. Fields
Kirkland & Ellis LLP (IL)
300 North LaSalle Street
Chicago, IL 60654
(312)-862-2081
(312)-862-2200 (fax)
bfields@kirkland.com

Behram V Parekh
Kirtland and Packard LLP
2041 Rosecreans Avenue Suite 300
El Segundo, CA 90245
310-536-1000
310-536-1001 (fax)
bvp@kirtlandpackard.com

Benjamin E. Baker
Beasley Allen Crow Methvin Portis & Miles-AL
P.O. Box 4160
218 Commerce Street
Montgomery, AL 36103-4160
334-269-2343
ben.baker@beasleyallen.com

Benjamin E. Baker, Jr.
Beasley, Allen, Crow, Methvin, Portis & Miles, P.C.
218 Commerce Street
P O Box 4160
Montgomery, AL 36103-4160
(334) 269-2343
ben.baker@beasleyallen.com

Benjamin F. Johns
Chimicles & Tikellis LLP
One Haverford Centre
361 W. Lancaster Avenue
Haverford, PA 19041
(610) 642-8500
bfj@chimicles.com

Benjamin L Bailey
Bailey and Glasser LLP
209 Capitol Street
Charleston, WV 25301
304-345-6555
304-342-1110 (fax)
bbailey@baileyglasser.com

Benno B Ashrafi
Weitz and Luxenberg PC
1880 Century Park East Suite 700
Los Angeles, CA 90067
310-4247-0921
310-786-9927 (fax)
bashrafi@weitzlux.com

Beth E. Terrell Terrell Marshall Daudt & Willie PLLC 936 North 34th Street, Suite 300 Seattle, WA 98103-8869 206-816-6603 206-350-3528 (fax) bterrell@tmdwlaw.com
Betsy Carol Manifold Wolf Haldenstein Adler Freeman and Herz 750 B Street Symphony Towers Suite 2770 San Diego, CA 92101-5050 (619)239-4599 manifold@whafh.com
Blair Pierson Durham Law Office of Blair P. Durham 404 James Robertson Parkway 1714 Parkway Towers Nashville, TN 37219 (615) 252-4814 (615) 496-3595 (fax) blair@durhamanddread.com
Bradley K King Ahdoot & Wolfson APC 1016 Palm Avenue West Hollywood, CA 90069 310-474-9111 310-474-8585 (fax) bking@ahdootwolfson.com
Bradley Wilders Stueve Siegel Hanson, LLP - KCMO 460 Nichols Road Suite 200 Kansas City, MO 64112 (816) 714-7126 (816) 714-7101 (fax) wilders@stuevesiegel.com
Brandon L. Corl Potts Law Firm, LLP 908 Broadway 3rd Floor Kansas City, MO 64105 (816) 931-2230 (816)931-7030 (fax) bcorl@potts-law.com

Brent Hazzard HAZZARD LAW, LLC P. O. BOX 24382 Jackson, MS 39225 601/977-5253 601/977-5236 (fax) brenthazzard@yahoo.com
Brett Elliott von Borke Grossman Roth, P.A. 2525 Ponce de Leon Blvd. Suite 1150 Miami, FL 33134 305-442-8666 305-285-1668 (fax) bvb@grossmanroth.com
Brett H Cebulash Taus, Cebulash & Landau, LLP 80 Maiden Lane, Suite 1204 New York, NY 10038 (212) 931-0704 (212) 931-0703 (fax) bcebulash@tcllaw.com
Brian Kelly Herrington Freese & Herrington 1520 N. State Street Jackson, MS 39202 (601)961-4050 (601)510-9903 (fax) brian@bherringtonlaw.com
Brian O. O'Mara Robbins Geller Rudman & Dowd LLP (SANDIEGO) 655 West Broadway Suite 1900 San Diego, CA 92101 619-231-1058 (619) 231-7423 (fax) bomara@rgrdlaw.com
Bruce S. Kingsdorf Barrios, Kingsdorf & Casteix, LLP 701 Poydras St. Suite 3650 New Orleans, LA 70139-3650 (504) 524-3300 (504)-524-3313 (fax) kingsdorf@bkc-law.com

BRIAN SIEVE
KIRKLAND & ELLIS LLP
300 N. LASALLE
CHICAGO, IL 60654
312 862-2000
bsieve@kirkland.com

Cathleen M. Combs Edelman, Combs Latturner & Goodwin, LLC 120 S. LaSalle Street 18th Floor, Suite1800 Chicago, IL 60603 (312) 739-4200 (312)-419-0379 (fax) ccombs@edcombs.com
Charles Kocher Saltz, Mongeluzzi, Barrett & Bendesky, P.C. One Liberty Plance, 52nd Floor 1650 Market Street Philadelphia, PA 19103 215-575-3986 215-496-0999 (fax)
Charles S Zimmerman Zimmerman Reed PLLP 1100 IDS Center, 80 S 8th St. Minneapolis, MN 55402 612-341-0400 612-341-0844 (fax) charles.zimmerman@zimmreed.com
Christopher William Keegan Kirkland & Ellis LLP(SF) 555 California Street, Suite 2700 San Francisco, CA 94104 (415)439-1882 (415)439-1500 (fax) chris.keegan@kirkland.com
Cory S. Fein Caddell & Chapman 1331 Lamar, Suite 1070 Houston, TX 77010-3027 (713) 751-0400 (713) 751-0906 (fax) csf@caddellchapman.com
Curtis Bradley Miner Colson Hicks Eidson 255 Alhambra Circle PH Coral Gables, FL 33134-2351 305-476-7400 476-7444 (fax) curt@colson.com

D. Michael Andrews Beasley, Allen, Crow, Methvin, Portis & Miles, P.C. 218 Commerce Street P O Box 4160 Montgomery, AL 36103-4160 (334) 269-2343 (334) 954-7555 (fax) mike.andrews@beasleyallen.com
D. Todd Mathews Gori, Julian & Associates, PC 156 N. Main Street Edwardsville, IL 62025 618-659-9833 618-659-9834 (fax) todd@gorijulianlaw.com
Dallas L. Albaugh Pryor Cashman LLP 7 Times Square New York, NY 10036-6569 (212)-421-4100 (212)-798-6327 (fax) dalbaugh@golenbock.com
Daniel A. Edelman Edelman, Combs, Latturner & Goodwin, LLC 120 S. Lasalle Street, Suite 1800 Chicago, IL 60603 (312)-739-4200 (312)-419-0379 (fax) courtecl@edcombs.com
Daniel C Girard Girard Gibbs LLP 601 California Street 14th Floor San Francisco, CA 94108 415-981-4800 415-981-4846 (fax) dcg@girardgibbs.com
Daniel E. Becnel, Jr. Becnel Law Firm, LLC 106 W. Seventh St. P.O. Drawer H Reserve, LA 70084 (504)-756-4840 (985)-536-1186 (fax) mmoreland@becnellaw.com

David Boies
Boies, Schiller & Flexner LLP
333 Main St
Armonk N.Y. 10504 (914-749-8201)

Darrell Lee Barger Hartline Dacus Barger Dreyer LLP 800 N Shoreline Blvd Suite 2000 North Tower Corpus Christi, TX 78401 361-866-8009 361-866-8039 (fax) dbarger@hdbdlaw.com
David Buckner Grossman Roth 2525 Ponce de Leon Boulevard 11th Floor Coral Gables, FL 33134-6036 305-442-8666 305-285-1668 (fax) dbu@grossmanroth.com
David Henry Lichter Higer Lichter & Givner LLP 18305 Biscayne Boulevard Suite 402 Aventura, FL 33160 305-933-9970 305-933-0998 (fax) dlichter@hlglawyers.com
David L. Balser King & Spalding LLP 1180 Peachtree Street Atlanta, GA 30309 404-572-2782 404 572 5100 (fax) dbalser@kslaw.com
David M. Buckner Kozyak Tropin & Throckmorton, P.A. 2525 Ponce de Leon Blvd. 9th Floor Miami, FL 33134 (305)-372-1800 (305)-372-3508 (fax) dbu@grossmanroth.com
David Michael Andrews Beasley, Allen, Crow, Methvin, Portis & Miles, P.C. 218 Commerce Street Montgomery, AL 36104 (334)-269-2343 (334)-954-7555 (fax) mike.andrews@beasleyallen.com

Dianne M. Nast
NAST LAW LLC
1101 Market St, Phila PA 19107 dnast@nastlaw.com

David Slade Carney Bates & Pulliam, PLLC 11311 Arcade Drive Suite 200 Little Rock, AR 72212 501-312-8500 dslade@cbplaw.com
David Stein Girard Gibbs LLP 601 California Street, Suite 1400 San Francisco, CA 94108 (415)-981-4800 (415)-981-4846 (fax) ds@girardgibbs.com
David W. Mitchell Robbins Geller Rudman & Dowd LLP (SANDIEGO) 655 West Broadway Suite 1900 San Diego, CA 92101 (619)-231-1058 (619)-231-231-7423 (fax) davidm@rgrdlaw.com
Dawn M. Barrios Barrios, Kingsdorf & Casteix, LLP 701 Poydras St. Suite 3650 New Orleans, LA 70139-3650 (504) 524-3300 (504)-524-3313 (fax) barrios@bkc-law.com
Deborah R Rosenthal Simmons Browder Gianaris Angelides and Barnerd LLP 455 Market Street Suite 1150 San Francisco, CA 94015 415-536-3986 415-537-4120 (fax) drosenthal@simmonsfirm.com
Dennis R. Lansdowne Spangenberg, Shibley & Liber, LLP 1001 Lakeside Ave East Suite 1700 Cleveland, OH 44114 (216)-696-3232 (216)-696-3924 (fax) drl@spanglaw.com

Derek H. Potts
Potts Law Firm, LLP
908 Broadway
3rd Floor
Kansas City, MO 64105
(816) 931-2230
(816) 931-7030 (fax)
dpotts@potts-law.com

Dianne M. Nast
NastLaw LLC
1101 Market Street, Suite 2801
Philadelphia, PA 19107
(215) 923-9300
(215) 923-9302 (fax)
dnast@nastlaw.com

Don Barrett
Barrett Law Group, P.A.
404 Court Square North
P.O. Box 927
Lexington, MS 39095
(662)-834-9168
(662)-834-2628 (fax)
dbarrett@barrettlawgroup.com

Don M. Downing
Gray, Ritter & Graham, PC
701 Market Street
St. Louis, MO 63101
(314) 241-5620
(314) 241-4140 (fax)
ddowning@grgpc.com

Don Downing
314-241-5620
Gray, Ritter & Graham P.C.

Donald H. Slavik
Robinson Calcagnie Robinson Shapiro Davis, Inc.
19 Corporate Plaza Drive
Newport Beach, CA 92660
(949)-720-1288
(949)-720-1292 (fax)
dslavik@rcrlaw.net

(414) 899-1197
RCRSD

Douglas Gregory Blankinship
Finkelstein Blankinship, Frei- Pearson & Garber, LLP
1311 Mamaroneck Avenue, Suite 220
White Plains, NY 10605
914-298-3281
914-824-1561 (fax)
gblankinship@fbfglaw.com

Greg Blankinship
Finkelstein, Blankinship,
Frei-Pearson & Garber LLP

Drew T. Legando
Landskroner Grieco Merriman
Ste. 200
1360 West Ninth Street
Cleveland, OH 44113
216-522-9000
216-522-9007 (fax)
drew@lgmlegal.com

E. Powell Miller
The Miller Law Firm, P.C.
950 W. University Drive,
Suite 300
Rochester, MI 48307
(248)-841-2200
(248)-652-2852 (fax)
epm@millerlawpc.com

Eamon Paul Joyce
Sidley Austin LLP (NY)
787 Seventh Avenue
New York, NY 10019
(212) 839-8555
(212) 839-5599 (fax)
ejoyce@sidley.com

Edward D. Robertson, Jr.
Bartimus Frickleton Robertson and Gorny
715 Swifts Highway
Jefferson City, MO 65109
573-659-4454
573-659-4460 (fax)
chiprob@earthlink.net

Edward L Ripley
King & Spalding LLP
1000 Louisiana
Ste 4000
Houston, TX 77002
713-276-7351
713-751-3290 (fax)
ERipley@kslaw.com

Edward L White
Edward L. White, P.C.
825 E 33rd St
Edmond, OK 73013
405-810-8188
405-608-0971 (fax)
ed@edwhitelaw.com

Edward W. Ciolko
Kessler Topaz Meltzer & Check, LLP (PA)
280 King of Prussia Road
Radnor, PA 19087
(610)-667-7706
(610)-667-7056 (fax)
eciolko@ktmc.com

Elaine T Byszewski
Hagens Berman Sobol Shapiro LLP
1918 Eighth Avenue
Suite 3300
Seattle, WA 98101
206-623-7292
206-623-0594 (fax)
elaine@hbsslaw.com

Elaine T Byszewski
Hagens Berman Sobol Shapiro LLP
301 North Lake Avenue Suite 203
Pasadena, CA 91101
213-330-7150
213-330-7152 (fax)
elaine@hbsslaw.com

Elizabeth J. Cabraser
Lieff, Cabraser, Heimann & Bernstein, L.L.P.
275 Battery Street
Embarcadero Center W.
San Francisco, CA 94111
(415) 956-1000
(415)-956-1008 (fax)

Elizabeth Joan Cabraser
Lieff Cabraser Heimann and Bernstein LLP
Embarcadero Center West
275 Battery Street 29th Floor
San Francisco, CA 94111-3339
415-956-1000
415-956-1008 (fax)
ecabraser@lchb.com

Eric B Snyder
Bailey and Glasser LLP
209 Capitol Street
Charleston, WV 25301
304-345-6555
304-342-1110 (fax)
esnyder@baileyglasser.com

Eric H Gibbs
Girard Gibbs LLP
601 California Street
14th Floor
San Francisco, CA 94108
415-981-4800
415-981-4846 (fax)
ehg@girardgibbs.com

Eric Lechtzin
Berger & Montague, P.C.
1622 Locust Street
Philadelphia, PA 19103
(215) 875-3000
(215)-875-4604 (fax)
elechtzin@bm.net

Eric Michael English
King And Spalding LLP
1100 Louisiana
Ste 4000
Houston, TX 77002
713-276-7438
eenglish@kslaw.com

Eric S. Mattson
Sidley Austin, LLP (Chicago)
One South Dearborn
Chicago, IL 60603
(312)-853-7000
(312) 853-7036 (fax)
emattson@sidley.com

Eugene A. Schoon
Sidley Austin LLP
One South Dearborn Street
Chicago, IL 60603
(312) 853-7279
(312)-853-7036 (fax)
eschoon@sidley.com

Eugene R Egdorf
Lanier Law Firm PC
6810 FM 1960 West
Houston, TX 77069
713-659-5200
713-659-2204 (fax)
ere@lanierlawfirm.com

Francis (Casey) J. Flynn
Carey, Danis and Lowe - St. Louis
8235 Forsyth
Suite 1100
St. Louis, MO 63105
314-678-3400
314-678-3401 (fax)
casey@jefflowepc.com

Francis J. Grey
Ricci Tyrrell Johnson & Grey
Eight Penn Center
Suite 2000
1628 John F Kennedy Boulevard
Philadelphia, PA 19103
215-320-3260
215-320-3261 (fax)
fgrey@rtjglaw.com

Francis Joseph Flynn, Jr.
Carey, Danis & Lowe
8235 Forsyth Boulevard, Suite 1100
Saint Louis, MI 63105
(314)-725-7700
(314)-721-0905 (fax)
casey@jefflowepc.com

Francis M. Gregorek
Wolf, Haldenstein, Adler, Freeman & Herz
Symphony Tower
750 B. Street
San Diego, CA 92101
(619) 239-4599

Frank Cadmus Damrell, Jr
Cotchett Pitre and McCarthy LLp
1415 L Street Suite 1185
Sacramento, CA 95814
916-706-0555
916-706-0554 (fax)

Frank M Pitre
Cotchett Pitre Simon and McCarthy
San Francisco Airport Office Center
840 Malcolm Rd Suite 200
Burlingame, CA 94010
650-697-6000
650-697-0577 (fax)
fpitre@cpmlegal.com

Gregory O. Wiggins Wiggins, Childs, Quinn & Pantazis, LLC The Kress Building 301 19th Street North Birmingham, AL 35203 (205)-314-0542 (205)-254-1500 (fax) gwiggins@wigginschilds.com
Guy Bucci 213 Hale Street Charleston, WV 25301 304-932-4639 304-345-0375 (fax)
Hamid M. Soueidan At Law Group, PLLC 1 Parklane Boulevard Suite 100 Dearborn Heights, MI 48126 800-285-2996 800-285-2996 (fax) hmsoueidan@gmail.com
Harley Shepard Tropin Kozyak, Tropin & Throckmorton 2525 Ponce De Leon Boulevard Miami, FL 33134 (305)-377-0662 (305)-372-3508 (fax) hst@kttlaw.com
Hart Lawrence Robinovitch Zimmerman Reed PLLP 14646 N Kierland Blvd., Ste. 145 Scottsdale, AZ 85254-2762 480-348-6400 480-348-6415 (fax) AZDocketing@zimmreed.com
Heather Marie Baker Kirtland and Packard LLP 2041 Rosecrans Avenue Suite 300 El Segundo, CA 90245 310-536-1000 hmb@kirtlandpackard.com

Harley Tropin

James Jackson Bilsborrow
Weitz & Luxenberg, P.C.
700 Broadway
New York, NY 10003
(212)-558-5856
jbilsborrow@weitzlux.com

James O. Latturner
Edelman, Combs & Latturner
120 S. LaSalle Street
18th Floor
Chicago, IL 60603
(312) 739-4200

James R Dugan, II
Dugan Law Firm
365 Canal St Ste 1000
New Orleans, LA 70130
504-648-0180
504-648-0181 (fax)
jdugan@dugan-lawfirm.com

James R. Bartimus
Bartimus Frickleto Robertson & Goza, P.C.
11150 Overbrook Road,
Suite 200
Leawood, KS 66211
913-266-2300
913-266-2366 (fax)

James R. Dugan, II
Murray Law Firm
650 Poydras Street, Suite 2150
New Orleans, LA 70130
(504)-648-0180
(504)-648-0181 (fax)
jdugan@dugan-lawfirm.com

Jason Allen Zweig
Hagens Berman Sobol Shapiro LLP (NYC)
555 Fifth Ave Ste. 1700
New York, NY 10117
212-752-5455
917-210-3980 (fax)
jasonz@hbsslaw.com

Jason Hartley Stueve Siegel Hanson LLP 550 West C Street, Suite 1750 San Diego, CA 92101 (619)-400-5822 (619)-400-5832 (fax) hartley@stuevesiegel.com
Jason J Sigel Dreyer Babich Buccola Wood Campora LLP 20 Bicentennial Circle Sacramento, CA 95826 916-379-3500 916-379-3599 (fax) jsigel@dbbwlaw.com
Jason M. Lindner Ross, Dixon & Bell, LLP 550 West B Street Suite 400 San Diego, CA 92101 (619) 235-4040
Jasper D. Ward, IV Jones Ward PLC - Lou 312 S. Fourth Street Marion E. Taylor Bldg 6th Floor Louisville, KY 40202 502-882-6000 502-587-2007 (fax) jasper@jonesward.com
Jasper Dudley Ward Jones & Associates 1230 6th Avenue 7th Floor New York, NY 10020 (502)-882-6000 (502)-587-2007 (fax) jasper@jonesward.com
Jay Douglas Dean Axelrod & Dean LLP 830 Third Avenue, Fl 5 New York, NY 10017 646-448-5264 212-480-8560 (fax) jddean@axelroddean.com

Jason J. Thompson
Sommers Schwartz P.C.
(248) 355-0300
pl: Elizabeth Johnson

Jere Locke Beasley
Beasley, Allen, Crow, Methvin, Portis & Miles, P.C.
218 Commerce Street
P O Box 4160
Montgomery, AL 36103-4160
(334) 269-2343
jere.beasley@beasleyallen.com

Jodi Westbrook Flowers
Motley Rice LLC (SC)
28 Bridgeside Boulevard
P.O. Box 1792
Mount Pleasant, SC 29464
843-216-9163
(843) 216-9680 (fax)
Jflowers@motleyrice.com

Joel R. Rhine
Rhine Martin Law Firm, P.C.
1612 Military Cutoff, Suite 300
Wilmington, NC 28403
910-772-9960
910-772-9062 (fax)
jrr@rhinelawfirm.com

John Brandon Martinez
Hilliard Munoz Gonzales
719 S Shoreline
Ste 500
Corpus Christi, TX 78401
361-882-1612
john@hmglawfirm.com

John Douglas Richards
Cohen Milstein Sellers & Toll P.L.L.C.
88 Pine Street
14th, Floor
New York, NY 10005
212-838-7797
212-838-7745 (fax)
drichards@cohenmilstein.com

John Ernst Tangren
Grant and Eisenhofer P.A.
30 N. LaSalle Street
Suite 1200
Chicago, IL 60602
(312)-610-5401
(312)-214-6154 (fax)
jtangren@gelaw.com

JM
Bedford Auto

John W. Don Barrett
BARRETT LAW GROUP, P.A.
P.O. Box 927
Lexington, MS 39095
(662) 834-9168
dbarrett@barrettlawgroup.com

Jonathan A Michaels
Mlg Automotive Law, Aplc
2801 West Coast Highway Suite 370
Newport, CA 92663
949-527-6900
949-581-6908 (fax)
jmichaels@mlgautomotivelaw.com

Jonathan D. Selbin
Lieff Cabraser Heimann & Bernstein, LLP
250 Hudson Street
8th Floor
New York, NY 10013-1413
(212)355-9500
(212)355-9592 (fax)
jselbin@lchb.com

Jonathan Laurence Flaxer
Golenbock Eiseman Assor Bell & Peskoe LLP
437 Madison Avenue
New York, NY 10022
(212) 907-7327
(212) 754-0330 (fax)
jflaxer@golenbock.com

Jonathan Shub
Seeger Weiss LLP
1515 Market Street
Philadelphia, PA 19002
(215)-564-2300
(215)-851-8029 (fax)
jshub@seegerweiss.com

Jonathan Watson Cuneo
Cuneo Gilbert & LaDuca, LLP
620 Fifth Avenue
6th Floor
New York, NY 10020
(202) 789-3960
202 789 1813 (fax)
jonc@cuneolaw.com

Jorge Alejandro Mestre Rivero Mestre & Castro 2525 Ponce De Leon Blvd Suite 1000 Coral Gables, FL 33134 (305) 445-2500 (305) 445-2525 (fax) jmestre@riveromestre.com	
Joseph B. Kenney Chimicles & Tikellis LLP 361 W. Lancaster Ave. Haverford, PA 19041 jbk@chimicles.com	
Joseph F. Rice Motley Rice LLC (SC) 28 Bridgeside Boulevard P.O. Box 1792 Mount Pleasant, SC 29464 (843)-216-9159 (843)-216-9290 (fax) jrice@motleyrice.com	Joseph Rice Bel [illegible] Auto [illegible] Plaintiffs
Joseph G. Price Dougherty Leventhal & Price, LLP 75 Glenmaura National Blvd Moosic, PA 18507 570-347-1011 jprice@dlplaw.com	~~[illegible]~~
Joseph G. Sauder Chimicles & Tikellis LLP 361 West Lancaster Avenue Haverford, PA 19041 (610)642-8500 (610)649-3633 (fax) jgs@chimicles.com	
Joseph H. Meltzer Kessler Topaz Meltzer & Check, LLP (PA) 280 King of Prussia Road Radnor, PA 19087 (610)667-7706 x1210 (610) 667-7056 (fax) jmeltzer@ktmc.com	

Kyle Harold Dreyer
Hartline Dacus Barger Dreyer LLP
6688 N Central Expwy
Ste 1000
Dallas, TX 75206
(214)-346-3714
(214)-267-4214 (fax)
kdreyer@hdbdlaw.com

Lance Alan Cooper
The Cooper Firm
531 Roselane Street
Suite 200
Marietta, GA 30060
770-427-5588
770-427-0010 (fax)
lance@thecooperfirm.com

Lance August Harke
Harke Clasby & Bushman LLP
9699 NE Second Avenue
Miami Shores, FL 33138
(305)-536-8222
(305)-536-8229 (fax)
lharke@harkeclasby.com

Laurence David King
Kaplan Fox & Kilsheimer LLP
350 Sansome Street, Suite 400
San Francisco, CA 94104
(415)-772-4700
(415)-772-4707 (fax)
lking@kaplanfox.com

Lawrence J. Murphy
Honigman, Miller,
660 Woodward Avenue
Suite 2290
Detroit, MI 48226-3506
313-465-7000
lmurphy@honigman.com

Lee Javins
Bucci Bailey & Javins L.C.
213 Hale Street
Charleston, WV 25301
304-932-4639
304-345-0375 (fax)

Leonid Feller
Kirkland & Ellis LLP (IL)
300 North LaSalle Street
Chicago, IL 60654
(312)-862-2954
(312)-862-2200 (fax)
leonid.feller@kirkland.com

Lester L Levy
Wolf Popper LLP
845 Third Avenue 12th Floor
New York, NY 10028
212-759-4600
212-486-2093 (fax)
llevy@wolfppopper.com

Linda M Fong
Kaplan Fox & Kilsheimer LLP
350 Sansome Street Suite 400
San Francisco, CA 94104
415-772-4700
415-772-4707 (fax)
lfong@kaplanfox.com

Lisa Verna Lecointe
Kirkland & Ellis LLP (NYC)
601 Lexington Avenue
New York, NY 10022
(212)-446-4721
(212)-446-6460 (fax)
llecointe@kirkland.com

Lynn A. Toops
Cohen & Malad, LLP
One Indiana Square
Suite 1400
Indianapolis, IN 46204
(317) 636-6481
(317) 636-2593 (fax)
ltoops@cohenandmalad.com

Major A. Langer
Perona, Langer, Beck & Lallande
P.O. Box 7948
300 East San Antonio Drive
Long Beach, CA 90807
(562) 426-6155
562-490-9823 (fax)

Malcolm Todd Brown
Wolf Haldenstein Adler Freeman & Herz
270 Madison Avenue
New York, NY 10016
brown@whafh.com

Manuel Leon Dobrinsky
Freidin & Dobrinsky PA
2 S Biscayne Boulevard
Suite 3100
Miami, FL 33131
305-371-3666
371-6725 (fax)
mdobrinsky@fdlaw.net

Marc M. Seltzer
Susman Godfrey, L.L.P.
1901 Avenue of the Stars
Suite 950
Los Angeles, CA 90067-6029
(310) 789-3102
(310) 789-3150 (fax)
mseltzer@susmangodfrey.com

Maria Adrianne De Castro
Desai Law Firm PC
3200 Bristol Street Suite 650
Costa Mesa, CA 92626
949-614-5830
949-271-4190 (fax)
adrianne@desai-law.com

Marion M Reilly
Hilliard Munoz Gonzales LLP
719 S Shoreline Blvd
Ste 500
Corpus Christi, TX 78401
361-882-1612
marion@hmglawfirm.com

Marisa C. Livesay
Wolf Haldenstein Adler Freeman & Herz
750 B Street, Suite 2770
San Diego, CA 92101
(619)-239-4599
(619)-234-4599 (fax)
livesay@whafh.com

Mark DiCello
The DiCello Law Firm
Western Reserve Law Building
7556 Mentor Avenue
Mentor, OH 44060
440-953-888
440-953-9138 (fax)

Mark Hayden Troutman
Isaac Wiles Burkholder and Teetor
Two Miranova Place, Suite 700
Columbus, OH 43215
(614)-221-2121
(614)-365-9516 (fax)
mtroutman@isaacwiles.com

Mark J. Dearman
Robbins Geller Rudman & Dowd LLP (FL)
120 East Palmetto Park Road, Suite 500
Boca Raton, FL 33432
(561)-750-3000
(561)-750-3364 (fax)
mdearman@rgrdlaw.com

Mark K. Gyandoh
Kessler Topaz Meltzer & Check, LLP (PA)
280 King of Prussia Road
Radnor, PA 19087
(610) 667.7706
(610) 667.7056 (fax)
mgyandoh@ktmc.com

Mark P Pifko
Baron and Budd PC
15910 Ventura Boulevard Suite 1600
Encino, CA 91436
818-839-2333
818-986-9698 (fax)
MPifko@baronbudd.com

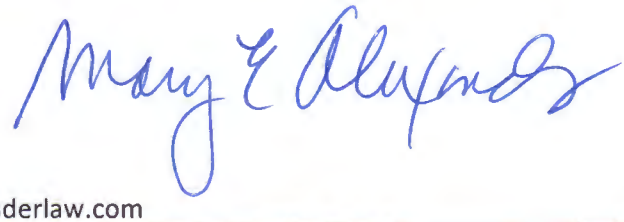
Mark P Robinson, Jr
Robinson Calcagnie Robinson Shapiro Davis Inc
19 Corporate Plaza Drive
Newport Beach, CA 92660
949-720-1288
949-720-1292 (fax)
mrobinson@rcrlaw.net

Mark P. Robinson, Jr.
Robinson Calcagnie & Robinson
620 Newport Center Drive, 7th Floor
Newport Beach, CA 92660
949-720-1288
949-720-1292 (fax)
mrobinson@rcrlaw.net

Mark P. Robinson, Jr.
Robinson, Calcagnie & Robinson
620 Newport Center Drive
Newport Beach, CA 92660
(949) 720-1288

Mark Parker Robinson
Robinson Calcagnie Robinson Shapiro Davis, Inc.
19 Corporate Plaza Drive
Newport Beach, CA 92660
(949)-720-1288
(949)-720-1292 (fax)
beachlawyer51@hotmail.com

Mary E. Alexander
Mary Alexander & Associates, P.C.
Suite 1303
44 Montgomery Street
San Francisco, CA 94104
(415)433-4440
(415)-433-5440 (fax)
malexander@maryalexanderlaw.com

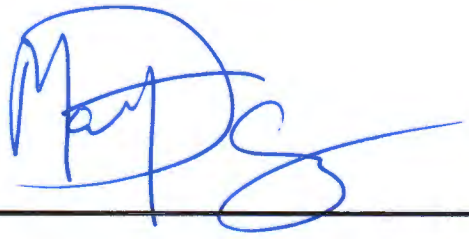


Matthew B. Moreland
Becnel Law Firm, LLC (Reserve)
106 W. Seventh St.
P. O. Drawer H
Reserve, LA 70084
985-536-1186
mattmoreland@cox.net

Matthew D. Schelkopf
Chimicles & Tikellis LLP
361 West Lancaster Avenue
Haverford, PA 19041
(610) 642-8500
(610) 649-3633 (fax)

Matthew Lee Dameron
Williams Dirks Dameron LLC
1100 Main Street
Suite 2600
Kansas City, MO 64105
(816) 876-2600
(816) 221-8763 (fax)
matt@williamsdirks.com

Matthew R. Doebler
Pribanic & Pribanic, LLC
513 Court Place
Pittsburgh, PA 15219
412-281-8844
412-281-4740 (fax)
mdoebler@pribanic.com



Matthew Stephen Grayson
Matthew Stephen Grayson
Attorney at Law
917 Nowita Place
Venice, CA 90291
310-827-9776

Matthew Weinshall
Podhurst Orseck
25 West Flagler Street
Suite 800
Miami, FL 33130
305-358-2800
mweinshall@podhurst.com

Maurice B. Graham
Gray, Ritter & Graham, P.C.
701 Market Street
Suite 800
St. Louis, MO 63101-1826
(314)-345-2002
314-241-4140 (fax)
mgraham@grgpc.com

Mekel Smith Alvarez
Morris Bart, LLC (New Orleans)
909 Poydras St.
Suite 2000
New Orleans, LA 70112-4000
504/599-3385
504/599-3380 (fax)
malvarez@morrisbart.com

Melissa Willett
Boies Schiller
5301 Wisconsin Ave
NW DC 20015
Mwillett@bsfllp.com

Melanie L. Cyganowski
Otterbourg, Steindler, Houston & Rosen
230 Park Avenue
New York, NY 10169
(212)-661-9100
212 682 6104 (fax)
mcyganowski@oshr.com

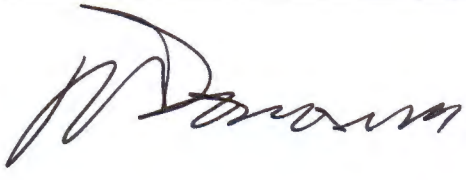
Mela Cyg
STEVEN SOLL
OTTERBOURG

Melissa M. Merlin
Husch Blackwell Sanders, LLP (St. Louis)
190 Carondelet Plaza
Suite 600
St. Louis, MO 63105-3441
(314)-480-1887
(314)-480-1505 (fax)
melissa.merlin@huschblackwell.com

Michael A. Caddell
Caddell & Chapman
1331 Lamar Street, Suite 1070
Houston, TX 77010
(713) 751-0400
713-751-0906 (fax)
mac@caddellchapman.com

Michael A. Gould
Konner Teitelbaum & Gallagher
462 Seventh Avenue, 12th Floor
New York, NY 10018
(212)-697-8500
(212)-697-4512 (fax)
mgould@ktglaw.com

Michael Dennis Donovan
Donovan Searles, LLC
1845 Walnut Street, SUite 1100
Philadelphia, PA 19103
(215) 732-6067
(215) 732-8060 (fax)
mdonovan@donovanaxler.com



Michael Francis Ram
Faruqi & Faruqi LLP
1901 Avenue of the Stars, Second Floor
Los Angeles, CA 90067
310-461-1426
310-461-1427 (fax)

Michael Francis Ram Ram, Olson, Cereghino & Kopczynski LLP 555 Montgomery Street Suite 820 San Francisco, CA 94111 (415)-846-3862 415-433-7311 (fax) mram@rocklawcal.com
Michael Isaac Miller Baron Budd 15910 Ventura Boulevard Suite 1600 Encino, CA 91436 818-839-2333 818-986-9698 (fax) imiller@baronbudd.com
Michael Jerome Higer Higer Lichter & Givner LLP 18305 Biscayne Boulevard Suite 402 Aventura, FL 33160 305-933-9970 933-0998 (fax) mhiger@hlglawyers.com
Michael Louis Kelly Kirtland & Packard LLP 2361 Rosecrans Avenue Fourth Floor El Segundo, CA 90245 (310)-536-1002 (310)-536-1001 (fax) mlk@kirtlandpackard.com
Michael T. Navigato Bochte, Kuzniar & Navigato, LLP 2580 Foxfield Road Suite 200 St. Charles, IL 60174 (630) 377-7770 (630) 377-3479 (fax) mnavigato@bknlaw.com

James R. Taylor recently retained by M Cike. Appearance to be filed this week.

Michael Tabb Greene LLP One Liberty Square Suite 1200 Boston, MA 02109 617-261-0040 617 507 6559 (fax) matabb@greenellp.com
Michele F Raphael Wolf Popper LLP 845 Third Avenue 12th Floor New York, NY 10022 212-759-4600 212-486-2093 (fax) mraphael@wolfpopper.com
Michele R Sowers Husch Blackwell LLP - St. Louis 190 Carondelet Plaza Suite 600 St. Louis, MO 63105 (314)-480-1908 314-480-1505 (fax) michele.sowers@huschblackwell.com
Michelle L. Kranz Zoll, Kranz & Borgess Ste. 100 6620 Central Avenue Toledo, OH 43617 419-841-9623 419-841-9719 (fax) michelle@toledolaw.com
Miles Greaves Taus, Cebulash & Landau 80 Maiden Lane New York, NY 10038 (212) 931-0704 (212)-931-0703 (fax) mgreaves@tcllaw.com
Mitchell A Toups Weller Green Toups & Terrell LLP 2615 Calder Suite 400 Beaumont, TX 77704 409/838-0101 14098328577 (fax) matoups@wgttlaw.com

Paul A. Niall
Spilman Thomas & Battle, PLLC
300 Kanawa Boulevard, East (25301)
Post Office Box 273
Charleston, WV 25321
304-340-3800
304-340-3801 (fax)

Paul T. Oven
Dougherty Leventhal & Price, LLP
75 Glenmaura National Blvd.
Moosic, PA 18507
570-347-1011
3477028 (fax)
ptoven@dlplaw.com

Peter A. Muhic
Kessler Topaz Meltzer & Check, LLP
280 King of Prussia Road
Radnor, PA 19087
(610) 667-7706
pmuhic@ktmc.com

Peter J. Brodhead
Spangenberg, Shibley & Liber
1001 Lakeside Avenue, E
Ste. 1700
Cleveland, OH 44114
216-696-3232
216-696-3924 (fax)
pjb@spanglaw.com

Peter Prieto
Podhurst Orseck, P.A.
25 West Flagler Street
Suite 800
Miami, FL 33130
305-358-2800
305-358-2382 (fax)
pprieto@podhurst.com

Philip J. Goodman
Chadbourne & Parke LLP (DC)
1200 New Hampshire Ave., NW
Washington, DC 20036
(202)-974-5621
(202)-974- 6721 (fax)
pgoodman@chadbourne.com

Philip L Gregory Cotchett Pitre Simon and McCarthy San Francisco Airport Office Center 840 Malcolm Road Suite 200 Burlingame, CA 94010 650-697-6000 650-697-0577 (fax) pgregory@cpmlegal.com
Phong-Chau Gia Nguyen Lieff Cabraser Heimann & Bernstein, LLP(SF) 275 Battery Street, 30th Floor San Francisco, CA 94111-3339 (415)-956-1000 (415)-956-1008 (fax) pgnguyen@lchb.com
Pryce Godfrey Tucker HARTLINE DACUS BARGER 6688 N. Central Expressway Suite 1000 Dallas, TX 75206 214-346-3726 214-267-4226 (fax) ptucker@hdbdlaw.com
R. Dean Gresham Payne Mitchell Law Group, LLP 2911 Turtle Creek Blvd Suite 1400 Dallas, TX 75219 214-252-1888 214-252-1889 (fax) dean@paynemitchell.com
R. Patrick Parker 631 Second Avenue, S Suite 1R Nashville, TN 37210 (615) 254-5461 pparker@hardaway.net
Rachel Geman Lieff Cabraser Heimann & Bernstein, LLP 250 Hudson Street 8th Floor New York, NY 10013-1413 (212) 355-9500 (212)-355-9592 (fax) rgeman@lchb.com

Rachele R. Rickert
Symphony Tower
750 B Street
San Diego, CA 92101
(619) 239-4599

Randall Keith Pulliam
Carney Williams Bates Bozeman & Pulliam, PLLC
11311 Arcade Drive, Suite 200
Little Rock, AR 72212
(501) 312-8500
(501) 312-8505 (fax)
rpulliam@carneywilliams.com

Ranse Partin
Conley Griggs Partin LLP
The Hardin Building
1380 West Paces Ferry Road
N.W., Suite 2100
Atlanta, GA 30327
404-467-1155
404-467-1166 (fax)

Renee Deborah Smith
Kirkland & Ellis LLP (IL)
300 North LaSalle Street
Chicago, IL 60654
(312) 862-2000
(312) 862-2200 (fax)
rdsmith@kirkland.com

Richard Cartier Godfrey
Kirkland & Ellis LLP (IL)
300 North LaSalle Street
Chicago, IL 60654
(312)-861-2391
(312)-861-2200 (fax)
rgodfrey@kirkland.com

Richard Godfrey

Richard Edward Shevitz
Cohen & Malad, LLP
One Indiana Square
Suite 1400
Indianapolis, IN 46204
(317) 636-6481
(317) 636-2593 (fax)
rshevitz@cohenandmalad.com

Richard J.R. Raleigh, Jr. Wilmer & Lee, P.A. 100 Washington Street Suite 200 Huntsville, AL 35804-2168 (256) 533-0202 (256) 533-0302 (fax) rraleigh@wilmerlee.com
Robert A Buccola Dreyer Babich Buccola Wood LLP 20 Bicentennial Circle Sacramento, CA 95826 916-379-3500 916-379-3599 (fax)
Robert A. Clifford Clifford Law Offices, P.C 120 N Lasalle Street, Suite 3100 Chicago, IL 60602 (312)-899-9090 (312)-251-1160 (fax) rac@cliffordlaw.com
Robert B Carey Hagens Berman Sobol Shapiro LLP 11 West Jefferson Street Suite 1000 Phoenix, AZ 85003 602-840-5900 602-840-3012 (fax) rob@hbsslaw.com
Robert B Hutchinson Hutchinson & Snider 9454 Wilshire Boulevard, Suite 907 Beverly Hills, CA 90212 310-276-1460 rhutchinson@hutchinsonsnider.com
Robert Burkart Ellis Kirkland & Ellis LLP 300 North LaSalle Street Chicago, IL 60654 (312)862-2000 rellis@kirkland.com
Robert F Childs, Jr WIGGINS CHILDS QUINN & PANTAZIS 301 19th Street, North Birmingham, AL 35203-3204 205-314-0500 RFC@wcqp.com

Robert F. DiCello
The DiCello Law Firm
Western Reserve Law Building
7556 Mentor Avenue
Mentor, OH 44060
440-953-8888
440-953-9138 (fax)

Robert Hilliard
Hilliard Munoz Gonzales LLP
719 S Shoreline
Ste 500
Corpus Christi, TX 78401
361-882-1612
361-882-3015 (fax)
bobh@hmglawfirm.com

Robert J Axelrod
Pomerantz LLP
600 Third Ave, 20th Floor
New York, NY 10016
212-661-1100
212-661-8665 (fax)
rjaxelrod@axelroddean.com

Robert J Neary
Kozyak Tropin & Throckmorton, P.A.
2525 Ponce de Leon Blvd
9th Floor
Coral Gables, FL 33134
(305) 372-1800
(305) 372-3508 (fax)
rn@kttlaw.com

Robert N. Kaplan
Kaplan Fox & Kilsheimer LLP (NYC)
850 Third Avenue
14th Floor
New York, NY 10022
(212) 687-1980
(212) 687-7714 (fax)
rkaplan@kaplanfox.com

Robert S Plosky
Wolf Popper LLP
845 Third Avenue
New York, NY 10022
212-759-4600
212-486-2093 (fax)
rplosky@wolfpopper.com

Robin Greenwald
Weitz & Luxenberg, P.C.
700 Broadway
New York, NY 10003
(212)-558-5802
rgreenwald@weitzlux.com

Rocco Calamusa, Jr
WIGGINS CHILDS QUINN & PANTAZIS LLC
The Kress Building
301 19th Street, North
Birmingham, AL 35203-3204
314-0500
254-1500 (fax)
Rcalamusa@wcqp.com

Roger L Mandel
Lackey Hershman LLP
3102 Oak Lawn Avenue Suite 777
Dallas, TX 75219
(214)-560-2201
rlm@lhlaw.net

Roland K Tellis
Baron and Budd PC
15910 Ventura Boulevard Suite 1600
Encino, CA 91436
818-839-2333
818-986-9698 (fax)
rtellis@baronbudd.com

Roland Karim Tellis
Baron Budd, P.C.
15910 Ventura Boulevard
Encino Plaza, Suite 1600
Encino, CA 91436
818-839-2333
818-986-9698 (fax)
rtellis@baronbudd.com

Rudy Gonzales, Jr
Attorney at Law
719 S Shoreline
Suite 500
Corpus Christi, TX 78401
361-882-1612
361-882-3015 (fax)
rudyg@hmglawfirm.com

Ryan N. Clark
Lewis, Thomason, King, Krieg & Waldrop, P.C. (Nashville)
424 Church Street
Suite 2500
Nashville, TN 37219
(615) 259-1366
(615) 259-1389 (fax)
rclark@lewisthomason.com

Salvadore Christina, Jr.
Becnel Law Firm, LLC
P. O. Drawer H
106 West Seventh Street
Reserve, LA 70084
985-536-1186
985-536-6445 (fax)
schristina@cox.net

Scot D Wilson
Robinson Calcagnie Robinson Shapiro Davis Inc
19 Corporate Plaza Drive
Newport Beach, CA 92660
949-720-1288
949-720-1292 (fax)
swilson@rcrlaw.net

Scott Bradley Cooper
The Cooper Law Firm, P.C.
2030 Main Street, Suite 1300
Irvine, CA 92614
949-724-9200
949-724-9255 (fax)
scott@cooper-firm.com

Scott D Simpkins
Climaco Lefkowitz Peca Wilcox & Garofoli LPA - 1
55 Public Square
Suite 1950
Cleveland, OH 44113
216-621-8484
sdsimp@climacolaw.com

Scott Davidson
King & Spalding LLP
1185 Ave of the Americas
New York, NY 10036-2601
212-556-2100

Simon B. Paris
Saltz, Mongeluzzi, Barrett & Bendesky, P.C.
One Liberty Place, 52nd Floor
1650 Market Street
Philadelphia, PA 19103
215-575-3986
sparis@smbb.com

Simon Paris
by MDonovan
MDonovan to sign

Stephanie Anne Casey
Colson, Hicks & Eidson
255 Alhambra Circle
Coral Gables, FL 33134-5008
(305)-476-7400
(305)-476-7444 (fax)
scasey@colson.com

Stephen B. Devereaux
King & Spalding, LLP (GA)
1180 Peachtree Street, N.E.
Atlanta, GA 30309
(404)-572-4735
(404)-572-5137 (fax)
sdevereaux@kslaw.com

Sterling Starns
Barrett Law Group, P.A.
404 Court Square North
Po Box 927
Lexington, MS 39095
(662)834-9168
(662)834-2628 (fax)
sstarns@barrettlawgroup.com

Steve W. Berman
Hagens Berman Sobol Shapiro LLP (Seattle)
1918 8th, Avenue
Suite 3300
Seattle, WA 98101
(206) 268-9320
(206) 623-0594 (fax)
steve@hbsslaw.com

Steven G Sklaver
Susman Godfrey LLP
1901 Avenue of the Stars Suite 950
Los Angeles, CA 90067-6029
310-789-3100
310-789-3150 (fax)
ssklaver@susmangodfrey.com

55/C1

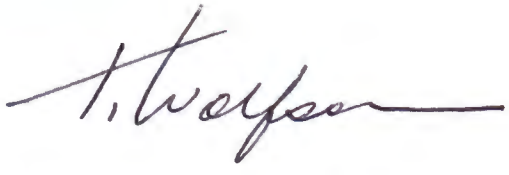
Thomas M. Greene
Greene LLP
One Liberty Square
Suite 1200
Boston, MA 02109
617-261-0040
617-507-6559 (fax)
tgreene@greenellp.com

Tiffany MArko Yiatras
Carey, Danis & Lowe
8235 Forsyth Boulevard, Suite 1100
Saint Louis, MO 63105
(314)-725-7700
(314)-721-0905 (fax)
tyiatras@careydanis.com

Timothy C. Bailey
Bucci, Bailey & Javins, L.C.
213 Hale Street
Charleston, WV 25301
304-932-4639
304-345-0375 (fax)

Timothy L. Sifers
Potts Law Firm, LLP
908 Broadway
3rd Floor
Kansas City, MO 64105
(816) 931-2230
(816) 931-7030 (fax)
tsifers@potts-law.com

Tina Wolfson
Ahdoot & Wolfson, P.C.
1016 Palm Avenue
West Hollywood, CA 90069
310-474-9111
310-474-8585 (fax)
twolfson@ahdootwolfson.com



Todd A Walburg
Lieff Cabraser Heimann and Bernstein LLP
275 Battery Street 29th Floor
San Francisco, CA 94111-3339
415-956-1000
415-956-1008 (fax)
twalburg@lchb.com

Todd Eugene Hilton
Stueve Siegel Hanson, LLP - KCMO
460 Nichols Road
Suite 200
Kansas City, MO 64112
(816) 714-7100
(816) 714-7101 (fax)
hilton@stuevesiegel.com

Tracey Kitzman
Friedman Law Group
270 Lafayette Street, 14th Floor
New York, NY 10012
(212) 680-5150
(646) 277-1151 (fax)
tkitzman@flgllp.com

Travis Edward Venable
Thomas J Henry Injury Attorneys PLLC
4715 Fredericksburg
Suite 507
San Antonio, TX 78229
(210) 656-1000

Vess Allen Miller
Cohen & Malad, LLP
One Indiana Square
Suite 1400
Indianapolis, IN 46204
(317) 636-6481
(317) 636-2593 (fax)
vmiller@cohenandmalad.com

Victor H. Pribanic
Pribanic & Pribanic, LLC
1735 Lincoln Way
White Oak, PA 15131
(412) 672-5444
(412) 672-3715 (fax)
lisa@pribanic.com

W. Mark Lanier
Lanier Law Firm, P.C.
6810 FM 1960 West
Houston, TX 77069
(713) 659-5200
(713) 659-2204 (fax)

Wilson D Miles, III
Beasley Allen Crow Methvin Portis and Miles PC
218 Commerce Street
PO Box 4160
Montgomery, AL 36104
334-269-2343
334-954-7555 (fax)
dee.miles@beasleyallen.com

Wilson D. Miles
Beasley Allen Crow Methvin Portis & Miles, P.C.
Post Office Box 4160
Montgomery, AL 36103
334-269-2343
334-954-7555 (fax)
dee.miles@beasleyallen.com

Wilson Daniel Miles, III
Beasley, Allen, Crow, Methvin, Portis & Miles, P.C.
P.O. Box 4160
Montgomery, AL 36104
(334)-269-2343
(334)-954-7555 (fax)
dee.miles@beasleyallen.com

Zachary Logan Wool
Barrios, Kingsdorf & Casteix, LLP L.L.C.
701 Poydras St,Suite 3650
New Orleans, LA 70139
504-524-3300
(504) 524-0069 (fax)
zwool@bkc-law.com

W. Dan Miles

Andrew Genser
Kirkland & Ellis
601 Lexington
NY NY 10022
212 446 4809
212 446 6460 (fax)
agenser@kirkland.com

Peter J. Mougey
Levin Papantonio
Pensacola, FL.
850-435-7068

Exhibit D

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----------x

IN RE:

GENERAL MOTORS LLC IGNITION SWITCH LITIGATION

This Document Relates To All Actions

----------x

14-MD-2543 (JMF)
14-MC-2543 (JMF)

ORDER NO. 7

JESSE M. FURMAN, United States District Judge:

The Court thanks counsel for their helpful status letters (14-MD-2543, Docket Nos. 72-73) and joint letter regarding the agenda for the conference to be held on August 11, 2014 (14-MD-2543, Docket No. 114), which were submitted in response to Order No. 1 (14-MD-2543, Docket No. 19). Having reviewed those letters, and other submissions in the multidistrict litigation ("MDL") and member cases, the Court issues this Order (1) to share its preliminary views on some of the matters discussed in the parties' letters; and (2) to assist the parties in preparing for the August 11, 2014 conference.

I. PRELIMINARY VIEWS

First, the Court is of the preliminary view that some discovery should proceed now, notwithstanding the motions to enforce pending before the United States Bankruptcy Court and the related stay orders. In particular, the Court is inclined to agree with Temporary Lead Counsel ("TLC") that General Motors ("GM") (and other Defendants, to the extent applicable) should be required to produce any and all relevant and non-privileged materials that have been (or are later) provided to (1) Congress, the National Highway Traffic Safety Administration, or other government agencies; and (2) the investigative team led by Anton Valukas (including, perhaps, factual statements contained in the notes of witnesses interviewed by Valukas and his

team). The Court is disinclined, however, to allow depositions at this time, except as necessary to preserve the testimony of a witness who may become unavailable.

In the Court's current view, allowing for such limited discovery would serve to streamline and advance this litigation and would facilitate any settlement discussions at the appropriate time, without unduly burdening Defendants or interfering with the proceedings before the Bankruptcy Court. (Indeed, such limited discovery might even facilitate those proceedings.) The Court is mindful that some cases and claims in the MDL are likely to survive any ruling by the Bankruptcy Court. (As the Court understands it, for example, GM has represented that it does not intend to seek to bar claims relating to accidents or incidents that occurred after entry of the Sale Order.) In addition, allowing limited discovery at this time would put the parties in a better position to proceed expeditiously with the amendment of pleadings and full discovery once the Bankruptcy Court resolves the threshold issues currently under consideration.

Second, the Court is inclined to agree that Plaintiffs (through Lead Counsel, once appointed) should file a consolidated or master complaint with respect to the economic loss claims and cases, but that consolidated pleadings are not necessary or prudent with respect to personal injury and wrongful death claims. In the Court's current view, however, Plaintiffs should not — as TLC suggest — wait until they have received and reviewed any limited discovery to file a consolidated complaint, as that would result in undue delay. Instead, the Court is inclined to believe that Lead Counsel should — sooner rather than later — review all existing complaints (and the facts already in the public record, including but not limited to the Valukas Report), and file a consolidated or master complaint with claims on behalf of the class

or classes, as appropriate. After doing so, any counsel who believed that their claims should have been included, but were not, would have an opportunity to object.

In the Court's current view, having a consolidated or master complaint sooner rather than later would streamline and clarify the claims and help eliminate those that are duplicative, obsolete, or unreflective of developing facts or current law. That would not only help advance this litigation, but would also presumably facilitate litigation of the issues currently pending before the Bankruptcy Court. Those advantages would be lost (or reduced) if Plaintiffs were to wait until after they have received and reviewed discovery. Moreover, Plaintiffs may always seek leave to amend the consolidated or master complaint based on their review of discovery (or rulings by the Bankruptcy Court or any other material development).

Third, the Court is preliminarily disinclined to withdraw the reference with respect to any claims or proceedings currently pending before the Bankruptcy Court. The Court recognizes that some claims may not ultimately be subject to the Sale Agreement or Sale Order, but given the complexities involved, and the interrelated nature of the different claims, the Court is inclined to believe that the Bankruptcy Court should rule, in the first instance, on matters relating to its prior orders and the bankruptcy generally. Withdrawing the reference as to any of the claims or proceedings before the Bankruptcy Court risks prejudging complicated issues and may result in undue complications later in the litigation.

Finally, the Court notes that GM raises valid concerns with respect to the scope and expense of its preservation obligations given the ongoing nature of the recalls and repairs. The Court preliminarily believes that it should enter a preservation order that properly balances the right of Plaintiffs to obtain potentially relevant evidence against the undue burden and expense to GM of preserving large numbers of parts that have been the subject of recalls or other evidence.

The Court hopes (and assumes) that counsel can amicably negotiate the terms of a preservation order that strikes the right balance. In the absence of agreement, the Court is inclined to adopt an order after giving each side an opportunity to be heard.

The Court emphasizes — again — that the foregoing views are merely preliminary, and are shared only to facilitate and streamline discussion of the issues at the initial conference. The Court will keep an open mind and give counsel an opportunity to be heard on all of the foregoing issues before making any final decisions. Counsel should, of course, be prepared to address all of the foregoing issues, as well as the other matters discussed below, at the conference.

II. INITIAL CONFERENCE AGENDA

As noted in Order No. 1, the Initial Conference will be held on August 11, 2014, at 11 a.m., in Courtroom 110 at the Thurgood Marshall United States Courthouse, 40 Centre Street, New York, New York. (Please note that this is not Judge Furman's regular courtroom.) **The Court intends to begin the initial conference promptly at 11 a.m.** To that end, the Court reminds counsel that they must check in with the Courtroom Deputy **at least fifteen minutes in advance**. (The Court will not take appearances in the Courtroom, but will invite counsel to state their appearances each time they speak.) Moreover, counsel should arrive at the Courthouse with sufficient time to go through security. Seats in the courtroom may not be reserved.

At the conference, TLC and counsel for Defendants should be prepared to address and/or update the Court with respect to the following issues (in order):

1. Whether, and to what extent, there are claims or cases that are not within the scope of the litigation pending before the Bankruptcy Court (such as personal injury and wrongful death cases relating to accidents or incidents postdating the Sale Order).

2. The nature and status of claims against Defendants other than GM, including but not limited to claims against Delphi (and their relationship, if any, to any prior rulings or orders of the Bankruptcy Court) and claims against DPH-DAS LLC (14-MD-2543, Docket No. 25).
3. Whether the Court should withdraw the reference with respect to any claims or proceedings currently pending before the Bankruptcy Court.
4. The issues raised by the "Notice of Conflict within the Plaintiffs' Group" filed by Gary Peller (14-MD-2543, Docket No. 195), with respect to which the Court will also give Mr. Peller an opportunity to be heard.
5. Any issues arising from those cases that involve parts other than ignition switches. *See, e.g.*, Defendants' Letter of July 21, 2014 (14-MD-2543, Docket No. 73) at 5 n.7.
6. The status of any related cases that are not currently part of the MDL, including but not limited to any cases pending in state court (such as *Melton v. General Motors*, No. 14-A-1197-4 (Ga. Cobb Cnty. Ct.)) and any cases pending transfer to the MDL.
7. A process for review of cases filed directly in this District to ensure that they are properly included in the MDL.
8. Suggested procedures for coordination of the MDL with the Bankruptcy Court litigation and related state-court litigation.
9. Whether and, if applicable, to what extent and when Plaintiffs should file a consolidated or master complaint, and how and when counsel should be given an opportunity to object if claims are omitted from the consolidated pleading.
10. Whether, and to what extent, the Court should allow discovery pending a ruling from the Bankruptcy Court and, if applicable, the development of a comprehensive

discovery plan, including establishment of an electronic document depository and databases and the appointment of discovery masters.

11. Adoption of a preservation protocol that balances the right of Plaintiffs to obtain potentially relevant evidence against the undue burden and expense to GM of preserving large numbers of parts that have been the subject of recalls or other evidence.

12. A briefing schedule and process for adjudicating motions or appeals from orders of the Bankruptcy Court, including but not limited to (1) the motion to remand filed in *Sumners v. General Motors, LLC*, 14-CV-5461 (JMF) (14-MD-2543, Docket No. 182); (2) the motion for leave to file an omnibus complaint (14-MD-2543, Docket No. 188); (3) the notice of appeal from the Decision With Respect to No Stay Pleading (Phaneuf Plaintiffs), *In re Motors Liquidation Co.*, 09-50026 (REG) (Bankr. S.D.N.Y. July 30, 2014) (Docket No. 12791); and (4) any other motions that counsel anticipate, such as the motions for a preliminary injunction and provisional class certification previously filed in *Benton v. General Motors LLC*, 14-CV-4268 (JMF) and *Kelley v. General Motors Company*, 14-CV-4272 (JMF).

13. Settlement, including the timing and process for appointment of a private mediator or special master.

14. The need, if any, for regular conferences or regular updates from counsel.

After hearing from TLC and counsel for Defendants, the Court will give other Plaintiffs' counsel an opportunity to be heard on those issues or on any other issues with respect to which they feel TLC does not adequately represent their interests. The Court encourages multiple proponents of a common position to designate one lawyer to address the Court.

After addressing the issues referenced above, the Court will hear from applicants for Plaintiffs' leadership positions. Per Order No. 5, the Court will hear from all applicants who have requested an opportunity to supplement their applications with an oral presentation. The Court will hear such applicants in alphabetical order (followed by any applicants who submitted applications on August 7 or 8, 2014, pursuant to Order No. 6). The Court will allot each applicant no more than five minutes. The Court will draw no adverse inference if counsel conclude that they would like to rest on the strength of their written submissions, or if multiple counsel wish to address the Court through a single spokesperson.

SO ORDERED.

Dated: August 7, 2014
New York, New York

JESSE M. FURMAN
United States District Judge