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GUC Trust Administrator*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

|   |                          |
|---|--------------------------|
| -----X  |                          |
| <b>In re</b>  | : Chapter 11             |
|   | : Case No. 09-50026 (MG) |
| <b>MOTORS LIQUIDATION COMPANY, et al.,<br/>f/k/a General Motors Corp., et al.</b> | : (Jointly Administered) |
|   | : Debtors.               |
|   | : -----X                 |

**EX PARTE MOTION OF WILMINGTON TRUST COMPANY, AS GUC TRUST ADMINISTRATOR, FOR AN ORDER PURSUANT TO BANKRUPTCY CODE SECTION 105(a) AND LOCAL BANKRUPTCY RULE 9077-1 ESTABLISHING FEBRUARY 26, 2020 AS THE DEADLINE BY WHICH: (I) THE REMAINING LATE CLAIMANTS MUST FILE A NOTICE OF INTENTION TO PROCEED PRO SE OR (II) COUNSEL TO THE REMAINING LATE CLAIMANTS (IF ANY) MUST FILE A NOTICE OF APPEARANCE IN THIS CHAPTER 11 CASE**

By and through its undersigned counsel, the GUC Trust Administrator of the Motors Liquidation Company GUC Trust (the "GUC Trust"), as established under the Debtors' Second Amended Joint Chapter 11 Plan dated as of March 18, 2011 [ECF No. 9836] (as confirmed, the "Plan") of the above-captioned post-effective date debtors (the "Debtors") in the above-captioned chapter 11 case (the "Chapter 11 Case"), respectfully submits this Ex Parte *Motion for an Order Pursuant to Bankruptcy Code Section 105(a) and Local Bankruptcy Rule 9077-1 Establishing February 26, 2020 as the Deadline by Which: (I) the Remaining Late Claimants Must File a Notice of Intention to Proceed Pro Se or (II) Counsel to the Remaining Late*

*Claimants (if any) Must File a Notice of Appearance in This Chapter 11 Case* (the “Motion”).

In support of the Motion, the GUC Trust Administrator respectfully represents as follows:

**RELIEF REQUESTED**

1. By this Motion, the GUC Trust respectfully requests the entry of an order, substantially in the form attached hereto as **Exhibit A** (the “Show Cause Order”), under sections 105(a) of Title 11 of the United States Code (the “Bankruptcy Code”), and Rule 9077-1 of the Local Bankruptcy Rules for the United States Bankruptcy Court for the Southern District of New York (the “Local Bankruptcy Rules”), establishing February 26, 2020 as the deadline by which: (i) the Remaining Late Claimants must file a notice of intention to proceed *pro se* or (ii) counsel to the Remaining Late Claimants (if any) must file a notice of appearance in this Chapter 11 Case (each, an “Intention to Prosecute”).

**JURISDICTION**

2. With respect to claims of Pre-Closing Accident Plaintiffs,<sup>1</sup> the Bankruptcy Court for the Southern District of New York (the “Court”) has jurisdiction to consider this Motion pursuant to 28 U.S.C. § 157(a)(2)(A).

3. Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409.

4. The statutory predicates for the relief sought in this Motion are Bankruptcy Code section 105(a).

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<sup>1</sup> The term “Pre-Closing Accident Plaintiffs” shall mean those plaintiffs asserting personal injury or wrongful death claims or persons who suffered a personal injury or wrongful death that occurred prior to the Closing Date involving an Old GM vehicle that was later subject to the Recalls. The Pre-Closing Accident Plaintiffs are comprised of a subset asserting claims or who suffered an injury or death involving an Old GM vehicle with an Ignition Switch Defect (the “Ignition Switch Pre-Closing Accident Plaintiffs”), and a subset asserting claims or who suffered an injury or death involving vehicles with other defects (the “Non-Ignition Switch Pre-Closing Accident Plaintiffs”). Collectively, the Ignition Switch Pre-Closing Accident Plaintiffs, Non-Ignition Switch Pre-Closing Accident Plaintiffs and Pre-Closing Accident Plaintiffs are the “Plaintiffs.”

## BACKGROUND

5. On December 22, 2016, Goodwin Procter, LLP (“Goodwin”) filed a motion seeking authority to file late proofs of claim (the “Initial Late Claims Motion”)<sup>2</sup> on behalf of certain Ignition Switch Pre-Closing Accident Plaintiffs represented by Hilliard Muñoz Gonzales L.L.P. (“HMG”). On May 25, 2018, Goodwin filed a supplemental motion seeking authority to file late claims (the “Supplemental Late Claims Motion” and, together with the Initial Late Claims Motion, the “Late Claims Motions”)<sup>3</sup> on behalf of certain Non-Ignition Switch Pre-Closing Accident Plaintiffs represented by HMG and Thomas J. Henry Injury Attorneys (“TJHIA”). The Late Claims Motions attached proposed proofs of claim for each individual Pre-Closing Accident Plaintiff.

6. Goodwin filed the Late Claims Motions on behalf of approximately 244 Pre-Closing Accident Plaintiffs. Since the Late Claims Motions were filed, Goodwin withdrew as counsel to certain Pre-Closing Accident Plaintiffs that are no longer clients of HMG or TJHIA<sup>4</sup> in the multi-district litigation pending before the Honorable Jesse M. Furman of the United States District Court for the Southern District of New York, *In re General Motors LLC Ignition Switch Litigation*, MDL No. 2543 (JMF) (S.D.N.Y.) (the “MDL”). The orders approving the withdrawal motions required Goodwin to provide notice to each such former client to retain new counsel or to proceed *pro se*.<sup>5</sup> The orders approving the withdrawal motions also required

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<sup>2</sup> See ECF No. 13807.

<sup>3</sup> See ECF No. 14325.

<sup>4</sup> See ECF Nos. 14179, 14282.

<sup>5</sup> See MDL ECF Nos. 4840 (the “November 27, 2017 Withdrawal Order”), 5685 (the “June 13, 2018 Withdrawal Order”) and 5960 (the “August 22, 2018 Withdrawal Order”), attached hereto as **Exhibits B–D**. There are three motions to withdraw currently pending as well. See MDL ECF Nos. 7575, 7576 and 7578. The details of all of the Pre-Closing Accident Plaintiffs on whose behalves Goodwin filed motions to withdraw, that were dismissed from the MDL actions, and for whom withdrawal motions are pending are described in the *Notice of Withdrawal as Counsel of Record for Certain Movants Under Omnibus Motion By Certain Ignition Switch Pre-Closing Accident Plaintiffs for Authority to File Late Proofs of Claim for Personal Injuries and Wrongful Deaths [Docket No. 13807] [ECF No. 14179]* (the “First Withdrawal Notice”), *Second Notice of Withdrawal as Counsel of Record for Certain Movants Under Omnibus Motion By Certain Ignition Switch Pre-Closing Accident Plaintiffs for Authority to File Late Proofs of Claim for Personal Injuries and Wrongful*

each such former client to file, in the form of a new lawsuit, an amended and severed complaint in the United States District Court for the Southern District of New York and to pay accompanying filing fees.<sup>6</sup>

7. Most of the remaining Pre-Closing Accident Plaintiffs have now reached a settlement with New GM pursuant to which, *inter alia*, these settling plaintiffs have agreed to withdraw their proofs of claim from the applicable Late Claims Motions.<sup>7</sup> However, there are 5 non-settling Pre-Closing Accident Plaintiffs and 54 Pre-Closing Accident Plaintiffs that Goodwin has withdrawn as counsel for, but for whom Goodwin did not withdraw the applicable Late Claims Motions.

8. Thus, the Late Claims Motions remain live with respect to 59 Pre-Closing Accident Plaintiffs (the “Remaining Late Claim Movants”). However, Goodwin will not be prosecuting the Late Claims Motions with respect to such Remaining Late Claim Movants and the GUC Trust Administrator does not know whether any of the Remaining Late Claim Movants intend to the prosecute the Late Claims Motions.

9. At the December 10, 2019 Case Management Conference before the Court, the Court indicated that it may want to impose a deadline on the Remaining Late Claim Movants to decide whether or not to prosecute the Late Claims Motions.<sup>8</sup> Mr. Weintraub of Goodwin

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*Deaths [Docket No. 13807] [Docket No. 14282] (the “Second Withdrawal Notice”), and Notice of Withdrawal as Counsel of Record for Certain Movants Under Omnibus Motions by Certain Pre-Closing Accident Plaintiffs for Authority to File Late Proofs of Claim for Personal Injuries and Wrongful Deaths [Docket Nos. 13807 and 14325] [ECF No. 14644] (the “Third Withdrawal Notice”).* In the Second Withdrawal Notice, Goodwin stated that claimant Santoria Gibbs has terminated HMG and TJHIA as her counsel and that HMG and TJHIA have not yet filed, but will file, a formal motion to withdraw in the MDL. The MDL eventually granted HMG and TJHIA’s motion to withdraw as counsel for Santoria Gibbs, see MDL ECF No. 5960, but the MDL ultimately dismissed Santoria Gibbs’ claim with prejudice on January 2, 2019. See MDL ECF No. 6380.

<sup>6</sup> See e.g., MDL ECF No. 4840, ¶ 3.

<sup>7</sup> Id. at 3.

<sup>8</sup> December 10, 2019 Hearing Transcript (“Tr.”) at 37:12–17:

THE COURT: Can I impose a deadline for them to decide?

MR. WEINTRAUB: Yes, Your Honor. You could do whatever you want, pretty much.

also stated that, by and large, the Remaining Late Claim Movants have not been responsive or cooperative in the MDL.<sup>9</sup>

**BASIS FOR REQUESTED RELIEF**

10. Bankruptcy Code Section 105(a) allows this Court to “issue any order, process, or judgment that is necessary or appropriate to carry out the provisions” of the Bankruptcy Code.

11. This Court should issue an order, establishing February 26, 2020 as the deadline by which the Remaining Late Claim Movants must file an Intention to Prosecute the Late Claims Motions. The *ex parte* order is necessary and appropriate to ensure that the Late Claims Motions are adjudicated to their logical conclusions. Further, the proposed requirement to file an Intention to Prosecute is less burdensome than the withdrawal orders entered in the MDL, which require the former clients to file new, severed complaints and pay filing fees. Lastly, failure to file an Intention to Prosecute will not be outcome-determinative at this time. The Remaining Late Claim Movants are also receiving notice of the briefing schedule and, only in the event that the Remaining Late Claim Movants fail to respond to the Show Cause Order *and* fail to file a brief in support of their late claims, will the GUC Trust Administrator request the applicable Late Claims Motion be denied.

12. The proposed February 26, 2020 deadline provides the Remaining Late Claim Movants ample time to decide whether they want to proceed *pro se* or retain counsel to prosecute the Late Claims Motions.

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THE COURT: Well, without getting reversed about it, I mean, I just -- I would like some clarity as to whether they're in, whether they're out.

<sup>9</sup> Tr. at 38:6–9.

MR. WEINTRAUB: Sure. Without saying too much, I think, by and large, these are people that have not been responsive or cooperative, so I don't know what happens when they get served yet again.

13. The alternative is to serve the Remaining Late Claim Movants with a notice of this Motion and give them an opportunity to respond. However, this may confuse the Remaining Late Claim Movants and lead them to file unnecessary responses to the Motion, rendering it ineffective at fulfilling its intended purpose.

14. The GUC Trust Administrator, this Court and other parties in interest need to know whether any of the Remaining Late Claim Movants intend on prosecuting the Late Claims Motions, the first of which was filed in December 2016. Further, Goodwin has not represented some of the Late Claim Movants since December 2017.

15. The GUC Trust Administrator opposes the Late Claims Motions, and briefing regarding the legal right to file late proofs of claim is going to begin shortly. The GUC Trust Administrator believes having an understanding of the number of Remaining Late Claims Movants that are still pursuing the Late Claims Motions will be more efficient than simply filing an opposition under the assumption that all 59 Remaining Late Claimants will respond.

#### **MOTION PRACTICE**

16. This motion includes citations to the applicable rules and statutory authorities upon which the relief requested herein is predicated and a discussion of their application to this motion. Accordingly, the GUC Trust Administrator submits that this motion satisfies Local Rule 9013-1(a).

#### **NO PRIOR REQUEST**

17. No previous request for the relief sought herein has been made by the GUC Trust Administrator to this or any other court.

WHEREFORE, the GUC Trust Administrator respectfully requests the entry of an order establishing February 26, 2020 as the deadline by which: (i) the Remaining Late Claim Movants must file a notice of intention to proceed *pro se* or (ii) counsel to the Remaining Late Claim Movants (if any) must file a notice of appearance in this Chapter 11 Case.

Dated: New York, New York  
January 23, 2020

**McDERMOTT WILL & EMERY LLP**

By: /s/ Kristin K. Going  
Kristin K. Going  
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*Attorneys for the Motors Liquidation  
Company GUC Trust Administrator*

**Exhibit A**

Proposed Order



UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

|  |   |                               |
|--|---|-------------------------------|
| -----X                                     | : |                               |
| <b>In re</b>                               | : | <b>Chapter 11</b>             |
|  | : |                               |
| <b>MOTORS LIQUIDATION COMPANY, et al.,</b> | : | <b>Case No. 09-50026 (MG)</b> |
| <b>f/k/a General Motors Corp., et al.</b>  | : | <b>(Jointly Administered)</b> |
|  | : |                               |
| <b>Debtors.</b>                            | : |                               |
| -----X                                     |   |                               |

**SHOW CAUSE ORDER ESTABLISHING FEBRUARY 26, 2020 AS THE DEADLINE BY WHICH: (I) THE REMAINING LATE CLAIMANTS MUST FILE A NOTICE OF INTENTION TO PROCEED *PRO SE* OR (II) COUNSEL TO THE REMAINING LATE CLAIMANTS (IF ANY) MUST FILE A NOTICE OF APPEARANCE IN THIS CHAPTER 11 CASE**

Upon the motion (the “Motion”)<sup>1</sup> of the GUC Trust Administrator for entry of an order (the “Show Cause Order”), pursuant to Bankruptcy Code section 105(a) and Local Bankruptcy Rule 9077-1, establishing February 26, 2020 as the deadline by which: (i) the Remaining Late Claimants must file a notice of intention to proceed *pro se* or (ii) counsel to the Remaining Late Claimants (if any) must file a notice of appearance in this Chapter 11 Case, all as more fully set forth in the Motion; and this Court having jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and the *Amended Standing Order of Reference from the United States District Court for the Southern District of New York*, dated February 1, 2012; and this Court having found that venue of this proceeding and the Motion in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and this Court having reviewed the Motion and determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein, it is **HEREBY ORDERED THAT:**

1. The Motion is granted as set forth herein.

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<sup>1</sup> Capitalized terms used but not otherwise defined herein have the meanings ascribed to them in the Motion.

2. On or before February 26, 2020, the Remaining Late Claim Movants listed on **Schedule 1** to this Show Cause Order (or their counsel) shall file a notice of intention to proceed *pro se* or a notice of appearance, as applicable, in this Chapter 11 Case.
3. The GUC Trust Administrator shall serve this Show Cause Order on all of the Remaining Late Claim Movants listed on **Schedule 1** to this Show Cause Order via first class mail and email within five (5) business days of entry of this Show Cause Order.
4. This Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Show Cause Order.

Dated: \_\_\_\_\_, 2020  
New York, New York

\_\_\_\_\_  
THE HONORABLE MARTIN GLENN  
UNITED STATES BANKRUPTCY JUDGE

**Schedule 1**

Remaining Late Claim Movants

|     |   |
|-----|---|
| 1.  | Lynda Duncan  |
| 2.  | Christopher Gracia (Deceased)   |
| 3.  | Nicole Jaure  |
| 4.  | Tammie Marshall   |
| 5.  | Deidra Shipman  |
|     |   |
| 6.  | Allen, Lisa   |
| 7.  | Berard, Brandy  |
| 8.  | Bueno, John   |
| 9.  | Bueno, Lisa   |
| 10. | Burns, Angela   |
| 11. | Burns, Elizabeth Faye   |
| 12. | Davis, Veronica Lynn  |
| 13. | Duckett, Raymond  |
| 14. | Ferrell, Tabatha  |
| 15. | Garza, Rosy E   |
| 16. | Gibbs, Santoria   |
| 17. | Gibson, Mary  |
| 18. | Gill, April   |
| 19. | Hairston, John T  |
| 20. | Harris, Charlesa  |
| 21. | Hartnett, Carolyn individually and as representative of the Estate for Sara Hartnett  |
| 22. | Haseleu, Tanya individually and as representative of the Estate for Tiffany Lee Haseleu                                     |
| 23. | Haseleu, Todd individually and as representative of the Estate for Tiffany Lee Haseleu                                      |
| 24. | Higgins, Sherell individually and as next friend of Darrell Brown Jr. and as representative of the Estate of Dameasha Brown |
| 25. | Honeycutt, Sammeeka   |
| 26. | Hueber, Jamie   |
| 27. | Jackman, Kenneth individually and as representative of the Estate for Jessica Jackman                                       |
| 28. | Jackman, Patricia individually and as representative of the Estate for Jessica Jackman                                      |
| 29. | Langley, Kim individually and as representative of the Estate for Richard Bailey  |
| 30. | Langley, Nick individually and as representative of the Estate for Richard Bailey   |
| 31. | Lindsay, Kenneth individually and as representative of the Estate of Rita Carol Lindsay                                     |
| 32. | Lockhart, Marjorie  |
| 33. | Lopez, Kimberly   |
| 34. | Maclin, Justin  |
| 35. | Moindi, Wycliffe  |
| 36. | Moza, Joell individually and as representative of the Estate for Loretta Moza   |
| 37. | Moza, Julie individually and as representative of the Estate for Loretta Moza   |
| 38. | Moza, Richard individually and as representative of the Estate for Loretta Moza   |

|     |   |
|-----|---|
| 39. | Myra Washington a/k/a Minerva Peterson individually and as representative of the Estate for Myra Washington |
| 40. | Peoples, Earlesha   |
| 41. | Peterson, Ranae   |
| 42. | Platzke, Joell  |
| 43. | Pylar, Shirley  |
| 44. | Reetz, Janet individually and as representative of the Estate for Loretta Moza                              |
| 45. | Rooney, Richard   |
| 46. | Shells, Willie  |
| 47. | Snyder, Anthony   |
| 48. | Stanley, Glenn  |
| 49. | Stivers, Brandon  |
| 50. | Surbeck, Kally  |
| 51. | Torres, Aleni   |
| 52. | Torres, Daniel  |
| 53. | Vargas, Chelsea Dirks   |
| 54. | Venable, Houston  |
| 55. | Waithe, Dwayne  |
| 56. | Wallace, Carla individually and as representative of the Estate for Cory Wallace                            |
| 57. | West, Linda individually and as representative of the Estate for Tracy West                                 |
| 58. | Willis-Singh, Tanya   |
| 59. | Wright, Jacqueline  |

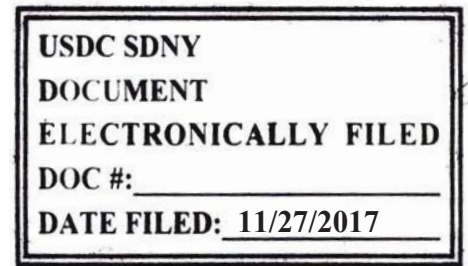
**Exhibit B**

November 27, 2017 Withdrawal Order

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x  
IN RE:

GENERAL MOTORS LLC IGNITION SWITCH  
LITIGATION



*This Document Relates To:*

*Abney et al v. General Motors, LLC, 14-cv-5810;*  
*Edwards, et al. v. General Motors, LLC, 14-cv-6924;*  
*Fleck, et al. v. General Motors, LLC, 14-cv-8176;*  
*Yohe v. General Motors, LLC, 14-cv-9864;*  
*Ewing v. General Motors, LLC, 14-cv-9965;*  
*Hayes, et al. v General Motors, LLC, 14-cv-10023;*  
*Bendermon et al v. General Motors, LLC, 15-cv-1354;*  
*Morgan et al v. General Motors, LLC, 15-cv-2844;*  
*Altebaumer et al v. General Motors, LLC, 15-cv-4142;*  
*Adams et al v. General Motors, LLC, 15-cv-5528;*  
*Blood v. General Motors, LLC, 15-cv-6578*

14-MD-2543 (JMF)

14-MC-2543 (JMF)

**ORDER NO. 137**

-----x  
JESSE M. FURMAN, United States District Judge:

**[Regarding Withdrawal of Representation by Hilliard Martinez Gonzales, Thomas J. Henry Injury Attorneys, and Matthews & Associates as to Certain Plaintiffs]**

On October 18, 2017, Hilliard Martinez Gonzales, Thomas J. Henry Injury Attorneys, and Matthews & Associates (the “Firms”) filed a Motion to Withdraw from representing 246 Plaintiffs. (MDL Docket No. 4712). Only five of the 246 Plaintiffs filed oppositions to the motion, three of which were docketed on the relevant member case docket (*see* 2:14-cv-2458, Docket Nos. 223, 224, 225), one of which was received by e-mail from counsel, and one of which was received by mail. (MDL Docket No. 4791). On November 16, 2017, the Firms withdrew their motion as to one of those five Plaintiffs: Richard Korona. (15-cv-5528, Docket No. 14). The remaining 245 Plaintiffs (the “Affected Plaintiffs”) are listed on Exhibit A hereto.

On November 2, 2017, New GM requested an order directing the Affected Plaintiffs to file severed and amended complaints within ninety (90) days or face dismissal with prejudice. (MDL Docket No. 4789). On November 3, 2017, the Court indicated its inclination to issue an order along the lines of what New GM proposed, but directed New GM and the Firms to submit a revised proposed order that includes a multi-stage dismissal process, including both dismissal-without-prejudice and dismissal-with-prejudice. (Docket No. 4790).

Upon consideration of the Firms' motion and the agreed-upon revised proposed order, and for good cause shown, it is hereby ORDERED that:

1. The Firms' Motion is hereby GRANTED, substantially for the reasons set forth in their memoranda of law and supporting declarations (some of which were filed under seal because they reveal confidential attorney-client communications and strategy). (*See, e.g.*, MDL Docket Nos. 4713, 4799). The Firms are authorized to withdraw as co-counsel as to the Affected Plaintiffs.

2. As a condition of withdrawal, the Firms shall, **no later than December 4, 2017**, serve upon each of the Affected Plaintiffs (1) a copy of the "Notice to Certain Plaintiffs in General Motors Ignition Switch Litigation" attached hereto as Exhibit B; (2) a copy of this Order; and (3) a copy of this Court's Individual Rules and Practices for *Pro Se* Cases, which is attached to this Order as Exhibit C. The Order and the Court's Individual Rules should be attached to the "Notice to Certain Plaintiffs in General Motors Ignition Switch Litigation" such that the "Notice" is the first page of the materials enclosed. The Firms shall file proof of such service **no later than December 6, 2017**. Additionally, within ten (10) days of entry of this Order the Firms shall file with the Court (on the 14-MD-2543 Docket) a single document identifying (1) the current service address, including email address where available, for each of the Affected Plaintiffs; and (2) any Affected Plaintiff who remains represented by other counsel and the contact information for such

counsel. The Firms shall submit a copy of the document, in Microsoft Word or Microsoft Excel format, to the Court by e-mail on the same date.

3. Each of the Affected Plaintiffs is hereby ordered to file, **in the form of a new lawsuit**, an amended and severed complaint in the United States District Court for the Southern District of New York within ninety (90) days — that is, **by February 26, 2018** — and to pay any filing fee associated with filing a complaint pursuant to 28 U.S.C. § 1914(a). In conjunction with any amended and severed complaint, an Affected Plaintiff shall also file a Related Case Statement, available at [www.nysd.uscourts.gov/forms.php](http://www.nysd.uscourts.gov/forms.php), identifying the new lawsuit as related to these proceedings (*In General Motors Ignition Switch Litigation*, 14-MD-2543 (JMF)). As another federal court has explained:

In multidistrict cases considering severance of cases, courts have noted that the filing fee has two salutary purposes. First, it is a revenue raising measure. Second, § 1914(a) acts as a threshold barrier, albeit a modest one, against the filing of frivolous or otherwise meritless lawsuits. Had each plaintiff initially instituted a separate lawsuit as should have occurred here, a fee would have been collected for each one. Thus, the federal fisc and more particularly the federal courts are being wrongfully deprived of their due. By misjoining claims, a lawyer or party need not balance the payment of the filing fee against the merits of the claim or claims.

*In re BitTorrent Adult Film Copyright Infringement Cases*, 296 F.R.D. 80, 92 (E.D.N.Y. 2012) (internal citations and quotations omitted); *accord In re Asbestos Prod. Liab. Litig.*, 2008 WL 4290954, at \*2–3 (E.D. Pa. Sept. 18, 2008) (requiring amended and severed complaint and payment of filing fee within 60 days on pain of dismissal with prejudice); *In re Seroquel Prod. Liab. Litig.*, 2007 WL 737589, at \*2–3 (M.D. Fla. Mar. 7, 2007) (noting “gatekeeping feature of a filing fee and the cost of managing [] additional cases in the federal court system as a whole, both as a part of this multi-district case and once remanded to the transferor or proper court, as individual cases”); *In re Diet Drugs*, 325 F.Supp.2d 540, 542 (E.D.Pa. 2004) (“We view the



payment of a [] filing fee for every severed and amended complaint not only as just but as mandated by § 1914(a). We do not read § 1914(a) to bestow a free ride on misjoined or misjoining plaintiffs.”).

4. Any Affected Plaintiff who fails to comply with his or her obligation under this Order to file, as a new lawsuit in this District, an amended and severed complaint and to pay any associated filing fee will be subject to having his or her claims dismissed. If any Affected Plaintiff has not filed, as a new lawsuit in this District, an amended and severed complaint and paid any filing fee within ninety (90) days of this Order, New GM may file a First Notice of Non-Compliance identifying the Affected Plaintiffs who have failed to comply with this Order and requesting that the Court enter an Order dismissing their claims without prejudice. New GM will serve any non-compliant Affected Plaintiff with the First Notice of Non-Compliance and any Order issued by the Court with respect to that Notice and file proof of service.

5. If the Court dismisses the claims of an Affected Plaintiff without prejudice under the previous paragraph, the Order dismissing the claim without prejudice will be converted to a Dismissal With Prejudice upon New GM’s filing of a Second Notice of Non-Compliance — to be filed no earlier than thirty (30) days after the Court’s entry of the Order of dismissal without prejudice — unless an Affected Plaintiff files, in the form of a new lawsuit in this District, an amended and severed complaint and pays any associated filing fee. New GM will likewise serve any non-compliant Affected Plaintiff with the Second Notice of Non-Compliance and any order issued by the Court with respect to that Notice and file proof of service.

6. If or when an Affected Plaintiff files, as a new lawsuit in this District, an amended and severed complaint and pays any associated filing fee, the Court will enter an order severing that Affected Plaintiff from his or her existing omnibus complaint. *See* Fed. R. Civ. P. 21 (“The

court may also sever any claim against a party.”). (There is no need to do so with respect to any Affected Plaintiff who fails to file an amended and severed complaint by the deadline, as his or her claims will be dismissed from his or her existing omnibus complaint.) If the Court fails to do so within fourteen days of an amended and severed complaint being filed, New GM shall advise the Court by letter.

7. Within thirty (30) days of the entry of any Order dismissing the claims of Affected Plaintiffs with prejudice pursuant to this Order, New GM will advise the Court of its views with respect to proposed next steps for any non-dismissed Affected Plaintiffs. New GM should first endeavor to meet and confer in good faith with such Affected Plaintiffs (or, if represented, with such Affected Plaintiffs’ counsel).

8. Affected Plaintiffs are advised that all communications with the Court by a *pro se* (that is, unrepresented) party must be mailed to the *Pro Se* Office, United States Courthouse, 500 Pearl Street, Room 200, New York, New York 10007. No documents or court filings should be sent directly to the Chambers of the undersigned. Copies of correspondence between a *pro se* party and counsel shall not be sent to the Court. Affected Plaintiffs are also advised that, as of last year, a *Pro Se* Law Clinic opened in this District to assist non-incarcerated people who are parties in civil cases and do not have lawyers. The Clinic may be able to provide unrepresented Affected Plaintiffs with advice in connection with this case. The *Pro Se* Law Clinic is run by a private organization called the New York Legal Assistance Group; it is not part of, or run by, the Court (and, among other things, therefore cannot accept filings on behalf of the Court, which must still be made by any unrepresented party through the *Pro Se* Intake Unit). The Clinic is located in the Thurgood Marshall United States Courthouse, 40 Centre Street, New York, New York, in Room LL22, which is just inside the Pearl Street entrance to that Courthouse. The Clinic is open on

weekdays from 10 a.m. to 4 p.m., except on days when the Court is closed. An Affected Plaintiff can make an appointment in person or by calling (212) 659-6190.

9. New GM shall promptly serve Affected Plaintiffs with any Order issued by the Court that may affect their rights and file proof of such service.

10. The Clerk of Court is directed to terminate 14-MD-2543, Docket No. 4712; 14-CV-5810, Docket No. 510; 14-CV-6924, Docket No. 206; 14-CV-8176, Docket No. 723; 14-CV-9864, Docket No. 158; 14-CV-9965, Docket No. 160; 14-CV-10023, Docket No. 202; 15-CV-1354, Docket No. 153; 15-CV-2844, Docket No. 141; 15-CV-4142, Docket No. 138; 15-CV-5528, Docket No. 9; 15-CV-6578, Docket No. 112.

SO ORDERED.

Dated: November 27, 2017  
New York, New York

  
\_\_\_\_\_  
JESSE M. FURMAN  
United States District Judge

# **EXHIBIT A**

**EXHIBIT "A"**

| <b>Name</b>   | <b>Cause No.</b>                                 |
|---|--|
| Abney, Bob IARE Megan Abney                               | 1:14-cv-05810 Abney et al v. General Motors, LLC |
| Andrews, Monikah  | 1:14-cv-05810 Abney et al v. General Motors, LLC |
| Andrews, Monikah IANF Isaiah Hosanna                      | 1:14-cv-05810 Abney et al v. General Motors, LLC |
| Arroyos, Jennifer   | 1:14-cv-05810 Abney et al v. General Motors, LLC |
| Arroyos, Jennifer IANF Jared Arroyos                      | 1:14-cv-05810 Abney et al v. General Motors, LLC |
| Arroyos, Jennifer IANF Josalyn Arroyos                    | 1:14-cv-05810 Abney et al v. General Motors, LLC |
| Babcock, Garry  | 1:14-cv-05810 Abney et al v. General Motors, LLC |
| Barrington, Billie IANF Haylee Navarro IARE Chris Prinkki | 1:14-cv-05810 Abney et al v. General Motors, LLC |
| Benjamin, Cassandra IARE Tiffany Benjamin                 | 1:14-cv-05810 Abney et al v. General Motors, LLC |
| Bentley, Mary   | 1:14-cv-05810 Abney et al v. General Motors, LLC |
| Bombard, James  | 1:14-cv-05810 Abney et al v. General Motors, LLC |
| Bristow, Brad   | 1:14-cv-05810 Abney et al v. General Motors, LLC |
| Brock, Avis   | 1:14-cv-05810 Abney et al v. General Motors, LLC |
| Brooks, Rodney IARE Brandon Brooks                        | 1:14-cv-05810 Abney et al v. General Motors, LLC |
| Brown, Debra  | 1:14-cv-05810 Abney et al v. General Motors, LLC |
| Brown, Debra IANF Natalie Brown                           | 1:14-cv-05810 Abney et al v. General Motors, LLC |
| Bryant, Tamikiara   | 1:14-cv-05810 Abney et al v. General Motors, LLC |
| Burnett, Christian  | 1:14-cv-05810 Abney et al v. General Motors, LLC |
| Cadena, Alma  | 1:14-cv-05810 Abney et al v. General Motors, LLC |
| Casanova, Angelica  | 1:14-cv-05810 Abney et al v. General Motors, LLC |
| Casey, Jane   | 1:14-cv-05810 Abney et al v. General Motors, LLC |

**EXHIBIT "A"**

| <b>Name</b>   | <b>Cause No.</b>                                 |
|---|--|
| Clark, William  | 1:14-cv-05810 Abney et al v. General Motors, LLC |
| Cortinas, Rosie IARE Amador M.<br>Cortinas              | 1:14-cv-05810 Abney et al v. General Motors, LLC |
| Cousette, Kenneth                                       | 1:14-cv-05810 Abney et al v. General Motors, LLC |
| Craig, Lakeshia   | 1:14-cv-05810 Abney et al v. General Motors, LLC |
| Davis, Charles  | 1:14-cv-05810 Abney et al v. General Motors, LLC |
| Davis, Lisa   | 1:14-cv-05810 Abney et al v. General Motors, LLC |
| Duffy, Ginger   | 1:14-cv-05810 Abney et al v. General Motors, LLC |
| Eckstein, Candice Marie                                 | 1:14-cv-05810 Abney et al v. General Motors, LLC |
| Eley, Stacy L   | 1:14-cv-05810 Abney et al v. General Motors, LLC |
| Francis, Eduardo  | 1:14-cv-05810 Abney et al v. General Motors, LLC |
| Frazier, Tatum  | 1:14-cv-05810 Abney et al v. General Motors, LLC |
| Gates, Malinda  | 1:14-cv-05810 Abney et al v. General Motors, LLC |
| Gaylor, Jesika  | 1:14-cv-05810 Abney et al v. General Motors, LLC |
| Gomez, Karen  | 1:14-cv-05810 Abney et al v. General Motors, LLC |
| Goodwin, Diane  | 1:14-cv-05810 Abney et al v. General Motors, LLC |
| Hall, Jacquelyn   | 1:14-cv-05810 Abney et al v. General Motors, LLC |
| Hampton, Bernice  | 1:14-cv-05810 Abney et al v. General Motors, LLC |
| Haywood-Richmond, Kimberly<br>IARE Tyrone E Richmond Sr | 1:14-cv-05810 Abney et al v. General Motors, LLC |
| Henson, Felicia   | 1:14-cv-05810 Abney et al v. General Motors, LLC |
| Herren, Gloria  | 1:14-cv-05810 Abney et al v. General Motors, LLC |
| Hosmer, Aaron   | 1:14-cv-05810 Abney et al v. General Motors, LLC |
| Jackson, Martha   | 1:14-cv-05810 Abney et al v. General Motors, LLC |

**EXHIBIT "A"**

| <b>Name</b>  | <b>Cause No.</b>                                 |
|--|--|
| Jenkins, Erika                                     | 1:14-cv-05810 Abney et al v. General Motors, LLC |
| Jones, Linda                                       | 1:14-cv-05810 Abney et al v. General Motors, LLC |
| Kelly, Lawrence P IARE Edith Kelly                 | 1:14-cv-05810 Abney et al v. General Motors, LLC |
| Kenny, Emily IANF Lilly Snow<br>IARE Nicholas Snow | 1:14-cv-05810 Abney et al v. General Motors, LLC |
| Kniceley, Keith                                    | 1:14-cv-05810 Abney et al v. General Motors, LLC |
| Lecocke, John                                      | 1:14-cv-05810 Abney et al v. General Motors, LLC |
| LeRoy, Ashlie IANF Brooklynn<br>Jondall            | 1:14-cv-05810 Abney et al v. General Motors, LLC |
| Lishbrook, Joyce                                   | 1:14-cv-05810 Abney et al v. General Motors, LLC |
| Logan-Hart, Joan                                   | 1:14-cv-05810 Abney et al v. General Motors, LLC |
| Lomax, Everett                                     | 1:14-cv-05810 Abney et al v. General Motors, LLC |
| Magness, Linda                                     | 1:14-cv-05810 Abney et al v. General Motors, LLC |
| Mahoney, Sandi                                     | 1:14-cv-05810 Abney et al v. General Motors, LLC |
| Martinez, Antonio                                  | 1:14-cv-05810 Abney et al v. General Motors, LLC |
| McCracken, James                                   | 1:14-cv-05810 Abney et al v. General Motors, LLC |
| McCracken, James IANF Austin<br>McCracken          | 1:14-cv-05810 Abney et al v. General Motors, LLC |
| Merediz, Kim IARE Jose Merediz                     | 1:14-cv-05810 Abney et al v. General Motors, LLC |
| Meza, Ramiro Jose                                  | 1:14-cv-05810 Abney et al v. General Motors, LLC |
| Mitchell, Augustus Akeem                           | 1:14-cv-05810 Abney et al v. General Motors, LLC |
| Montgomery, Denisha                                | 1:14-cv-05810 Abney et al v. General Motors, LLC |
| Mullen, Terry IARE Carolyn Pryor                   | 1:14-cv-05810 Abney et al v. General Motors, LLC |
| O'Daniel, Ted                                      | 1:14-cv-05810 Abney et al v. General Motors, LLC |
| Obas, Terrance                                     | 1:14-cv-05810 Abney et al v. General Motors, LLC |

**EXHIBIT "A"**

| <b>Name</b>   | <b>Cause No.</b>                                 |
|---|--|
| Pearson, Bradericka                                     | 1:14-cv-05810 Abney et al v. General Motors, LLC |
| Pinnock, Neville  | 1:14-cv-05810 Abney et al v. General Motors, LLC |
| Price, John   | 1:14-cv-05810 Abney et al v. General Motors, LLC |
| Ray, Amber R  | 1:14-cv-05810 Abney et al v. General Motors, LLC |
| Ray, Jeffrey B  | 1:14-cv-05810 Abney et al v. General Motors, LLC |
| Rempert, Delores IARE Jamie Leigh Peyton                | 1:14-cv-05810 Abney et al v. General Motors, LLC |
| Rhodes, Samantha  | 1:14-cv-05810 Abney et al v. General Motors, LLC |
| Rhodes, Samantha IANF Kyndal Rhodes                     | 1:14-cv-05810 Abney et al v. General Motors, LLC |
| Richardson, Priscilla IANF Anthony Nathaniel Richardson | 1:14-cv-05810 Abney et al v. General Motors, LLC |
| Robbins, Laverne  | 1:14-cv-05810 Abney et al v. General Motors, LLC |
| Robertson, April  | 1:14-cv-05810 Abney et al v. General Motors, LLC |
| Robertson, Sarah IANF Shane Robertson                   | 1:14-cv-05810 Abney et al v. General Motors, LLC |
| Russell, Princess                                       | 1:14-cv-05810 Abney et al v. General Motors, LLC |
| Sanders, Martita  | 1:14-cv-05810 Abney et al v. General Motors, LLC |
| Segura, Christopher                                     | 1:14-cv-05810 Abney et al v. General Motors, LLC |
| Showen, Michael   | 1:14-cv-05810 Abney et al v. General Motors, LLC |
| Smith, Charlie  | 1:14-cv-05810 Abney et al v. General Motors, LLC |
| Smith, Kristina L                                       | 1:14-cv-05810 Abney et al v. General Motors, LLC |
| Stewart, Gregory  | 1:14-cv-05810 Abney et al v. General Motors, LLC |
| Stockton, Colby   | 1:14-cv-05810 Abney et al v. General Motors, LLC |
| Sueling-Loons, Josephine                                | 1:14-cv-05810 Abney et al v. General Motors, LLC |
| Touchstone, Janet                                       | 1:14-cv-05810 Abney et al v. General Motors, LLC |



**EXHIBIT "A"**

| <b>Name</b>                            | <b>Cause No.</b>                                     |
|--|--|
| Villarreal Jr., Refugio                | 1:14-cv-05810 Abney et al v. General Motors, LLC     |
| Voigt, Wayne IARE Laura Voigt          | 1:14-cv-05810 Abney et al v. General Motors, LLC     |
| Wallace, Angel                         | 1:14-cv-05810 Abney et al v. General Motors, LLC     |
| Weber, Willie                          | 1:14-cv-05810 Abney et al v. General Motors, LLC     |
| West, Clarice IARE Keith West          | 1:14-cv-05810 Abney et al v. General Motors, LLC     |
| Witherspoon, Timothy                   | 1:14-cv-05810 Abney et al v. General Motors, LLC     |
| Wooten, Kathy                          | 1:14-cv-05810 Abney et al v. General Motors, LLC     |
| Wooten, Shannon IARE Joshua Wooten     | 1:14-cv-05810 Abney et al v. General Motors, LLC     |
| Wright, Yolanda                        | 1:14-cv-05810 Abney et al v. General Motors, LLC     |
| Berard, Brandy                         | 1:14-cv-06924 Edwards, et al. v. General Motors, LLC |
| Bueno, John                            | 1:14-cv-06924 Edwards, et al. v. General Motors, LLC |
| Bueno, Lisa                            | 1:14-cv-06924 Edwards, et al. v. General Motors, LLC |
| Burns, Angela                          | 1:14-cv-06924 Edwards, et al. v. General Motors, LLC |
| Davis, Donna IARE Kendra Davis         | 1:14-cv-06924 Edwards, et al. v. General Motors, LLC |
| Duckett, Raymond                       | 1:14-cv-06924 Edwards, et al. v. General Motors, LLC |
| Ferrell, Tabatha                       | 1:14-cv-06924 Edwards, et al. v. General Motors, LLC |
| Garza, Rosy E                          | 1:14-cv-06924 Edwards, et al. v. General Motors, LLC |
| Harris, Charlesa                       | 1:14-cv-06924 Edwards, et al. v. General Motors, LLC |
| Haseleu, Todd IARE Tiffany Lee Haseleu | 1:14-cv-06924 Edwards, et al. v. General Motors, LLC |
| Higgins, Sherell                       | 1:14-cv-06924 Edwards, et al. v. General Motors, LLC |
| Higgins, Sherell IARE Darneasha Brown  | 1:14-cv-06924 Edwards, et al. v. General Motors, LLC |
| Hillman, Diana                         | 1:14-cv-06924 Edwards, et al. v. General Motors, LLC |

**EXHIBIT "A"**

| <b>Name</b>                              | <b>Cause No.</b>                                     |
|--|--|
| Honeycutt, Sammeeka                      | 1:14-cv-06924 Edwards, et al. v. General Motors, LLC |
| Langley, Kim IARE Richard Bailey         | 1:14-cv-06924 Edwards, et al. v. General Motors, LLC |
| Lindsay, Kenneth IARE Rita Carol Lindsay | 1:14-cv-06924 Edwards, et al. v. General Motors, LLC |
| Lynn, Kenneth A.                         | 1:14-cv-06924 Edwards, et al. v. General Motors, LLC |
| Moindi, Wycliffe                         | 1:14-cv-06924 Edwards, et al. v. General Motors, LLC |
| Peoples, Earlesha                        | 1:14-cv-06924 Edwards, et al. v. General Motors, LLC |
| Peterson, Ranae                          | 1:14-cv-06924 Edwards, et al. v. General Motors, LLC |
| Snyder, Anthony                          | 1:14-cv-06924 Edwards, et al. v. General Motors, LLC |
| Starks, Sharm                            | 1:14-cv-06924 Edwards, et al. v. General Motors, LLC |
| Torres, Aleni                            | 1:14-cv-06924 Edwards, et al. v. General Motors, LLC |
| Torres, Daniel                           | 1:14-cv-06924 Edwards, et al. v. General Motors, LLC |
| Tyler, Jacqueline IARE Altonio Tyler     | 1:14-cv-06924 Edwards, et al. v. General Motors, LLC |
| Vega-Torres, Omaira                      | 1:14-cv-06924 Edwards, et al. v. General Motors, LLC |
| Venable, Houston                         | 1:14-cv-06924 Edwards, et al. v. General Motors, LLC |
| Vogt, Valerie IARE William Vogt          | 1:14-cv-06924 Edwards, et al. v. General Motors, LLC |
| Wallace, Carla IARE Cory Wallace         | 1:14-cv-06924 Edwards, et al. v. General Motors, LLC |
| Wellington, James                        | 1:14-cv-06924 Edwards, et al. v. General Motors, LLC |
| Willis-Singh, Tanya                      | 1:14-cv-06924 Edwards, et al. v. General Motors, LLC |
| Wright, Jacqueline                       | 1:14-cv-06924 Edwards, et al. v. General Motors, LLC |
| Arroyos, Estevan                         | 1:14-cv-08176 Fleck, et al. v. General Motors, LLC   |
| Beckemeyer, Shannon                      | 1:14-cv-08176 Fleck, et al. v. General Motors, LLC   |
| Brown, Audra                             | 1:14-cv-08176 Fleck, et al. v. General Motors, LLC   |

**EXHIBIT "A"**

| <b>Name</b>   | <b>Cause No.</b>                                   |
|---|--|
| Cohen, Kelly  | 1:14-cv-08176 Fleck, et al. v. General Motors, LLC |
| Harrison, Jabrittny   | 1:14-cv-08176 Fleck, et al. v. General Motors, LLC |
| Hellerman, Wayne  | 1:14-cv-08176 Fleck, et al. v. General Motors, LLC |
| Jasper, Kathy   | 1:14-cv-08176 Fleck, et al. v. General Motors, LLC |
| Lewis, Jameka   | 1:14-cv-08176 Fleck, et al. v. General Motors, LLC |
| Licht, Donald   | 1:14-cv-08176 Fleck, et al. v. General Motors, LLC |
| Mahoney, Sandi IANF Brodi<br>Mahoney                              | 1:14-cv-08176 Fleck, et al. v. General Motors, LLC |
| Mahoney, Sandi IANF Brylei<br>Mahoney                             | 1:14-cv-08176 Fleck, et al. v. General Motors, LLC |
| Mahoney, Sandi IANF Serenity<br>Yocum                             | 1:14-cv-08176 Fleck, et al. v. General Motors, LLC |
| Moore, Patricia   | 1:14-cv-08176 Fleck, et al. v. General Motors, LLC |
| Moore, Tajuan   | 1:14-cv-08176 Fleck, et al. v. General Motors, LLC |
| Mounts, William   | 1:14-cv-08176 Fleck, et al. v. General Motors, LLC |
| Myers, Yvonne   | 1:14-cv-08176 Fleck, et al. v. General Motors, LLC |
| Tedder, Brittany  | 1:14-cv-08176 Fleck, et al. v. General Motors, LLC |
| Thomas, Flossie   | 1:14-cv-08176 Fleck, et al. v. General Motors, LLC |
| Williams, Patricia  | 1:14-cv-08176 Fleck, et al. v. General Motors, LLC |
| Woodall, Martha   | 1:14-cv-08176 Fleck, et al. v. General Motors, LLC |
| Yohe, Patrick IARE Christopher<br>Yohe                            | 1:14-cv-09864 Yohe v. General Motors, LLC          |
| Ewing, Deerena  | 1:14-cv-09965 Ewing v. General Motors, LLC         |
| Austin, Larry IARE Lonny Brantley                                 | 1:14-cv-10023 Hayes, et al. v General Motors, LLC  |
| Benjamin, Cassandra IANF Kavion<br>Benjamin IARE Tiffany Benjamin | 1:14-cv-10023 Hayes, et al. v General Motors, LLC  |
| Benjamin, Cassandra IANF Sencere<br>Worthy IARE Tiffany Benjamin  | 1:14-cv-10023 Hayes, et al. v General Motors, LLC  |

**EXHIBIT "A"**

| <b>Name</b>                          | <b>Cause No.</b>                                     |
|--------------------------------------|--|
| Haney, Louise                        | 1:14-cv-10023 Hayes, et al. v General Motors, LLC    |
| Mann, Shanna                         | 1:14-cv-10023 Hayes, et al. v General Motors, LLC    |
| Murtha, Patricia IARE James Murtha   | 1:14-cv-10023 Hayes, et al. v General Motors, LLC    |
| Post, Kimberly                       | 1:14-cv-10023 Hayes, et al. v General Motors, LLC    |
| Price, Mareceia                      | 1:14-cv-10023 Hayes, et al. v General Motors, LLC    |
| Salazar, Michael IARE Julia Salazar  | 1:14-cv-10023 Hayes, et al. v General Motors, LLC    |
| Smith, Kyle                          | 1:14-cv-10023 Hayes, et al. v General Motors, LLC    |
| Voigt, Mary IARE Laura Voigt         | 1:14-cv-10023 Hayes, et al. v General Motors, LLC    |
| Webb, Ian A. IARE Jamie Leigh Peyton | 1:14-cv-10023 Hayes, et al. v General Motors, LLC    |
| Collazo, Evelyn                      | 1:15-cv-01354 Bendermon et al v. General Motors, LLC |
| Davis, Cindy                         | 1:15-cv-01354 Bendermon et al v. General Motors, LLC |
| Duenez, Salvador                     | 1:15-cv-01354 Bendermon et al v. General Motors, LLC |
| Fowler, Jennifer                     | 1:15-cv-01354 Bendermon et al v. General Motors, LLC |
| Hess, Christi                        | 1:15-cv-01354 Bendermon et al v. General Motors, LLC |
| Hess, Christi IANF Caleb Walker      | 1:15-cv-01354 Bendermon et al v. General Motors, LLC |
| McKinney, Wayne                      | 1:15-cv-01354 Bendermon et al v. General Motors, LLC |
| Miles, James                         | 1:15-cv-01354 Bendermon et al v. General Motors, LLC |
| Oberoi, Manju                        | 1:15-cv-01354 Bendermon et al v. General Motors, LLC |
| Pollard, Monique                     | 1:15-cv-01354 Bendermon et al v. General Motors, LLC |
| Ramirez, Patricia                    | 1:15-cv-01354 Bendermon et al v. General Motors, LLC |
| Hess, Christi IANF Chase Walker      | 1:15-cv-02844 Morgan et al v. General Motors, LLC    |
| Hess, Christi IANF Emilea Walker     | 1:15-cv-02844 Morgan et al v. General Motors, LLC    |

**EXHIBIT "A"**

| <b>Name</b>                            | <b>Cause No.</b>                                      |
|--|---|
| Warwick, Kalen                         | 1:15-cv-02844 Morgan et al v. General Motors, LLC     |
| Adams, Tanisha                         | 1:15-cv-04142 Altebaumer et al v. General Motors, LLC |
| Amos, Gina IARE Remington Lee Neeley   | 1:15-cv-04142 Altebaumer et al v. General Motors, LLC |
| Benson, Kelvin                         | 1:15-cv-04142 Altebaumer et al v. General Motors, LLC |
| Bush, Paige Jeanette                   | 1:15-cv-04142 Altebaumer et al v. General Motors, LLC |
| Clark, Gregory                         | 1:15-cv-04142 Altebaumer et al v. General Motors, LLC |
| English, Agnes                         | 1:15-cv-04142 Altebaumer et al v. General Motors, LLC |
| Hanson, Gonzella IARE Dominique Hanson | 1:15-cv-04142 Altebaumer et al v. General Motors, LLC |
| Herrin, Howell                         | 1:15-cv-04142 Altebaumer et al v. General Motors, LLC |
| Hinton, Shanta                         | 1:15-cv-04142 Altebaumer et al v. General Motors, LLC |
| Hogan, Kayla                           | 1:15-cv-04142 Altebaumer et al v. General Motors, LLC |
| Lambert, Lisa IARE Lawrence Lambert    | 1:15-cv-04142 Altebaumer et al v. General Motors, LLC |
| Loudermilk, Jason                      | 1:15-cv-04142 Altebaumer et al v. General Motors, LLC |
| Majesky, Mary Lou                      | 1:15-cv-04142 Altebaumer et al v. General Motors, LLC |
| Matula, James                          | 1:15-cv-04142 Altebaumer et al v. General Motors, LLC |
| Meeks, Darren                          | 1:15-cv-04142 Altebaumer et al v. General Motors, LLC |
| Osbie, Lekisha                         | 1:15-cv-04142 Altebaumer et al v. General Motors, LLC |
| Riley, Travis                          | 1:15-cv-04142 Altebaumer et al v. General Motors, LLC |
| Robertson, Kelly                       | 1:15-cv-04142 Altebaumer et al v. General Motors, LLC |
| Robertson, Kelly IANF Makayla Owens    | 1:15-cv-04142 Altebaumer et al v. General Motors, LLC |
| Robinson, Annette                      | 1:15-cv-04142 Altebaumer et al v. General Motors, LLC |
| Rooney, Thomas IARE Jennie Rooney      | 1:15-cv-04142 Altebaumer et al v. General Motors, LLC |

**EXHIBIT "A"**

| <b>Name</b>                             | <b>Cause No.</b>                                      |
|---|---|
| Schultz, Shannon                        | 1:15-cv-04142 Altebaumer et al v. General Motors, LLC |
| Scott, Isheisa IARE Lee Scott           | 1:15-cv-04142 Altebaumer et al v. General Motors, LLC |
| Silva, Jesse                            | 1:15-cv-04142 Altebaumer et al v. General Motors, LLC |
| Simon, Constance                        | 1:15-cv-04142 Altebaumer et al v. General Motors, LLC |
| Slan, Jerrelle                          | 1:15-cv-04142 Altebaumer et al v. General Motors, LLC |
| Tanner, Crystal                         | 1:15-cv-04142 Altebaumer et al v. General Motors, LLC |
| Thomas, William                         | 1:15-cv-04142 Altebaumer et al v. General Motors, LLC |
| Williams, Mark                          | 1:15-cv-04142 Altebaumer et al v. General Motors, LLC |
| Winfrey, Lois                           | 1:15-cv-04142 Altebaumer et al v. General Motors, LLC |
| Zlomke, Phillip                         | 1:15-cv-04142 Altebaumer et al v. General Motors, LLC |
| Bollinger, Tasha                        | 1:15-cv-05528 Adams et al v. General Motors, LLC      |
| Brooks, Michael                         | 1:15-cv-05528 Adams et al v. General Motors, LLC      |
| Danise, Vincent John                    | 1:15-cv-05528 Adams et al v. General Motors, LLC      |
| Davis, Saint                            | 1:15-cv-05528 Adams et al v. General Motors, LLC      |
| Edwards, Cedric                         | 1:15-cv-05528 Adams et al v. General Motors, LLC      |
| Hartnett, Carolyn IARE Sara Hartnett    | 1:15-cv-05528 Adams et al v. General Motors, LLC      |
| Haseleu, Tanya IARE Tiffany Lee Haseleu | 1:15-cv-05528 Adams et al v. General Motors, LLC      |
| Higgins, Sherell IANF Darrell Brown Jr. | 1:15-cv-05528 Adams et al v. General Motors, LLC      |
| Hueber, Jamie                           | 1:15-cv-05528 Adams et al v. General Motors, LLC      |
| Huerena, Samuel                         | 1:15-cv-05528 Adams et al v. General Motors, LLC      |
| Jackman, Patricia IARE Jessica Jackman  | 1:15-cv-05528 Adams et al v. General Motors, LLC      |

**EXHIBIT "A"**

| <b>Name</b>                           | <b>Cause No.</b>                                 |
|---------------------------------------|--|
| Langley, Nick IARE Richard Bailey     | 1:15-cv-05528 Adams et al v. General Motors, LLC |
| Lee, Doris                            | 1:15-cv-05528 Adams et al v. General Motors, LLC |
| Machado, Austin IARE Marie Machado    | 1:15-cv-05528 Adams et al v. General Motors, LLC |
| Machado, Charlotte IARE Marie Machado | 1:15-cv-05528 Adams et al v. General Motors, LLC |
| Machado, Socrates IARE Marie Machado  | 1:15-cv-05528 Adams et al v. General Motors, LLC |
| Miller, Tara                          | 1:15-cv-05528 Adams et al v. General Motors, LLC |
| Nieves, Angelo                        | 1:15-cv-05528 Adams et al v. General Motors, LLC |
| Parker, Sonja                         | 1:15-cv-05528 Adams et al v. General Motors, LLC |
| Robin, Amanda                         | 1:15-cv-05528 Adams et al v. General Motors, LLC |
| Sims, Paris                           | 1:15-cv-05528 Adams et al v. General Motors, LLC |
| Stivers, Brandon                      | 1:15-cv-05528 Adams et al v. General Motors, LLC |
| Ward, Kenneth IARE Marie Machado      | 1:15-cv-05528 Adams et al v. General Motors, LLC |
| Wilson, Fred IARE Diane Grace Wilson  | 1:15-cv-05528 Adams et al v. General Motors, LLC |
| Bradshaw, Donna                       | 1:15-cv-06578 Blood v. General Motors, LLC       |
| Cross, Delilah                        | 1:15-cv-06578 Blood v. General Motors, LLC       |
| Douglas, James                        | 1:15-cv-06578 Blood v. General Motors, LLC       |
| Douglas, Kenneth                      | 1:15-cv-06578 Blood v. General Motors, LLC       |
| Lindsey, Heath                        | 1:15-cv-06578 Blood v. General Motors, LLC       |
| Moore, Patricia A.                    | 1:15-cv-06578 Blood v. General Motors, LLC       |
| Najfus, Cynthia                       | 1:15-cv-06578 Blood v. General Motors, LLC       |
| Roberts, Fredrick                     | 1:15-cv-06578 Blood v. General Motors, LLC       |
| Sanderson, Joshua                     | 1:15-cv-06578 Blood v. General Motors, LLC       |

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**EXHIBIT "A"**

| <b>Name</b>      | <b>Cause No.</b>                           |
|------------------|--|
| Shaw, Benjamin   | 1:15-cv-06578 Blood v. General Motors, LLC |
| Smith, Diedra    | 1:15-cv-06578 Blood v. General Motors, LLC |
| Tanner, Charlene | 1:15-cv-06578 Blood v. General Motors, LLC |
| Westfall, Wayde  | 1:15-cv-06578 Blood v. General Motors, LLC |
| Wilson, Keith    | 1:15-cv-06578 Blood v. General Motors, LLC |



# **EXHIBIT B**

**Notice to Certain Plaintiffs in General Motors Ignition Switch Litigation**

1. You are a plaintiff in *In re: General Motors LLC Ignition Switch Litigation*, 14-MD-2543 (JMF), a case now pending before the Honorable Jesse M. Furman, United States District Judge for the Southern District of New York.
2. Attached is an Order entered by Judge Furman on November 27, 2017. As the Order explains, Hilliard Martinez Gonzales, Thomas J. Henry Injury Attorneys, and Matthews & Associates applied for permission to withdraw as your lawyers in connection with this case, and the Court has granted them permission to withdraw. Accordingly, as of this time, you are no longer represented by Hilliard Martinez Gonzales, Thomas J. Henry Injury Attorneys, and Matthews & Associates in connection with this case.
3. You may hire a lawyer to represent you in this case or you may proceed *pro se* (that is, you may represent yourself without the assistance of a lawyer). If you choose to proceed *pro se*, all communications with the Court should be through the *Pro Se* Office of the United States District Court for the Southern District of New York. The *Pro Se* Office is located in Room 200 of the United States Courthouse, 500 Pearl Street, New York, NY 10007, and may be reached at (212) 805-0175.
4. If you choose to represent yourself, you may also seek assistance from a *Pro Se* Law Clinic run by the New York Legal Assistance Group, which is available to assist individuals who are parties in civil cases and do not have lawyers. It is located in the Thurgood Marshall United States Courthouse, 40 Centre Street, New York, NY in Room LL22, and may be reached on weekdays from 10 a.m. to 4 p.m. Eastern Time at (212) 659-6190. The Clinic may be able to provide you with advice in connection with your case.
5. Regardless of whether you retain a new lawyer to represent you or if you proceed *pro se*, you are responsible for complying with all the Court's orders and its Individual Rules and Practices. A copy of the Court's Individual Rules and Practices is attached.
6. **Judge Furman's Order of November 27, 2017, contains some important deadlines and you should read it with care. Failure to meet the deadlines may result in dismissal of your claims.**
7. As set forth in Judge Furman's Order, **if you wish to continue with your claims, you must file a new lawsuit in the United States District Court for the Southern District of New York by February 26, 2018, and pay any associated filing fees.** You must also file a Related Case Statement, available at [www.nysd.uscourts.gov/forms.php](http://www.nysd.uscourts.gov/forms.php), identifying the new lawsuit as related to these proceedings (*In re: General Motors Ignition Switch Litigation*, 14-MD-2543 (JMF)).
8. **If you do not file a new lawsuit in the United States District Court for the Southern District of New York by February 26, 2018, your claims may be dismissed.** As set forth in the Court's Order, your claims would first be dismissed *without* prejudice (that is, they could be refiled, subject to other potential restrictions). You would then have **thirty (30) days** within which to file a new lawsuit in the United States District Court for the Southern District of New York and to pay any associated filing fee. If you failed to do so, your claims could be dismissed *with* prejudice. If the Court dismisses your claims *with* prejudice, you will no longer be able to file a lawsuit in connection with your claims.
9. If you file a new lawsuit in accordance with Judge Furman's Order, General Motors LLC will seek to meet and confer with you in good faith before the litigation proceeds further. If you are represented, GM LLC will instead meet and confer with your counsel.
10. This Notice has been reviewed and approved by Judge Furman. To the extent that there is any conflict between the Notice and Judge Furman's Order of November 27, 2017, the Order controls.

# **EXHIBIT C**

Revised: November 3, 2017

**INDIVIDUAL RULES AND PRACTICES IN CIVIL *PRO SE* CASES**

**Jesse M. Furman, United States District Judge**

**Pro Se Office**

United States District Court  
Southern District of New York  
500 Pearl Street, Room 200  
New York, NY 10007  
(212) 805-0175

**Unless otherwise ordered by the Court, these Individual Practices apply to all civil cases involving *pro se* litigants (that is, litigants without counsel) before Judge Furman.**

**1. Communications with Chambers**

- A. By a *Pro Se* Party.** All communications with the Court by a *pro se* party should be delivered in person or mailed to the *Pro Se* Office, United States Courthouse, 500 Pearl Street, Room 200, New York, New York 10007. No documents or court filings may be sent directly to Chambers. **Any questions should be directed to the *Pro Se* Office at (212) 805-0175; *pro se* parties may not call the Court directly.** Unless the Court orders otherwise, all communications with the Court will be docketed upon receipt; such docketing shall constitute service on any user of the ECF system. If any other party is not a user of the ECF system (*e.g.*, if there is another *pro se* party in the case), a *pro se* party must send copies of any filing to that party and include an Affidavit of Service or other statement affirming that it has done so. Copies of correspondence between a *pro se* party and opposing parties shall not be sent to the Court.
- B. By Parties Represented by Counsel.** Except as otherwise provided below, communications with the Court by a represented party shall be governed by Judge Furman's Individual Rules and Practices in Civil Cases, available at <http://nysd.uscourts.gov/judge/Furman>.
- C. Requests for Adjournments or Extensions of Time.** All requests for adjournments or extensions of time must be made in writing and must state: (1) the original date(s); (2) the number of previous requests for adjournment or extension; (3) whether these previous requests were granted or denied; (4) the reasons for the requested extension; (5) whether the adversary consents and, if not, the reasons given by the adversary for refusing to consent; and (6) the date of the parties' next scheduled appearance before the Court. If the requested adjournment or extension affects any other scheduled dates, a represented party must submit a proposed Revised Scheduling Order in accordance with Judge Furman's Individual Rules and Practices in Civil Cases. A *pro se* party may, but

is not required to, submit a proposed Revised Scheduling Order. Requests for extensions of deadlines regarding a matter that has been referred to a Magistrate Judge shall be directed to that assigned Magistrate Judge.

Absent an emergency, any request for extension or adjournment shall be made *at least 48 hours* prior to the deadline or scheduled appearance. Requests for extensions will ordinarily be denied if made after the expiration of the original deadline.

## 2. Filing of Papers and Service

- A. Papers Filed by a *Pro Se* Party.** All papers to be filed with the Court by a *pro se* party, along with one courtesy copy of those papers, shall be delivered in person or sent by mail to the *Pro Se* Office, United States Courthouse, 500 Pearl Street, Room 200, New York, New York 10007. Any *pro se* party that wishes to participate in electronic case filing (“e-filing”) must file a Motion for Permission for Electronic Case Filing (available at <http://nysd.uscourts.gov/file/forms/motion-for-permission-for-electronic-case-filing-for-pro-se-cases> and in the *Pro Se* Office). If the Court grants a motion to participate in “e-filing,” that party *will not* receive hardcopies of any document filed electronically via ECF.
- B. Service on a *Pro Se* Party.** Counsel in *pro se* cases must serve a *pro se* party with a paper copy of any document that is filed electronically and must file with the Court a separate Affidavit of Service. Submissions filed without proof of service that the *pro se* party was served will not be considered.

## 3. Discovery

All requests for discovery by a *pro se* party should be sent to counsel for the party from whom discovery is sought. Discovery requests should not be sent to the Court.

If there are any discovery disputes, the parties are required to confer with one another in an effort to resolve the dispute without the need for Court intervention. If the parties are unable to resolve their dispute, either party may file a letter-motion, no longer than three pages and in accordance with Paragraph 1 above, explaining the nature of the dispute and requesting an informal conference. If the opposing party wishes to respond to the letter, it must promptly file a responsive letter, not to exceed three pages.

## 4. Motions

- A. Filing and Service.** Unless otherwise ordered by the Court, papers filed in opposition to a motion must be served and filed within 30 days of service of the

motion papers, and reply papers, if any, must be served and filed within two weeks of receipt of opposition papers.

- B. *Pro Se* Notices.** Parties who file a motion to dismiss, a motion for judgment on the pleadings, or a motion for summary judgment must provide the *pro se* party with a copy of the notices required under Local Civil Rules 12.1 or 56.2.
- C. Special Rule for Summary Judgment Motions.** With respect to any deposition that is supplied, whether in whole or in part, in connection with a summary judgment motion, the index to the deposition should be included if it is available.
- D. Courtesy Copy.** One courtesy hard copy of all formal motion papers, marked as such, should be submitted to Chambers *by the non-pro se party* at the time the reply is due. Courtesy copies should not be submitted to Chambers at the time of filing. If all the parties are *pro se*, then no courtesy copies of formal motion papers are required.
- E. Oral Argument.** Unless otherwise ordered by the Court, oral argument will not be heard in *pro se* matters.

## 5. Initial Case Management Conference

Absent a motion to dismiss, the Court will generally schedule an initial case management conference within four months of the filing of the complaint. The Notice of Initial Pretrial Conference will be docketed on ECF and mailed to the *pro se* party or parties.

The Court will set a schedule for the case at the initial case management conference. In most cases, the Court will give the parties four months (from the date of the conference) to complete all discovery, and set a deadline for the filing of any motions for summary judgment 30 days after the close of discovery. In advance of the initial case management conference, the parties should, if practicable, confer with one another to determine if such a schedule would be appropriate or if there is anything unusual about the case that would require more time and be prepared to discuss those issues at the conference. The Court will issue a written order memorializing all dates and deadlines following the conference.

An incarcerated party may not be able to attend this or other conferences, but may be able to participate by telephone. If an incarcerated party does not have counsel and is unable to participate by telephone, a family member or a representative may attend the conference. In such instances, the incarcerated party may write to the Court in advance of the conference regarding any issue the *pro se* party wishes to have addressed at the conference. If a representative is designated, he or she should contact Chambers at (212) 805-0282 to determine the location of the conference. The Court will also have a transcript of the conference sent to the incarcerated party.

## 6. Trial Documents

- A. Pretrial Statement.** Unless otherwise ordered by the Court, within 30 days of the completion of all discovery or, if a summary judgment motion is filed, within 30 days of the Court's ruling on summary judgment, the plaintiff in a *pro se* case shall file a concise, written Pretrial Statement. This Statement need take no particular form, but it must contain the following: (1) a statement of the facts the plaintiff hopes to prove at trial; (2) a list of all documents or other physical objects that the plaintiff plans to put into evidence at trial; and (3) a list of the names and addresses of all witnesses the plaintiff intends to have testify at trial. The Statement must be sworn by the plaintiff to be true and accurate based on the facts known by the plaintiff. If *pro se*, the plaintiff shall file an original of this Statement, plus one courtesy copy, with the *Pro Se* Office. Two weeks after service of the plaintiff's Statement, the defendant must file and serve a similar Statement of its case containing the same information.
- B. Other Pretrial Filings.** If the case is to be tried before only a Judge without a jury, any parties represented by counsel must also file proposed findings of fact and conclusions of law at the time of filing the Pretrial Statement. If the case is to be tried before a jury, any parties represented by counsel must also file proposed *voir dire* questions, a proposed jury charge, and a proposed verdict form at the time of filing the Pretrial Statement. At the time of filing, a represented party should e-mail these documents to the Court ([Furman\\_NYSDChambers@nysd.uscourts.gov](mailto:Furman_NYSDChambers@nysd.uscourts.gov)), in both .pdf and Microsoft Word formats. The *pro se* party may file such documents, but is not required to do so and need not submit them by e-mail.

## 7. *Pro Se* Clinic

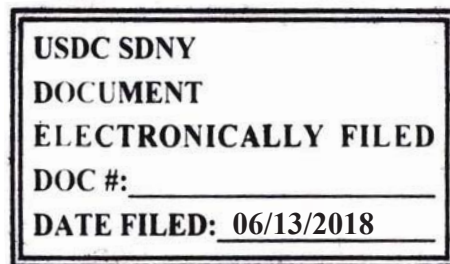
In 2016, a *Pro Se* Law Clinic opened in this District to assist non-incarcerated people who are parties in civil cases and do not have lawyers. The Clinic may be able to provide a non-incarcerated *pro se* litigant with advice in connection with his or her case. The *Pro Se* Law Clinic is run by a private organization called the New York Legal Assistance Group; it is not part of, or run by, the Court (and, among other things, therefore cannot accept filings on behalf of the Court, which must still be made by any unrepresented party through the *Pro Se* Intake Unit). The Clinic is located in the Thurgood Marshall United States Courthouse, 40 Centre Street, New York, New York, in Room LL22, which is just inside the Pearl Street entrance to that Courthouse. The Clinic is open on weekdays from 10 a.m. to 4 p.m., except on days when the Court is closed. An unrepresented party can make an appointment in person or by calling (212) 659-6190.

**Exhibit C**

June 13, 2018 Withdrawal Order



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



-----x  
IN RE:

GENERAL MOTORS LLC IGNITION SWITCH  
LITIGATION

14-MD-2543 (JMF)

*This Document Relates To:*

*Atz, et al., v. General Motors LLC, 15-CV-5222;*  
*Edwards, et al., v. General Motors LLC, 14-CV-6924;*  
*Adams, et al. v. General Motors LLC, 15-CV-5528;*  
*Bendermon, et al. v. General Motors LLC, 15-CV-1354*

ORDER

-----x  
JESSE M. FURMAN, United States District Judge:

**[Regarding Withdrawal of Representation by the Firms as to the Affected Plaintiffs]**

Bailey Peavy Bailey Cowan Heckaman PLLC, Pulaski Law Firm, PLLC, Hilliard Martinez Gonzales, and Thomas J. Injury Attorneys (collectively, the “Firms”) have moved to withdraw from their representation of the 12 plaintiffs listed on Exhibit A (the “Affected Plaintiffs”) in response to New GM’s notices or motions filed pursuant to Order 140. (See Docket Nos. 5574 and 5580 (the “Motions”). New GM does not oppose the Motions as to the Affected Plaintiffs, but filed a response on June 11, 2018 (Docket No. 5663), seeking an order setting forth a process consistent with the process adopted by the Court in Order No. 137 (Docket No. 4840) to address the claims of the Affected Plaintiffs listed on Exhibit A.

Upon consideration of the Firms’ motions and New GM’s proposed order, and for good cause shown, it is hereby ORDERED that:

1. The Firms’ Motions are hereby GRANTED, substantially for the reasons set forth in their memoranda of law and supporting declarations. (See Docket Nos. 5421 and 5428).
2. As a condition of withdrawal, the Firms shall, **no later than June 20, 2018**,

serve upon the Affected Plaintiffs (1) a copy of the “Notice to Certain Plaintiffs in General Motors Ignition Switch Litigation” attached hereto as Exhibit B; (2) a copy of this Order; and (3) a copy of this Court’s Individual Rules and Practices for *Pro Se* Cases, which is attached to this Order as Exhibit C. The Order and the Court’s Individual Rules should be attached to the “Notice to Certain Plaintiffs in General Motors Ignition Switch Litigation” such that the “Notice” is the first page of the materials enclosed. The Firms shall file proof of such service **no later than June 27, 2018**. Additionally, within ten (10) days of entry of this Order the Firms shall file with the Court (on the 14-MD-2543 Docket) a single document identifying (1) the current service address, including email address where available, for the Affected Plaintiffs; and (2) any Affected Plaintiffs who remain represented by other counsel and the contact information for such counsel. The Firms shall submit a copy of the document, in Microsoft Word or Microsoft Excel format, to the Court by e-mail on the same date.

3. The Affected Plaintiffs are hereby ordered to file, **in the form of a new lawsuit**, an amended and severed complaint in the United States District Court for the Southern District of New York within ninety (90) days — that is, **September 12, 2018** — and to pay any filing fee associated with filing a complaint pursuant to 28 U.S.C. § 1914(a). In conjunction with any amended and severed complaint, an Affected Plaintiff shall also file a Related Case Statement, available at [www.nysd.uscourts.gov/forms.php](http://www.nysd.uscourts.gov/forms.php), identifying the new lawsuit as related to these proceedings (*In General Motors Ignition Switch Litigation*, 14-MD-2543 (JMF)). As another federal court has explained:

In multidistrict cases considering severance of cases, courts have noted that the filing fee has two salutary purposes. First, it is a revenue raising measure. Second, § 1914(a) acts as a threshold barrier, albeit a modest one, against the filing of frivolous or otherwise meritless lawsuits. Had each plaintiff initially instituted a separate lawsuit as should have occurred here, a fee would have been collected for each one. Thus, the federal fisc and more particularly the federal courts are being

wrongfully deprived of their due. By misjoining claims, a lawyer or party need not balance the payment of the filing fee against the merits of the claim or claims.

*In re BitTorrent Adult Film Copyright Infringement Cases*, 296 F.R.D. 80, 92 (E.D.N.Y. 2012) (internal citations and quotations omitted); *accord In re Asbestos Prod. Liab. Litig.*, 2008 WL 4290954, at \*2–3 (E.D. Pa. Sept. 18, 2008) (requiring amended and severed complaint and payment of filing fee within 60 days on pain of dismissal with prejudice); *In re Seroquel Prod. Liab. Litig.*, 2007 WL 737589, at \*2–3 (M.D. Fla. Mar. 7, 2007) (noting “gatekeeping feature of a filing fee and the cost of managing [] additional cases in the federal court system as a whole, both as a part of this multi-district case and once remanded to the transferor or proper court, as individual cases”); *In re Diet Drugs*, 325 F.Supp.2d 540, 542 (E.D.Pa. 2004) (“We view the payment of a [] filing fee for every severed and amended complaint not only as just but as mandated by § 1914(a). We do not read § 1914(a) to bestow a free ride on misjoined or misjoining plaintiffs.”).

4. Pursuant to Order No. 144 (MDL Docket No. 5296), in order to facilitate the assignment of these new cases to the undersigned for inclusion in the MDL and the orderly termination of Affected Plaintiffs from their initial dockets (as of the date of the newly filed amended and severed complaint), each Affected Plaintiff shall (1) prominently note in the Related Case Statement that he or she is an existing plaintiff in an existing case, citing the case name and docket number of that case; (2) reference in the Related Case Statement the MDL Order pursuant to which he or she is filing an amended and severed complaint; and (3) attach as an exhibit to the Related Case Statement a copy of the *original* complaint in which the Affected Plaintiff is already associated (if the Affected Plaintiff has access to the original complaint).

5. Any Affected Plaintiff who fails to comply with his or her obligation under the

Order to file, as a new lawsuit in this District, an amended and severed complaint and to pay any associated filing fee will be subject to having his or her claims dismissed. If any Affected Plaintiff has not filed, as a new lawsuit in this District, an amended and severed complaint and paid any filing fee within ninety (90) days of this Order, New GM may file a First Notice of Non-Compliance identifying the Affected Plaintiffs who have failed to comply with this Order and requesting that the Court enter an Order dismissing their claims without prejudice. New GM will serve any non-compliant Affected Plaintiff with the First Notice of Non-Compliance and any Order issued by the Court with respect to that Notice — by sending a copy via first class mail to the mailing address and/or email (where available) using the contact information provided by the Firms — and file proof of service.

6. If the Court dismisses the claims of an Affected Plaintiff without prejudice under the previous paragraph, the Order dismissing the claim without prejudice will be converted to a Dismissal With Prejudice upon New GM's filing of a Second Notice of Non-Compliance — to be filed no earlier than thirty (30) days after the Court's entry of the Order of dismissal without prejudice — unless an Affected Plaintiff files, in the form of a new lawsuit in this District, an amended and severed complaint and pays any associated filing fee. New GM will likewise serve any non-compliant Affected Plaintiff with the Second Notice of Non-Compliance and any order issued by the Court with respect to that Notice — by sending a copy via first class mail to the mailing address and/or email (where available) using the contact information provided by the Firms — and file proof of service.

7. If or when an Affected Plaintiff files, as a new lawsuit in this District, an amended and severed complaint and pays any associated filing fee, the Court will enter an order severing that Affected Plaintiff from his or her existing omnibus complaint. (There is

no need to do so with respect to any Affected Plaintiff who fails to file an amended and severed complaint by the deadline, as his or her claims will be dismissed from his or her existing omnibus complaint.) *See* Fed. R. Civ. P. 21 (“The court may also sever any claim against a party.”). If the Court fails to do so within fourteen days of an amended and severed complaint being filed, New GM shall advise the Court by letter.

8. Within thirty (30) days of the entry of any Order dismissing the claims of the Affected Plaintiffs with prejudice pursuant to this Order, New GM will advise the Court of its views with respect to proposed next steps for any non-dismissed Affected Plaintiff. New GM should first endeavor to meet and confer in good faith with such Affected Plaintiffs (or, if represented, with such Affected Plaintiffs’ counsel).

9. The Affected Plaintiffs are advised that all communications with the Court by a *pro se* (that is, unrepresented) party must be mailed to the *Pro Se* Office, United States Courthouse, 500 Pearl Street, Room 200, New York, New York 10007. No documents or court filings should be sent directly to the Chambers of the undersigned. Copies of correspondence between a *pro se* party and counsel shall not be sent to the Court. The Affected Plaintiffs are also advised that there is a *Pro Se* Law Clinic in this District to assist non-incarcerated people who are parties in civil cases and do not have lawyers. The Clinic may be able to provide an unrepresented Affected Plaintiff with advice in connection with this case. The *Pro Se* Law Clinic is run by a private organization called the New York Legal Assistance Group; it is not part of, or run by, the Court (and, among other things, therefore cannot accept filings on behalf of the Court, which must still be made by any unrepresented party through the *Pro Se* Intake Unit). The Clinic is located in the Thurgood Marshall United States Courthouse, 40 Centre Street, New York, New York, in Room LL22, which is just

inside the Pearl Street entrance to that Courthouse. The Clinic is open on weekdays from 10 a.m. to 4 p.m., except on days when the Court is closed. An Affected Plaintiff can make an appointment in person or by calling (212) 659-6190.

10. New GM shall promptly serve the Affected Plaintiffs with any Order issued by the Court that may affect their rights and file proof of such service.

The Clerk of Court is directed to terminate 14-MD-2543, Docket Nos. 5574 and 5580; 15-CV-5222, Docket No. 208; 14-CV-6924, Docket No. 264; 15-CV-5528, Docket No. 53; and 15-CV-1354, Docket No. 214.

SO ORDERED.

Dated: June 13, 2018  
New York, New York



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JESSE M. FURMAN  
United States District Judge

# Exhibit A

**Exhibit A**

| <b>Name</b>                                     | <b>Case Caption</b>   |
|---|---|
| Hamm, Loretta                                   | Atz, et al., v. General Motors LLC; 1:15-cv-05222   |
| Milam, Mark                                     | Atz, et al., v. General Motors LLC; 1:15-cv-05222   |
| Wilson, Jazmin                                  | Atz, et al., v. General Motors LLC; 1:15-cv-05222   |
| Burton, Sheri                                   | Edwards, et al., v. General Motors LLC; 1:14-cv-06924   |
| Curry, Annie                                    | Edwards, et al., v. General Motors LLC; 1:14-cv-06924   |
| Curry, Jacqueline                               | Edwards, et al., v. General Motors LLC; 1:14-cv-06924   |
| Gonzalez, Deborah<br>(IARE Roberto<br>Gonzalez) | Edwards, et al., v. General Motors LLC; 1:14-cv-06924   |
| Henley, Robert                                  | Edwards, et al., v. General Motors LLC; 1:14-cv-06924   |
| Solomon, Jerald                                 | Edwards, et al., v. General Motors LLC; 1:14-cv-06924   |
| Bendermon, Athena                               | Adams, et al. v. General Motors LLC; 1:15-cv-05528;<br>Bendermon, et al. v. General Motors LLC; 1:15-cv-01354 |
| Bendermon, Athena<br>(OBO Tony<br>Bendermon)    | Adams, et al. v. General Motors LLC; 1:15-cv-05528;<br>Bendermon, et al. v. General Motors LLC; 1:15-cv-01354 |
| Jaure, Nicole                                   | Adams, et al. v. General Motors LLC; 1:15-cv-05528;   |



# Exhibit B

**Notice to Certain Plaintiffs in General Motors Ignition Switch Litigation**

1. You are a plaintiff in *In re: General Motors LLC Ignition Switch Litigation*, 14-MD-2543 (JMF), a case now pending before the Honorable Jesse M. Furman, United States District Judge for the Southern District of New York.
2. Attached is Judge Furman's Order, dated June 13, 2018. As the Order explains, Bailey Peavy Bailey Cowan Heckaman PLLC, Pulaski Law Firm, PLLC, Hilliard Martinez Gonzales, and/or Thomas J. Injury Attorneys (collectively, the "Firms") applied for permission to withdraw as your lawyer in connection with this case, and the Court has granted the Firms permission to withdraw. Accordingly, as of this time, you are no longer represented by any lawyer from the Firms in connection with this case.
3. You may hire a lawyer to represent you in this case or you may proceed *pro se* (that is, you may represent yourself without the assistance of a lawyer). If you choose to proceed *pro se*, all communications with the Court should be through the *Pro Se* Office of the United States District Court for the Southern District of New York. The *Pro Se* Office is located in Room 200 of the United States Courthouse, 500 Pearl Street, New York, NY 10007, and may be reached at (212) 805-0175.
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6. **Judge Furman's Order of June 13, 2018 contains some important deadlines and you should read it with care. Failure to meet the deadlines may result in dismissal of your claim.**
7. As set forth in Judge Furman's Order, **if you wish to continue with your claim, you must file a new lawsuit in the United States District Court for the Southern District of New York by September 12, 2018 and pay any associated filing fees.** You must also file a Related Case Statement, available at [www.nysd.uscourts.gov/forms.php](http://www.nysd.uscourts.gov/forms.php), identifying the new lawsuit as related to these proceedings (*In re: General Motors Ignition Switch Litigation*, 14-MD-2543 (JMF)).
8. In the Related Case Statement you should
  - a. Prominently note that you are an existing plaintiff in an existing case. You should cite the name and docket number of that case.
  - b. Reference the name and number of the MDL Order that directed you to file an amended and severed complaint.

9. You should attach to the Related Case Statement a copy of the *original* complaint in which you first appeared as a plaintiff in the General Motors MDL (if you have access to the original complaint).
10. **If you do not file a new lawsuit in the United States District Court for the Southern District of New York by September 12, 2018, your claims may be dismissed.** As set forth in the Court's Order, your claims would first be dismissed *without* prejudice (that is, they could be refiled, subject to other potential restrictions). You would then have **thirty (30) days** within which to file a new lawsuit in the United States District Court for the Southern District of New York and to pay any associated filing fee. If you fail to do so, your claims could be dismissed *with* prejudice. If the Court dismisses your claims *with* prejudice, you will no longer be able to file a lawsuit in connection with your claims.
11. If you file a new lawsuit in accordance with Judge Furman's Order, New GM will seek to meet and confer with you in good faith before the litigation proceeds further. If you are represented, New GM will instead meet and confer with your counsel.
12. This Notice has been reviewed and approved by Judge Furman. To the extent there is any conflict between the Notice and Judge Furman's Order of June 13, 2018, the Order controls.

# Exhibit C

Revised: November 3, 2017

**INDIVIDUAL RULES AND PRACTICES IN CIVIL *PRO SE* CASES**

**Jesse M. Furman, United States District Judge**

**Pro Se Office**

United States District Court  
Southern District of New York  
500 Pearl Street, Room 200  
New York, NY 10007  
(212) 805-0175

**Unless otherwise ordered by the Court, these Individual Practices apply to all civil cases involving *pro se* litigants (that is, litigants without counsel) before Judge Furman.**

**1. Communications with Chambers**

- A. By a *Pro Se* Party.** All communications with the Court by a *pro se* party should be delivered in person or mailed to the *Pro Se* Office, United States Courthouse, 500 Pearl Street, Room 200, New York, New York 10007. No documents or court filings may be sent directly to Chambers. **Any questions should be directed to the *Pro Se* Office at (212) 805-0175; *pro se* parties may not call the Court directly.** Unless the Court orders otherwise, all communications with the Court will be docketed upon receipt; such docketing shall constitute service on any user of the ECF system. If any other party is not a user of the ECF system (*e.g.*, if there is another *pro se* party in the case), a *pro se* party must send copies of any filing to that party and include an Affidavit of Service or other statement affirming that it has done so. Copies of correspondence between a *pro se* party and opposing parties shall not be sent to the Court.
- B. By Parties Represented by Counsel.** Except as otherwise provided below, communications with the Court by a represented party shall be governed by Judge Furman's Individual Rules and Practices in Civil Cases, available at <http://nysd.uscourts.gov/judge/Furman>.
- C. Requests for Adjournments or Extensions of Time.** All requests for adjournments or extensions of time must be made in writing and must state: (1) the original date(s); (2) the number of previous requests for adjournment or extension; (3) whether these previous requests were granted or denied; (4) the reasons for the requested extension; (5) whether the adversary consents and, if not, the reasons given by the adversary for refusing to consent; and (6) the date of the parties' next scheduled appearance before the Court. If the requested adjournment or extension affects any other scheduled dates, a represented party must submit a proposed Revised Scheduling Order in accordance with Judge Furman's Individual Rules and Practices in Civil Cases. A *pro se* party may, but

is not required to, submit a proposed Revised Scheduling Order. Requests for extensions of deadlines regarding a matter that has been referred to a Magistrate Judge shall be directed to that assigned Magistrate Judge.

Absent an emergency, any request for extension or adjournment shall be made *at least 48 hours* prior to the deadline or scheduled appearance. Requests for extensions will ordinarily be denied if made after the expiration of the original deadline.

## 2. Filing of Papers and Service

- A. Papers Filed by a *Pro Se* Party.** All papers to be filed with the Court by a *pro se* party, along with one courtesy copy of those papers, shall be delivered in person or sent by mail to the *Pro Se* Office, United States Courthouse, 500 Pearl Street, Room 200, New York, New York 10007. Any *pro se* party that wishes to participate in electronic case filing (“e-filing”) must file a Motion for Permission for Electronic Case Filing (available at <http://nysd.uscourts.gov/file/forms/motion-for-permission-for-electronic-case-filing-for-pro-se-cases> and in the *Pro Se* Office). If the Court grants a motion to participate in “e-filing,” that party *will not* receive hardcopies of any document filed electronically via ECF.
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## 3. Discovery

All requests for discovery by a *pro se* party should be sent to counsel for the party from whom discovery is sought. Discovery requests should not be sent to the Court.

If there are any discovery disputes, the parties are required to confer with one another in an effort to resolve the dispute without the need for Court intervention. If the parties are unable to resolve their dispute, either party may file a letter-motion, no longer than three pages and in accordance with Paragraph 1 above, explaining the nature of the dispute and requesting an informal conference. If the opposing party wishes to respond to the letter, it must promptly file a responsive letter, not to exceed three pages.

## 4. Motions

- A. Filing and Service.** Unless otherwise ordered by the Court, papers filed in opposition to a motion must be served and filed within 30 days of service of the

motion papers, and reply papers, if any, must be served and filed within two weeks of receipt of opposition papers.

- B. *Pro Se* Notices.** Parties who file a motion to dismiss, a motion for judgment on the pleadings, or a motion for summary judgment must provide the *pro se* party with a copy of the notices required under Local Civil Rules 12.1 or 56.2.
- C. Special Rule for Summary Judgment Motions.** With respect to any deposition that is supplied, whether in whole or in part, in connection with a summary judgment motion, the index to the deposition should be included if it is available.
- D. Courtesy Copy.** One courtesy hard copy of all formal motion papers, marked as such, should be submitted to Chambers *by the non-pro se party* at the time the reply is due. Courtesy copies should not be submitted to Chambers at the time of filing. If all the parties are *pro se*, then no courtesy copies of formal motion papers are required.
- E. Oral Argument.** Unless otherwise ordered by the Court, oral argument will not be heard in *pro se* matters.

## 5. Initial Case Management Conference

Absent a motion to dismiss, the Court will generally schedule an initial case management conference within four months of the filing of the complaint. The Notice of Initial Pretrial Conference will be docketed on ECF and mailed to the *pro se* party or parties.

The Court will set a schedule for the case at the initial case management conference. In most cases, the Court will give the parties four months (from the date of the conference) to complete all discovery, and set a deadline for the filing of any motions for summary judgment 30 days after the close of discovery. In advance of the initial case management conference, the parties should, if practicable, confer with one another to determine if such a schedule would be appropriate or if there is anything unusual about the case that would require more time and be prepared to discuss those issues at the conference. The Court will issue a written order memorializing all dates and deadlines following the conference.

An incarcerated party may not be able to attend this or other conferences, but may be able to participate by telephone. If an incarcerated party does not have counsel and is unable to participate by telephone, a family member or a representative may attend the conference. In such instances, the incarcerated party may write to the Court in advance of the conference regarding any issue the *pro se* party wishes to have addressed at the conference. If a representative is designated, he or she should contact Chambers at (212) 805-0282 to determine the location of the conference. The Court will also have a transcript of the conference sent to the incarcerated party.

## 6. Trial Documents

- A. Pretrial Statement.** Unless otherwise ordered by the Court, within 30 days of the completion of all discovery or, if a summary judgment motion is filed, within 30 days of the Court's ruling on summary judgment, the plaintiff in a *pro se* case shall file a concise, written Pretrial Statement. This Statement need take no particular form, but it must contain the following: (1) a statement of the facts the plaintiff hopes to prove at trial; (2) a list of all documents or other physical objects that the plaintiff plans to put into evidence at trial; and (3) a list of the names and addresses of all witnesses the plaintiff intends to have testify at trial. The Statement must be sworn by the plaintiff to be true and accurate based on the facts known by the plaintiff. If *pro se*, the plaintiff shall file an original of this Statement, plus one courtesy copy, with the *Pro Se* Office. Two weeks after service of the plaintiff's Statement, the defendant must file and serve a similar Statement of its case containing the same information.
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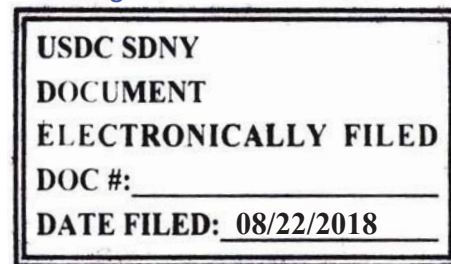
## 7. *Pro Se* Clinic

In 2016, a *Pro Se* Law Clinic opened in this District to assist non-incarcerated people who are parties in civil cases and do not have lawyers. The Clinic may be able to provide a non-incarcerated *pro se* litigant with advice in connection with his or her case. The *Pro Se* Law Clinic is run by a private organization called the New York Legal Assistance Group; it is not part of, or run by, the Court (and, among other things, therefore cannot accept filings on behalf of the Court, which must still be made by any unrepresented party through the *Pro Se* Intake Unit). The Clinic is located in the Thurgood Marshall United States Courthouse, 40 Centre Street, New York, New York, in Room LL22, which is just inside the Pearl Street entrance to that Courthouse. The Clinic is open on weekdays from 10 a.m. to 4 p.m., except on days when the Court is closed. An unrepresented party can make an appointment in person or by calling (212) 659-6190.



**Exhibit D**

August 22, 2018 Withdrawal Order



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
IN RE:

GENERAL MOTORS LLC IGNITION SWITCH  
LITIGATION

14-MD-2543 (JMF)

ORDER

*This Document Relates To:*  
*Edwards, et al., v. General Motors LLC, 14-CV-6924;*  
*Adesanya, et al v. General Motors, LLC, 16-CV-925*

-----X  
JESSE M. FURMAN, United States District Judge:

**[Regarding Withdrawal of Representation by the Firms as to the Affected Plaintiffs]**

Brent Coon & Associates, Hilliard Martinez Gonzales, and Thomas J. Injury Attorneys (collectively, the “Firms”) have moved to withdraw from their representation of Richard Gonzalez and Santoria Gibbs (“the Affected Plaintiffs”) in response to New GM’s notices or motions filed pursuant to Order 140. (See 14-MD-2543, Docket No. 5877 and 16-CV-925, Docket No. 166 (the “Motions”). New GM does not oppose the Motions as to the Affected Plaintiffs, but filed a response on August 16, 2018, seeking an order setting forth a process consistent with the process adopted by the Court in Order No. 137 (Docket No. 4840) to address the claims of the Affected Plaintiffs. Upon consideration of the Firms’ motions and New GM’s proposed order, and for good cause shown, it is hereby ORDERED that:

1. The Firms’ Motions are hereby GRANTED, substantially for the reasons set forth in their memoranda of law and supporting declarations. (See 14-MD-2543, Docket No. 5878 and 16-CV-925, Docket No. 168).

2. As a condition of withdrawal, the Firms shall, **no later than August 28, 2018**, serve upon the Affected Plaintiffs (1) a copy of the “Notice to Certain Plaintiffs in General Motors Ignition Switch Litigation” attached hereto as Exhibit B; (2) a copy of this Order; and

(3) a copy of this Court’s Individual Rules and Practices for *Pro Se* Cases, which is attached to this Order as Exhibit C. The Order and the Court’s Individual Rules should be attached to the “Notice to Certain Plaintiffs in General Motors Ignition Switch Litigation” such that the “Notice” is the first page of the materials enclosed. The Firms shall file proof of such service **no later than August 31, 2018**. Additionally, within ten (10) days of entry of this Order the Firms shall file with the Court (on the 14-MD-2543 Docket) a single document identifying (1) the current service address, including email address where available, for the Affected Plaintiffs; and (2) any Affected Plaintiffs who remain represented by other counsel and the contact information for such counsel. The Firms shall submit a copy of the document, in Microsoft Word or Microsoft Excel format, to the Court by e-mail on the same date.

3. The Affected Plaintiffs are hereby ordered to file, **in the form of a new lawsuit**, an amended and severed complaint in the United States District Court for the Southern District of New York within ninety (90) days — that is, **November 20, 2018** — and to pay any filing fee associated with filing a complaint pursuant to 28 U.S.C. § 1914(a). In conjunction with any amended and severed complaint, an Affected Plaintiff shall also file a Related Case Statement, available at [www.nysd.uscourts.gov/forms.php](http://www.nysd.uscourts.gov/forms.php), identifying the new lawsuit as related to these proceedings (*In General Motors Ignition Switch Litigation*, 14-MD-2543 (JMF)). As another federal court has explained:

In multidistrict cases considering severance of cases, courts have noted that the filing fee has two salutary purposes. First, it is a revenue raising measure. Second, § 1914(a) acts as a threshold barrier, albeit a modest one, against the filing of frivolous or otherwise meritless lawsuits. Had each plaintiff initially instituted a separate lawsuit as should have occurred here, a fee would have been collected for each one. Thus, the federal fisc and more particularly the federal courts are being wrongfully deprived of their due. By misjoining claims, a lawyer or party need not balance the payment of the filing fee against the merits of the claim or claims.

*In re BitTorrent Adult Film Copyright Infringement Cases*, 296 F.R.D. 80, 92 (E.D.N.Y. 2012) (internal citations and quotations omitted); *accord In re Asbestos Prod. Liab. Litig.*, 2008 WL 4290954, at \*2–3 (E.D. Pa. Sept. 18, 2008) (requiring amended and severed complaint and payment of filing fee within 60 days on pain of dismissal with prejudice); *In re Seroquel Prod. Liab. Litig.*, 2007 WL 737589, at \*2–3 (M.D. Fla. Mar. 7, 2007) (noting “gatekeeping feature of a filing fee and the cost of managing [] additional cases in the federal court system as a whole, both as a part of this multi-district case and once remanded to the transferor or proper court, as individual cases”); *In re Diet Drugs*, 325 F.Supp.2d 540, 542 (E.D.Pa. 2004) (“We view the payment of a [] filing fee for every severed and amended complaint not only as just but as mandated by § 1914(a). We do not read § 1914(a) to bestow a free ride on misjoined or misjoining plaintiffs.”).

4. Pursuant to Order No. 144 (MDL Docket No. 5296), in order to facilitate the assignment of these new cases to the undersigned for inclusion in the MDL and the orderly termination of Affected Plaintiffs from their initial dockets (as of the date of the newly filed amended and severed complaint), each Affected Plaintiff shall (1) prominently note in the Related Case Statement that he or she is an existing plaintiff in an existing case, citing the case name and docket number of that case; (2) reference in the Related Case Statement the MDL Order pursuant to which he or she is filing an amended and severed complaint; and (3) attach as an exhibit to the Related Case Statement a copy of the *original* complaint in which the Affected Plaintiff is already associated (if the Affected Plaintiff has access to the original complaint).

5. Any Affected Plaintiff who fails to comply with his or her obligation under the Order to file, as a new lawsuit in this District, an amended and severed complaint and to pay

any associated filing fee will be subject to having his or her claims dismissed. If any Affected Plaintiff has not filed, as a new lawsuit in this District, an amended and severed complaint and paid any filing fee within ninety (90) days of this Order, New GM may file a First Notice of Non-Compliance identifying the Affected Plaintiffs who have failed to comply with this Order and requesting that the Court enter an Order dismissing their claims without prejudice. New GM will serve any non-compliant Affected Plaintiff with the First Notice of Non-Compliance and any Order issued by the Court with respect to that Notice — by sending a copy via first class mail to the mailing address and/or email (where available) using the contact information provided by the Firms — and file proof of service.

6. If the Court dismisses the claims of an Affected Plaintiff without prejudice under the previous paragraph, the Order dismissing the claim without prejudice will be converted to a Dismissal With Prejudice upon New GM's filing of a Second Notice of Non-Compliance — to be filed no earlier than thirty (30) days after the Court's entry of the Order of dismissal without prejudice — unless an Affected Plaintiff files, in the form of a new lawsuit in this District, an amended and severed complaint and pays any associated filing fee. New GM will likewise serve any non-compliant Affected Plaintiff with the Second Notice of Non-Compliance and any order issued by the Court with respect to that Notice — by sending a copy via first class mail to the mailing address and/or email (where available) using the contact information provided by the Firms — and file proof of service.

7. If or when an Affected Plaintiff files, as a new lawsuit in this District, an amended and severed complaint and pays any associated filing fee, the Court will enter an order severing that Affected Plaintiff from his or her existing omnibus complaint. (There is no need to do so with respect to any Affected Plaintiff who fails to file an amended and

severed complaint by the deadline, as his or her claims will be dismissed from his or her existing omnibus complaint.) *See* Fed. R. Civ. P. 21 (“The court may also sever any claim against a party.”). If the Court fails to do so within fourteen days of an amended and severed complaint being filed, New GM shall advise the Court by letter.

8. Within thirty (30) days of the entry of any Order dismissing the claims of the Affected Plaintiffs with prejudice pursuant to this Order, New GM will advise the Court of its views with respect to proposed next steps for any non-dismissed Affected Plaintiff. New GM should first endeavor to meet and confer in good faith with such Affected Plaintiffs (or, if represented, with such Affected Plaintiffs’ counsel).

9. The Affected Plaintiffs are advised that all communications with the Court by a *pro se* (that is, unrepresented) party must be mailed to the *Pro Se* Office, United States Courthouse, 500 Pearl Street, Room 200, New York, New York 10007. No documents or court filings should be sent directly to the Chambers of the undersigned. Copies of correspondence between a *pro se* party and counsel shall not be sent to the Court. The Affected Plaintiffs are also advised that there is a *Pro Se* Law Clinic in this District to assist non-incarcerated people who are parties in civil cases and do not have lawyers. The Clinic may be able to provide an unrepresented Affected Plaintiff with advice in connection with this case. The *Pro Se* Law Clinic is run by a private organization called the New York Legal Assistance Group; it is not part of, or run by, the Court (and, among other things, therefore cannot accept filings on behalf of the Court, which must still be made by any unrepresented party through the *Pro Se* Intake Unit). The Clinic is located in the Thurgood Marshall United States Courthouse, 40 Centre Street, New York, New York, in Room LL22, which is just inside the Pearl Street entrance to that Courthouse. The Clinic is open on weekdays from 10

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a.m. to 4 p.m., except on days when the Court is closed. An Affected Plaintiff can make an appointment in person or by calling (212) 659-6190.

10. New GM shall promptly serve the Affected Plaintiffs with any Order issued by the Court that may affect their rights and file proof of such service.

The Clerk of Court is directed to terminate 14-MD-2543, Docket No. 5877; 16-CV-925, Docket Nos. 166, 168; and 14-CV-6924, Docket No. 282.

SO ORDERED.

Dated: August 22, 2018  
New York, New York

  
\_\_\_\_\_  
JESSE M. FURMAN  
United States District Judge

# Exhibit B



**Notice to Certain Plaintiffs in General Motors Ignition Switch Litigation**

1. You are a plaintiff in *In re: General Motors LLC Ignition Switch Litigation*, 14-MD-2543 (JMF), a case now pending before the Honorable Jesse M. Furman, United States District Judge for the Southern District of New York.
2. Attached is Judge Furman's Order, dated August 22, 2018. As the Order explains, Brent Coon & Associates, Hilliard Martinez Gonzales, and Thomas J. Injury Attorneys (collectively, the "Firms") applied for permission to withdraw as your lawyer in connection with this case, and the Court has granted the Firms permission to withdraw. Accordingly, as of this time, you are no longer represented by any lawyer from the Firms in connection with this case.
3. You may hire a lawyer to represent you in this case or you may proceed *pro se* (that is, you may represent yourself without the assistance of a lawyer). If you choose to proceed *pro se*, all communications with the Court should be through the *Pro Se* Office of the United States District Court for the Southern District of New York. The *Pro Se* Office is located in Room 200 of the United States Courthouse, 500 Pearl Street, New York, NY 10007, and may be reached at (212) 805-0175.
4. If you choose to represent yourself, you may also seek assistance from a *Pro Se* Law Clinic run by the New York Legal Assistance Group, which is available to assist individuals who are parties in civil cases and do not have lawyers. It is located in the Thurgood Marshall United States Courthouse, 40 Centre Street, New York, NY in Room LL22, and may be reached on weekdays from 10 a.m. to 4 p.m. Eastern Time at (212) 659-6190. The Clinic may be able to provide you with advice in connection with your case.
5. Regardless of whether you retain a new lawyer to represent you or if you proceed *pro se*, you are responsible for complying with all the Court's orders and its Individual Rules and Practices. A Copy of the Court's Individual Rules and Practices is attached.
6. **Judge Furman's Order of August 22, 2018 contains some important deadlines and you should read it with care. Failure to meet the deadlines may result in dismissal of your claim.**
7. As set forth in Judge Furman's Order, **if you wish to continue with your claim, you must file a new lawsuit in the United States District Court for the Southern District of New York by November 20, 2018 and pay any associated filing fees.** You must also file a Related Case Statement, available at [www.nysd.uscourts.gov/forms.php](http://www.nysd.uscourts.gov/forms.php), identifying the new lawsuit as related to these proceedings (*In re: General Motors Ignition Switch Litigation*, 14-MD-2543 (JMF)).
8. In the Related Case Statement you should
  - a. Prominently note that you are an existing plaintiff in an existing case. You should cite the name and docket number of that case.
  - b. Reference the name and number of the MDL Order that directed you to file an amended and severed complaint.

9. You should attach to the Related Case Statement a copy of the *original* complaint in which you first appeared as a plaintiff in the General Motors MDL (if you have access to the original complaint).
10. **If you do not file a new lawsuit in the United States District Court for the Southern District of New York by November 20, 2018, your claims may be dismissed.** As set forth in the Court's Order, your claims would first be dismissed *without* prejudice (that is, they could be refiled, subject to other potential restrictions). You would then have **thirty (30) days** within which to file a new lawsuit in the United States District Court for the Southern District of New York and to pay any associated filing fee. If you fail to do so, your claims could be dismissed *with* prejudice. If the Court dismisses your claims *with* prejudice, you will no longer be able to file a lawsuit in connection with your claims.
11. If you file a new lawsuit in accordance with Judge Furman's Order, New GM will seek to meet and confer with you in good faith before the litigation proceeds further. If you are represented, New GM will instead meet and confer with your counsel.
12. This Notice has been reviewed and approved by Judge Furman. To the extent there is any conflict between the Notice and Judge Furman's Order of August 22, 2018, the Order controls.

# Exhibit C

Revised: November 3, 2017

**INDIVIDUAL RULES AND PRACTICES IN CIVIL *PRO SE* CASES**

**Jesse M. Furman, United States District Judge**

**Pro Se Office**

United States District Court  
Southern District of New York  
500 Pearl Street, Room 200  
New York, NY 10007  
(212) 805-0175

**Unless otherwise ordered by the Court, these Individual Practices apply to all civil cases involving *pro se* litigants (that is, litigants without counsel) before Judge Furman.**

**1. Communications with Chambers**

- A. By a *Pro Se* Party.** All communications with the Court by a *pro se* party should be delivered in person or mailed to the *Pro Se* Office, United States Courthouse, 500 Pearl Street, Room 200, New York, New York 10007. No documents or court filings may be sent directly to Chambers. **Any questions should be directed to the *Pro Se* Office at (212) 805-0175; *pro se* parties may not call the Court directly.** Unless the Court orders otherwise, all communications with the Court will be docketed upon receipt; such docketing shall constitute service on any user of the ECF system. If any other party is not a user of the ECF system (*e.g.*, if there is another *pro se* party in the case), a *pro se* party must send copies of any filing to that party and include an Affidavit of Service or other statement affirming that it has done so. Copies of correspondence between a *pro se* party and opposing parties shall not be sent to the Court.
- B. By Parties Represented by Counsel.** Except as otherwise provided below, communications with the Court by a represented party shall be governed by Judge Furman's Individual Rules and Practices in Civil Cases, available at <http://nysd.uscourts.gov/judge/Furman>.
- C. Requests for Adjournments or Extensions of Time.** All requests for adjournments or extensions of time must be made in writing and must state: (1) the original date(s); (2) the number of previous requests for adjournment or extension; (3) whether these previous requests were granted or denied; (4) the reasons for the requested extension; (5) whether the adversary consents and, if not, the reasons given by the adversary for refusing to consent; and (6) the date of the parties' next scheduled appearance before the Court. If the requested adjournment or extension affects any other scheduled dates, a represented party must submit a proposed Revised Scheduling Order in accordance with Judge Furman's Individual Rules and Practices in Civil Cases. A *pro se* party may, but

is not required to, submit a proposed Revised Scheduling Order. Requests for extensions of deadlines regarding a matter that has been referred to a Magistrate Judge shall be directed to that assigned Magistrate Judge.

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- D. Courtesy Copy.** One courtesy hard copy of all formal motion papers, marked as such, should be submitted to Chambers *by the non-pro se party* at the time the reply is due. Courtesy copies should not be submitted to Chambers at the time of filing. If all the parties are *pro se*, then no courtesy copies of formal motion papers are required.
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 Kristin K. Going

*Attorneys for the Motors Liquidation Company  
 GUC Trust Administrator*

**UNITED STATES BANKRUPTCY COURT  
 SOUTHERN DISTRICT OF NEW YORK**

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|--|---|
| -----X   |   |
| <b>In re</b>   | : |
|  | : |
|  | : |
|  | : |
| <b>MOTORS LIQUIDATION COMPANY, et al.,<br/>   f/k/a General Motors Corp., et al.</b> | : |
|  | : |
| <b>Debtors.</b>  | : |
| -----X   |   |

**Chapter 11  
 Case No. 09-50026 (MG)  
 (Jointly Administered)**

**AFFIDAVIT PURSUANT TO LOCAL BANKRUPTCY RULE 9077-1  
 OF KRISTIN GOING**

I, Kristin Going, being duly sworn, hereby declare that the following is true to the best of my knowledge, information, and belief:

**Introduction**

1. I am an attorney admitted to practice before this Court and a partner of McDermott Will & Emery LLP, attorneys for the GUC Trust Administrator of the Motors Liquidation Company GUC Trust (the "GUC Trust"), as established under the Debtors' Second Amended Joint Chapter 11 Plan dated as of March 18, 2011 [ECF No. 9836] (as confirmed, the "Plan") of the above-captioned post-effective date debtors (the "Debtors") in the above-captioned chapter 11 cases (the "Chapter 11 Cases"). Unless otherwise indicated, I have knowledge of the facts set forth herein based on my participation in the Chapter 11 Cases.



2. I submit this Declaration in support of the entry of the proposed *Show Cause Order Establishing February 26, 2020 as the Deadline by Which: (I) the Remaining Late Claimants Must File a Notice of Intention to Proceed Pro Se or (II) Counsel to the Remaining Late Claimants (if any) Must File a Notice of Appearance in These Chapter 11 Cases* (the “Show Cause Order”), attached as **Exhibit A** to the Ex Parte Motion for an Order Pursuant to *Bankruptcy Code Section 105(a) and Local Bankruptcy Rule 9077-1 Establishing February 26, 2020 as the Deadline by Which: (I) the Remaining Late Claimants Must File a Notice of Intention to Proceed Pro Se or (II) Counsel to the Remaining Late Claimants (if any) Must File a Notice of Appearance in These Chapter 11 Cases* (the “Motion”)<sup>1</sup> filed contemporaneously herewith.

**Why Proceeding Other Than by Notice of Motion is Necessary**

4. The GUC Trust Administrator filed the Motion because all interested parties, including the Court, need to know whether any of the Remaining Late Claim Movants intend on prosecuting the Late Claim Motions. Indeed, the Court shared the same concern at the December 10, 2019 Case Management Conference.<sup>2</sup> Furthermore, the GUC Trust Administrator has recently submitted a proposed briefing schedule to adjudicate the Late Claims Motions. It would be more efficient for the GUC Trust Administrator to understand the universe of plaintiffs before it files a brief in connection with the Late Claims Motions.

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<sup>1</sup> Capitalized terms used but not otherwise defined shall have the meaning ascribed to such terms in the Motion.

<sup>2</sup> December 10, 2019 Hearing Transcript at 37:12–17:

THE COURT: Can I impose a deadline for them to decide?

MR. WEINTRAUB: Yes, Your Honor. You could do whatever you want, pretty much.

THE COURT: Well, without getting reversed about it, I mean, I just -- I would like some clarity as to whether they're in, whether they're out.


5. Use of a show cause order is necessary in this situation because it will prevent unnecessary filings and will not confuse the Remaining Late Claims Movants, who are all individuals not represented by counsel. If the GUC Trust Administrator serves the Remaining Late Claim Movants with a notice of the Motion, the notice may confuse the Remaining Late Claim Movants and lead them to file unnecessary responses to the Motion, rendering it ineffective at fulfilling its intended purpose—the filing of a notice of appearance from any personal injury or wrongful death claimant that intends to continue prosecuting the Late Claims Motions.

6. Finally, nothing in the show cause order shall determine the Remaining Late Claim Movants' rights or remedies.

7. Accordingly, the GUC Trust Administrator believes that there are good and sufficient reasons why proceeding other than by notice of motion is necessary.

8. No previous request for the relief sought in the Motion has been made by the GUC Trust Administrator to this or any other court.


Dated: January 23, 2020

  
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Kristin Going

STATE OF NEW YORK    )  
  )ss.:  
COUNTY OF NEW YORK )

I hereby certify that on this 23rd day of January, 2020, before me appeared Kristin Going, to me personally known and who executed the foregoing affidavit.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

  
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Notary Public, MARIA L. CARUSO  
Notary Public, State of New York  
No. 01CA4825888, Qualified in Queens County  
Certificate Filed in New York County  
Commission Expires Jan. 31, 2023