

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
IN RE:

GENERAL MOTORS LLC IGNITION SWITCH LITIGATION

This Document Relates To All Actions
-----x

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

ORDER NO. 55

JESSE M. FURMAN, United States District Judge:


On April 6, 2015, New GM filed a Notice of Overdue Discovery with respect to several economic loss plaintiffs who had failed to submit a substantially complete Plaintiff Fact Sheet (“PFS”) by March 2, 2015 as required by Order No. 45 (14-MD-2543 Docket No. 758). (14-MD-2543 Docket No. 819). On April 23, 2015, New GM filed a motion to dismiss, without prejudice, the claims of two Plaintiffs, Nykea Fox and Courtney Williams, who had yet to submit substantially complete PFSs. (14-MD-2543 Docket No. 865). Pursuant to the terms of Order No. 45, those Plaintiffs had fourteen days “to file a response either (a) certifying that the Plaintiff has submitted a completed PFS or (b) opposing the MDL Defendants’ motion for other reasons.” (Order No. 45 ¶ 3). On May 7, 2015, Lead Counsel filed a letter indicating that “[c]ounsel for Ms. Fox and Mr. Williams have made diligent efforts to contact these Plaintiffs and notify each of the consequences of their inactivity, [including] dismissal of their claims.” (14-MD-2543 Docket No. 938). The letter further stated that “[b]ecause Ms. Fox and Mr. Williams remain unresponsive to their counsel, and have yet to substantially complete a PFS, Lead Counsel does not oppose their dismissal as named plaintiffs and proposed class representatives without prejudice, subject to retention of their rights as putative class members.” (*Id.*).

Nykea Fox and Courtney Williams were placed on notice — upon entry of Order No. 45; upon filing of New GM’s Notice of Overdue Discovery; and again upon filing of New GM’s Motion to Dismiss — that their cases could and would be dismissed if they failed to comply with Order No. 45’s directives. In light of their continued failure to submit substantially complete PFSs, and as Lead Counsel does not oppose their dismissal, New GM’s motion to dismiss, without prejudice, the claims of Nykea Fox and Courtney Williams is GRANTED. The Court notes that if Plaintiffs do, in fact, submit all required documentation within the next thirty days, they can move to vacate the dismissal without prejudice pursuant to Paragraph 4 of the Order.

The Clerk of Court is directed to terminate 14-MD-2543 Docket No. 865.

SO ORDERED.

Dated: May 11, 2015
New York, New York



JESSE M. FURMAN
United States District Judge