



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

GENERAL MOTORS LLC IGNITION SWITCH
LITIGATION

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

ORDER NO. 113

This Document Relates to All Actions

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JESSE M. FURMAN, United States District Judge:

**[Regarding Motion Practice on Successor Liability Claims in
the Fourth Amended Consolidated Complaint]**

The Court, having received and reviewed the parties’ joint proposed order, HEREBY ORDERS, ADJUDGES, AND DECREES that motion practice concerning the successor liability claims in the Fourth Amended Consolidated Complaint (“FACC”), shall proceed as follows.¹

I. MOTION PRACTICE ON SUCCESSOR LIABILITY CLAIMS IN THE FACC

Motion practice on successor liability claims in the FACC shall be limited to the claims of the FACC named plaintiffs in the following jurisdictions: Alabama, California, the District of Columbia, Florida, Illinois, Louisiana, Maryland, Massachusetts, Michigan, Missouri, New York, Oklahoma, Pennsylvania, Texas, Virginia and Wisconsin. New GM shall file one motion to dismiss or motion for summary judgment concerning the successor liability claims of the plaintiffs in the above-mentioned jurisdictions. In the event that New GM files a motion for summary judgment, Plaintiffs shall have the right to respond in any manner that is proper under the Federal Rules of Civil Procedure, including but not limited to a Fed. R. Civ. P. 56(d) affidavit

¹ Nothing in this order shall be construed to waive any of the parties’ arguments, objections or rights with respect to the Second Circuit’s July 13, 2016 Opinion *In re Motors Liquidation Co.* (829 F.3d 135, 2016 WL 3766237 (2d Cir. July 13, 2016)). To the contrary, all such arguments, objections, and rights are expressly preserved.

or declaration, and New GM shall have the right to oppose any such request. New GM's memorandum in support of its motion to dismiss or motion for summary judgment and plaintiffs' opposition memorandum to such motion are limited seventy-five (75) pages, and New GM's reply memorandum in support of such motion is limited to thirty-five (35) pages. New GM's motion to dismiss or motion for summary judgment must be filed by **Friday, November 11, 2016**. Plaintiffs' opposition must be filed by **Friday, December 23, 2016**. New GM's reply must be filed by **Friday, January 13, 2017**.

II. ADDITIONAL MOTION PRACTICE ON SUCCESSOR LIABILITY CLAIMS IN THE FACC

Nothing in the Paragraph shall preclude New GM from conducting additional motion practice on the claims of named plaintiffs in the FACC in states other than those listed above; however, any such additional motion practice shall not occur until further order from the Court after the Court rules on the motion described in Section I. Within 30 days after the Court's decision on the motion described in Section I, the parties shall meet and confer to discuss application of the Court's decision to the named plaintiffs in other states that have not been the subject of such motion practice. **Within 45 days of the Court's decision on the motion described in Section I, the parties shall submit an agreed proposal and schedule regarding additional motion practice** on the successor liability claims of such named plaintiffs or, if the parties have a dispute, competing proposals and schedules for such additional motion practice.

III. NO ANSWER TO THE FACC REQUIRED

New GM shall not be required to file an answer or any other response to the FACC unless and until further order of the Court.

SO ORDERED.

Dated: October 13, 2016
New York, New York



JESSE M. FURMAN
United States District Judge