

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

**IN RE: GENERAL MOTORS LLC
IGNITION SWITCH LITIGATION**

MDL No. 2543

ORDER DENYING MOTION FOR RECONSIDERATION

Before the Panel:* Defendant General Motors LLC (General Motors) moves the Panel to reconsider the October 15, 2014 Panel order that vacated our conditional transfer of the Western District of Louisiana *Morgan* action. Defendant urges the Panel to transfer the action to the Southern District of New York for inclusion in MDL No. 2543. Plaintiffs in *Morgan* oppose the motion and continue to object to transfer of this action.

The actions in MDL No. 2543 involve factual questions arising from allegations stemming from an alleged defect in certain General Motors vehicles that causes the vehicle's ignition switch to move unintentionally from the "run" position to the "accessory" or "off" position. *See In re: General Motors LLC Ignition Switch Litig.*, 26 F. Supp. 3d 1390, 1391 (J.P.M.L. 2014). *Morgan* alleges that plaintiffs' General Motors vehicle was subject to recalls for several defects, including (1) an improperly fastened steering wheel, (2) an improperly installed steering shaft, (3) an improperly installed transmission shift linkage, (4) omitted fuel tank strap brackets, (5) possible oil collection in the engine shield, and (6) defective electric vacuum pump for brake assist. We excluded *Morgan* from MDL No. 2543, finding that plaintiffs did not allege an ignition switch defect, and declining to expand the MDL to include actions that do not include allegations of an ignition switch defect. *See Order Vacating Conditional Transfer Order (Morgan)*, MDL No. 2543 (J.P.M.L. Oct. 15, 2014).

Defendant argues that circumstances have changed since we issued that order such that reconsideration is appropriate. First, defendant asserts that the consolidated complaint regarding vehicles manufactured after the General Motors bankruptcy (the post-sale consolidated complaint), filed on October 14, 2014, encompasses the *Morgan* plaintiffs' vehicle and, according to defendant, also includes an "Ignition Lock Cylinder Defect" and several other defects alleged in *Morgan*. Second, defendant argues that the Panel transferred two actions to MDL No. 2543 in which plaintiffs alleged that their vehicles suffered solely from defects unrelated to the ignition switch defect at issue in most MDL No. 2543 actions. *See Transfer Order (Precht)*, MDL No. 2543 (J.P.M.L. Jan. 5, 2015); *Transfer Order (Frank)*, MDL No. 2543 (J.P.M.L. Jan. 5, 2015).

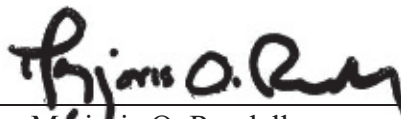
* Judge Sarah S. Vance and Judge Lewis A. Kaplan took no part in the decision of this matter. Certain Panel members who could be members of the putative classes in this docket have renounced their participation in these classes and have participated in the decision.

-2-

After considering the argument of counsel, we find that defendant has not presented any circumstances that justify reconsideration of the Panel's order. Though the recently filed post-sale consolidated complaint names at least one common defect with the *Morgan* action, suggesting a limited possible factual overlap with the MDL, defendant does not dispute that *Morgan* does not allege or otherwise involve the ignition switch defect at issue in most MDL No. 2543 actions. While the Panel recently transferred two cases involving vehicles that did not experience this common defect, we find those cases distinguishable from *Morgan*. The complaints in *Precht* and *Frank* did include allegations relating to the ignition switch defect, though plaintiffs' vehicles did not experience that defect, and plaintiff in neither case opposed inclusion of their action in MDL No. 2543. Moreover, the *Precht* plaintiff and her claims were specifically named in the MDL No. 2543 post-sale consolidated complaint.

IT IS THEREFORE ORDERED that the motion for reconsideration is denied.

PANEL ON MULTIDISTRICT LITIGATION



Marjorie O. Rendell
Acting Chair

Charles R. Breyer
R. David Proctor

Ellen Segal Huvelle
Catherine D. Perry

**IN RE: GENERAL MOTORS LLC
IGNITION SWITCH LITIGATION**

MDL No. 2543

SCHEDULE A

Western District of Louisiana

MORGAN, ET AL. v. GENERAL MOTORS LLC, C.A. No. 5:14-1058