

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 our order of April 2, 2015, which denied General Motors’ motion under 28 U.S.C. § 1407(c) for transfer of the action listed on Schedule A (*Grant*) to the Southern District of New York for inclusion in MDL No. 2543. Plaintiff did not respond to the motion for reconsideration.

The actions in MDL No. 2543 involve factual questions arising from allegations of a 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). As General Motors primarily argues in its motion for reconsideration, several actions either transferred to or directly filed in MDL No. 2543, as well as the consolidated class action complaints filed in the MDL, encompass a number of other alleged defects in vehicles manufactured by General Motors and its predecessor (Old GM), including the same electric power steering defect alleged in *Grant*. General Motors insists that the presence of allegations of the electric power steering defect, alone, supports transfer of *Grant* to MDL No. 2543.

After considering the argument of counsel, we deny the motion for reconsideration. General Motors points to no significant change in circumstances that merits reconsideration of our prior order. *See In re Richardson-Merrell, Inc. “Bendectin” Prods. Liab. Litig. (No. II)*, 588 F. Supp. 1448, 1449 (J.P.M.L. 1984) (granting reconsideration due to intervening events in the litigation). Instead, General Motors merely repeats the arguments presented in its original motion to transfer *Grant* to the MDL. The Panel, though, is well aware of the manner in which MDL No. 2543 has progressed. As we made clear in our order denying General Motors’ last motion for reconsideration in this litigation, we do not look favorably on a motion to transfer an action—particularly a personal injury action—that “does not allege or otherwise involve the ignition switch defect at issue in most MDL No. 2543 actions.” Order Denying Mot. for Recons. (*Morgan*) at 2, MDL No. 2543 (J.P.M.L. Feb. 10, 2015), ECF No. 595. General Motors cites several actions transferred to the MDL that either involved the alleged electric power steering defect at issue in *Grant* or involved vehicles that did not experience the common ignition switch defect. Invariably, however, those complaints also alleged that the vehicles at issue suffered from the ignition switch defect or, at the least, contained

* 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.

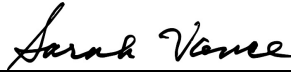
-2-

allegations relating to the ignition switch defect, even if plaintiffs' vehicles did not experience that defect. In contrast, the complaint in *Grant* not only fails to allege a defect of the ignition switch, but does not even mention this alleged defect.

General Motors also argues that plaintiff's failure to oppose transfer of *Grant* supports reconsideration. Although we presume acquiescence to a motion from a party's failure to respond to it, *see* Panel Rule 6.1(c), such acquiescence is not determinative. This is particularly so where other factors weigh against transfer.

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

PANEL ON MULTIDISTRICT LITIGATION



Sarah S. Vance
Chair

Marjorie O. Rendell
Lewis A. Kaplan
R. David Proctor

Charles R. Breyer
Ellen Segal Huvelle
Catherine D. Perry

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

MDL No. 2543

SCHEDULE A

Middle District of Florida

GRANT v. GENERAL MOTORS LLC, C.A. No. 6:14-02132