

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

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

MDL No. 2543

ORDER VACATING CONDITIONAL TRANSFER ORDER

Before the Panel:* Pursuant to Panel Rule 7.1, plaintiffs in the action listed on Schedule A (*Morgan*) move to vacate our order conditionally transferring the action to MDL No. 2543. Responding defendant General Motors LLC (“General Motors”) opposes the motion to vacate.

The actions encompassing 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.¹ *See In re: General Motors LLC Ignition Switch Litig.*, __ F. Supp. 2d __, 2014 WL 2616819, at *1 (J.P.M.L. Jun. 9, 2014).

The *Morgan* complaint 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. Plaintiffs also mention that they “would not have purchased the vehicle[] . . . had they known of the ignition switch defect.” *See Morgan* Compl. ¶ 34. Plaintiffs have clarified, however, that the ignition defect alleged in their complaint is not the one at issue in MDL No. 2543. Rather, they allege that the driver can remove the key while the vehicle’s indicator shows the car in park, but the transmission is not actually in park. This is not the same ignition defect alleged in all MDL No. 2543 actions and *Morgan* does not include any allegations concerning that ignition switch defect.

We decline to expand this MDL to include actions that do not include allegations of an ignition switch defect that causes the vehicle’s ignition switch to move unintentionally from the ‘run’ position to the ‘accessory’ or ‘off’ position. Importantly, the vehicle at issue in *Morgan* is not one

* Judge Ellen Segal Huvelle and Judge Sarah S. Vance 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.

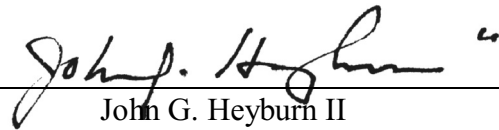
¹ While MDL No. 2543 initially included only actions asserting economic damages, it has been expanded to include personal injury and wrongful death actions.

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that has been recalled by General Motors for the ignition switch defect at issue in MDL No. 2543. Accordingly, we are persuaded that *Morgan* will not share sufficient factual and legal issues with the actions in MDL No. 2543 to warrant transfer, and that inclusion of this action in MDL No. 2543 would not serve the convenience of the parties and witnesses or promote the just and efficient conduct of the litigation.

IT IS THEREFORE ORDERED that the Panel's conditional transfer order designated as "CTO-8" is vacated insofar as it relates to this action.

PANEL ON MULTIDISTRICT LITIGATION

A handwritten signature in black ink, reading "John G. Heyburn II", is written over a horizontal line. The signature is cursive and includes a small mark at the end.

John G. Heyburn II
Chairman

Marjorie O. Rendell
Lewis A. Kaplan

Charles R. Breyer
R. David Proctor

**IN RE: GENERAL MOTORS LLC
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SCHEDULE A

Western District of Louisiana

MORGAN, ET AL. V. GENERAL MOTORS LLC, C.A. No. 5:14-01058