

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

IN RE: GENERAL MOTORS LLC
IGNITION SWITCH LITIGATION

MDL No. 2543

TRANSFER ORDER

Before the Panel:* Plaintiff in the action listed on Schedule A (*Bloom*) moves under Panel Rule 7.1 to vacate our order conditionally transferring the action to MDL No. 2543. Defendant General Motors LLC (General Motors) opposes the motion to vacate.

After considering the argument of counsel, we find this action involves common questions of fact with the actions previously transferred to MDL No. 2543, and that transfer under 28 U.S.C. § 1407 will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation. 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).

Like many actions already in the MDL, plaintiff alleges economic damages arising from defects in her General Motors vehicle, specifically including the ignition switch defect. Plaintiff claims her action is unique because she brings only state lemon law claims. This is not an accurate description of plaintiff's action. The *Bloom* complaint also includes a claim under the Magnuson-Moss Warranty Act, as do many actions already in the MDL. Plaintiff also argues that transfer would cause undue delay in the progress of her action. Transfer of a particular action often is necessary to further the expeditious resolution of the litigation taken as a whole under Section 1407, even if transfer might inconvenience some parties. *See, e.g., In re: Crown Life Ins. Premium Litig.*, 178 F. Supp. 2d 1365, 1366 (J.P.M.L. 2001).

Finally, plaintiff argues that the Panel should not transfer her action because its removal to federal court was improper, but the Panel often has held that jurisdictional issues do not present an

* 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.

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impediment to transfer, as plaintiffs can present these arguments to the transferee judge.¹ *See, e.g., In re: Prudential Ins. Co. of Am. Sales Practices Litig.*, 170 F. Supp. 2d 1346, 1347-48 (J.P.M.L. 2001).

IT IS THEREFORE ORDERED that this action is transferred to the Southern District of New York and, with the consent of that court, assigned to the Honorable Jesse M. Furman for inclusion in the coordinated or consolidated pretrial proceedings.

PANEL ON MULTIDISTRICT LITIGATION



Sarah S. Vance
Chair

Marjorie O. Rendell
Ellen Segal Huvelle
Catherine D. Perry

Charles R. Breyer
R. David Proctor

¹ Moreover, under Panel Rule 2.1(d), the pendency of a conditional transfer order does not limit the pretrial jurisdiction of the court in which the subject action is pending. Between the date a remand motion is filed and the date that transfer of the action to the MDL is finalized, a court generally has adequate time to rule on a remand motion if it chooses to do so.

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

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SCHEDULE A

Middle District of Pennsylvania

BLOOM v. GENERAL MOTORS LLC, C.A. No. 3:14-01903