

**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 (*Pillars*) 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. Like many of the already-centralized actions, *Pillars* involves factual questions arising 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).

In support of the motion to vacate, plaintiff argues, *inter alia*, that (1) common factual issues do not predominate, (2) transfer will inconvenience plaintiff and witnesses, and (3) the transferor court should be allowed to rule on the pending motion to remand to state court. Section 1407 transfer "does not require a complete identity or even a majority of common factual or legal issues as a prerequisite to transfer." *In re: Merscorp Inc., et al. Real Estate Settlement Procedures Act (RESPA) Litig.*, 560 F. Supp. 2d 1371, 1372 (J.P.M.L. 2008). While the plaintiff's situation is unique in that the decedent succumbed to her injuries seven years after the crash at issue, plaintiff alleges the crash was caused by a defective ignition switch in a General Motors vehicle. In that respect, this action is typical of the products liability actions pending in MDL No. 2543, and transfer is consistent with the Panel's transfer orders in this litigation.

We do not find plaintiff's claims of inconvenience to be persuasive. We have found that, while transfer of a particular action might inconvenience some parties to that action, transfer often is necessary to further the expeditious resolution of the litigation taken as a whole. *See In re: Crown Life Ins. Premium Ins. Litig.*, 178 F. Supp. 2d 1365, 1366 (J.P.M.L. 2001).

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\* Certain Panel members who could be members of the putative classes in MDL No. 2543 have renounced their participation in these classes and have participated in the decision.

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As for plaintiff's pending remand motion, the Panel often has held that jurisdictional issues do not present an impediment to transfer, as plaintiffs can present these arguments to the transferee judge.<sup>1</sup> *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). Plaintiff alternatively asks the Panel to decide the issue of remand and vacate the conditional transfer order for a lack of subject matter jurisdiction. The Panel does not have the authority to issue such a ruling.

IT IS THEREFORE ORDERED that the action listed on Schedule A 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



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Sarah S. Vance  
Chair

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

Charles R. Breyer  
Ellen Segal Huvelle  
Catherine D. Perry

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<sup>1</sup> 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**

MDL No. 2543

**SCHEDULE A**

Eastern District of Michigan

PILLARS v. GENERAL MOTORS LLC, ET AL., C.A. No. 1:15-11360