

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

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

MDL No. 2543

TRANSFER ORDER

Before the Panel:* Plaintiffs in the two actions listed on Schedule A move under Panel Rule 7.1 to vacate our orders conditionally transferring the actions to MDL No. 2543. Responding defendant General Motors LLC (General Motors) opposes the motions to vacate.

After considering the argument of counsel, we find these actions involve 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.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).

Plaintiffs do not dispute that their actions share questions of fact with MDL No. 2543, but rather argue that their actions were improperly removed. 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.² 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).

* Judge Charles R. Breyer 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, we expanded the litigation to include personal injury and wrongful death actions.

² 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.

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Like many actions in the MDL, plaintiff in *Alers* alleges that his vehicle contained the ignition switch defect, and he suffered economic injury. Plaintiff argues that transfer would be inconvenient, but while it might inconvenience some parties, transfer of a particular action often is necessary to further the expeditious resolution of the litigation taken as a whole under Section 1407. *See, e.g., In re: Crown Life Ins. Premium Litig.*, 178 F. Supp. 2d 1365, 1366 (J.P.M.L. 2001). Moreover, plaintiff already must participate in the related bankruptcy court proceedings in New York, and he will be aided in the transferee court by lead counsel and in the bankruptcy court by designated counsel.

Like similar personal injury actions in MDL No. 2543, plaintiffs in *Green* allege that their daughter was killed as the result of a collision caused by the ignition switch defect. The *Green* plaintiffs argue that the Panel should defer transfer until the Electronic Data Recorder (EDR) data is analyzed to determine whether the ignition switch defect caused the collision. We are not convinced by this argument. The transferee court already will be involved with the analysis of the EDR data to determine the cause of the collision, because the driver of the vehicle also has brought an action against General Motors that is pending in MDL No. 2543.

IT IS THEREFORE ORDERED that these actions are 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

Lewis A. Kaplan
R. David Proctor

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

MDL No. 2543

SCHEDULE A

Central District of California

ALERS, SR. V. GENERAL MOTORS LLC, C.A. No. 2:14-07258

Middle District of Tennessee

GREEN, ET AL. V. GENERAL MOTORS LLC, ET AL., C.A. No. 1:14-00107