

**UNITED STATES JUDICIAL PANEL**  
**on**  
**MULTIDISTRICT LITIGATION**

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

MDL No. 2543

**TRANSFER ORDER WITH SIMULTANEOUS  
SEPARATION AND REMAND**

**Before the Panel:**\* Defendants The City of Albany and patrolman Jack Wallace in the action listed on Schedule A (*Perez*) move under Panel Rule 7.1 to partially vacate our order conditionally transferring the action to MDL No. 2543. Defendant General Motors LLC (General Motors) does not oppose the relief sought in the motion but supports transfer of the ignition switch defect claims against General Motors to MDL No. 2543.

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 the MDL No. 2543 actions, *Perez* 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). Specifically, plaintiff alleges the ignition switch defect in her General Motors vehicle caused her to crash into a parked vehicle.

We are persuaded that the claims against movants—which arise out of plaintiff’s interactions with Mr. Wallace following her vehicle’s crash and include claims for common law false arrest, assault, and battery—are not appropriate for inclusion in this MDL docket. No party opposes separation and remand of these claims, which do not implicate the General Motors ignition switch defect. Accordingly, plaintiff’s claims against The City of Albany and Mr. Wallace should be separated and simultaneously remanded to the Northern District of New York.

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.

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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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IT IS FURTHER ORDERED that claims against The City of Albany and Patrolman Jack Wallace are separated and remanded, under 28 U.S.C. § 1407(a), to the Northern District of New York.

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

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

MDL No. 2543

**SCHEDULE A**

Northern District of New York

PEREZ v. GENERAL MOTORS LLC, ET AL., C.A. No. 1:15-00240