

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

IN RE: GENERAL MOTORS LLC
IGNITION SWITCH LITIGATION

MDL No. 2543

ORDER DENYING TRANSFER

Before the Panel:* Defendant General Motors LLC (General Motors) moves under 28 U.S.C. § 1407(c) for transfer of the action listed on Schedule A (*Grant*) to the Southern District of New York for inclusion in MDL No. 2543. Plaintiff did not respond to the motion.

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

The *Grant* complaint alleges that plaintiff was driving a 2007 Saturn Ion when she lost control of her car and hit a tree. More specifically, plaintiff alleges that the wheels of her car "locked up while making a loud squealing noise" and, "[a]t that moment, the electric power steering completely malfunctioned and failed." Compl., ¶ 8, *Grant v. Gen. Motors LLC*, C.A. No. 6:14-02132 (M.D. Fla. Dec. 31, 2014), ECF No. 2. Both plaintiff and the minor passenger, on whose behalf she brings suit, allegedly sustained bodily injuries.

Although no party opposes the motion to transfer *Grant* to MDL No. 2543, the Panel has an institutional responsibility that goes beyond accommodating the particular wishes of the parties. General Motors argues that the allegations in *Grant* are comparable to those in another action, *Frank*, which likewise primarily alleged a power steering defect in the subject vehicle. The complaint in *Frank*, however, included allegations relating to the ignition switch defect, even though plaintiff's vehicle did not experience that defect. *See* Order Denying Mot. for Recons. (*Morgan*) at 2, MDL No. 2543 (J.P.M.L. Feb. 10, 2015), ECF No. 595 (distinguishing *Frank*). The *Grant* complaint contains no such allegations regarding or even referencing the alleged ignition switch defect. Instead, plaintiff alleges only a failure of the electric power steering in her vehicle. Accordingly, we are not persuaded that *Grant* shares sufficient factual and legal issues with the actions in MDL No. 2543 to merit transfer, or that inclusion of this action in MDL No. 2543 would serve the convenience of the parties and witnesses or promote the just and efficient conduct of the litigation.

* 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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IT IS THEREFORE ORDERED that the motion to transfer the action listed on Schedule A to MDL No. 2543 is denied.

PANEL ON MULTIDISTRICT LITIGATION



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

Middle District of Florida

GRANT v. GENERAL MOTORS LLC, C.A. No. 6:14-02132