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November 7, 2016

**VIA E-MAIL TRANSMISSION  
AND ECF FILING**

The Honorable Martin Glenn  
United States Bankruptcy Judge  
United States Bankruptcy Court  
Southern District of New York  
Alexander Hamilton Custom House  
One Bowling Green  
New York, New York 10004

**Re: In re Motors Liquidation Company, et al.  
Case No. 09-50026 (MG)**

**Letter Regarding Update on Related Proceedings**

Dear Judge Glenn:

King & Spalding LLP is co-counsel with Kirkland & Ellis LLP for General Motors LLC (“**New GM**”) in the above-referenced matter. Pursuant to Judge Gerber’s Endorsed Order dated May 5, 2015 [Dkt. No. 13131], we write to update the Court regarding developments in proceedings relating to New GM. Specifically, on November 4, 2016, counsel to New GM and Lead and Liaison Counsel filed a joint letter (“**Joint Letter**”) addressed to Judge Furman setting forth the parties’ tentative agenda for the November 10, 2016 Status Conference in MDL 2543. A copy of the Joint Letter is attached hereto as **Exhibit “A.”**

Respectfully submitted,

/s/ Scott Davidson

Scott Davidson

SD/hs  
Encl.

cc: Parties Set Forth On Schedule “1” Annexed Hereto.

**SCHEDULE 1**

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**Parties to the Motion to Enforce, filed by New GM on June 1, 2016 [Dkt. No. 13634]**

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**Parties to the Motion to Enforce filed by New GM on June 24, 2016 [Dkt. No. 13655]**

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**Parties Subject to the Pilgrim Motion to Enforce**

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# EXHIBIT A

**KIRKLAND & ELLIS LLP**  
AND AFFILIATED PARTNERSHIPS

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November 4, 2016

The Honorable Jesse M. Furman  
United States District Court for the  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

**Re: *In re: General Motors LLC Ignition Switch Litigation*, 14-MD-2543**

Dear Judge Furman:

Pursuant to this Court's Order No. 8 Section IV.B (Docket No. 249), counsel for General Motors LLC ("New GM") and Lead Counsel, having met and conferred, submit this joint letter setting forth the parties' tentative agenda for the November 10, 2016 Status Conference. The parties do not believe that the Court needs to allot more than an hour for the Status Conference and are prepared to be appear in person or by telephone if that would suit the Court.

**1. Status of Bankruptcy Proceedings and New GM's Petition for Writ of *Certiorari*.**

As the Court is aware, New GM intends to file a petition for a writ of *certiorari* with the United States Supreme Court in connection with the Second Circuit's July 13, 2016 Opinion, which petition is due to be filed in December 2016.

On October 18, 2016, the Bankruptcy Court entered a scheduling order, which (a) directed the parties to meet and confer by November 2, 2016; (b) directed New GM to file a status report with the Bankruptcy Court on or before November 10, 2016 to identify "(i) the issues that counsel agree must be addressed by this Court, (ii) to the extent that counsel do not agree, the issues that different counsel believe must be addressed by this Court, and (iii) the discovery that counsel believe should be permitted;" and (c) scheduled a case management conference for Wednesday, November 16, 2016 at 11:30 a.m. EST.

On October 20, 2016, the parties held a meet and confer, at which time there was an emerging consensus that certain issues should be decided first by the Bankruptcy Court as threshold issues, without the need of additional discovery, with consideration of other potential issues deferred until the threshold issues, and other matters, were resolved. After the meet and confer, New GM prepared a draft status report which was circulated to certain of the parties, and

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on November 1, 2016 comments to that draft were received by New GM. New GM is working with the parties to incorporate the comments received to the status report so that it is in a position to file the status report with the Bankruptcy Court on November 10, 2016.

Additionally, in connection with plaintiff Doris (Powledge) Phillips' appeal from this Court's June 21, 2016 Memorandum Opinion and Order (Phillips Docket No. 17), Ms. Phillips filed her appellate brief with the Second Circuit on October 18, 2016. It is anticipated that New GM's responsive brief will be due in January 2017.

### **2. Coordination in Related Actions.**

The parties will be prepared to address their ongoing coordination efforts and emerging coordination risks in Related Actions, in particular the issues raised in the parties' latest related case update letter regarding the St. Louis cases and the Orange County DA case. (*See* Order No. 15, Docket No. 315; 10/31/2016 Related Case Update Ltr., Docket No. 3483.)

### **3. New GM's Document Production.**

New GM has complied and will continue to comply with its rolling production obligations and deadlines set forth in the Court's orders. To date, New GM has produced into the MDL 2543 Document Depository more than 3.1 million documents (totaling approximately 16.6 million pages).

### **4. Phase Two Bellwether Replacement Cases.**

Pursuant to the Court's direction at the October 13, 2016 Status Conference, the parties have met and conferred regarding whether to replace the Phase Two bellwether cases that have been voluntarily dismissed or settled.

With respect to the Category A cases, the parties agree that there is no need for New GM to select a replacement for the *Boyd* case, and that plaintiffs have extinguished their Category A strike under Order No. 107. (*See* Order No. 107 ¶ 8.)

With respect to the Category C cases, the parties disagree about whether plaintiffs should be allowed to select replacements for the *Davidson* and *Williams/Wilson/Forrister* cases. The parties agree that this issue is ripe for the Court's resolution and can be addressed via competing letter briefs (not to exceed three single-spaced pages each). The parties disagree, however, regarding the structure of such a briefing schedule. Plaintiffs believe that the parties should submit simultaneous letter briefs on the issue by **Tuesday, November 8, 2016**. Plaintiffs assert that this would be consistent with the parties' practices regarding bellwether disputes. (*See, e.g.,*



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Docket Nos. 417, 418, 566, 567, 3003, 3004.) Plaintiffs also contend that their request for replacement Category C cases is not a request to modify Order No. 107. New GM believes that plaintiffs should submit their brief by **Monday, November 7, 2016**, and that New GM should be able to file a responsive brief by **Wednesday, November 9, 2016**. New GM believes that plaintiffs should file a letter motion to which New GM responds because plaintiffs have the burden of demonstrating why relief from Order No. 107 is proper.

### **5. Peller Plaintiffs' Requests for Leave to Amend Complaints and Remand.**

Pursuant to the Court's November 1, 2016 Order (Docket No. 3487), Lead Counsel, New GM, and counsel for the *Elliott, Bledsoe*, and *Yearwood* plaintiffs (the "Peller Plaintiffs") jointly propose the following to address the Peller Plaintiffs' request to: (1) seek leave to amend their complaints; and (2) remand certain claims.

The parties propose that the Peller Plaintiffs will file a consolidated letter motion to amend and remand their complaints by **Friday, November 11, 2016**, which motion shall include the Peller Plaintiffs' proposed amended complaints, and a redline against the operative complaints. New GM shall file any opposition to the Peller Plaintiffs' motion by **Wednesday, November 23, 2016**. The Peller Plaintiffs' motion and New GM's opposition shall not exceed five single-spaced pages each. Absent leave of Court, no reply shall be filed. The parties reserve all of their rights in connection with the proposal of this briefing schedule.

### **6. Settlement.**

The parties continue to discuss possible resolution mechanisms.

Respectfully submitted,

/s/ Richard C. Godfrey, P.C.

/s/ Andrew B. Bloomer, P.C.

*Counsel for Defendant General Motors LLC*

cc: MDL Counsel of Record