

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

IN RE:

GENERAL MOTORS LLC IGNITION
SWITCH LITIGATION

No. 14-MD-2543 (JMF)

This Document Relates to:

ALL ECONOMIC LOSS ACTIONS

**NOTICE OF JOINT MOTION AND JOINT MOTION FOR FINAL APPROVAL OF
THE CLASS SETTLEMENT AND PLAN OF ALLOCATION, AND
CERTIFICATION OF THE SETTLEMENT CLASS**

TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on **December 18, 2020, at 9:30 a.m.**, or as soon thereafter as the matter may be heard, a hearing will be held before the Honorable Jesse M. Furman, United States District Court Judge for the Southern District of New York, in the Courtroom of the Honorable Jesse M. Furman, located at 40 Centre Street, New York, NY 10007, or, subject to further order of the Court, by telephone (the “Hearing”). At the Hearing, the Economic Loss Plaintiffs (“Plaintiffs”), General Motors LLC (“New GM”), the Motors Liquidation Company GUC Trust (the “GUC Trust”), and the Motors Liquidation Company Avoidance Action Trust (the “AAT”) (collectively, the “Parties”) will and hereby do move the Court for entry of an Order and Final Judgment, submitted concurrently herewith:

- (a) Granting final approval of the Settlement Agreement entered into between the Parties, as amended May 1, 2020 (the “Settlement Agreement”), as fair, reasonable, and adequate pursuant to Federal Rule of Civil Procedure 23(e), including establishing and creating the Common Fund as a Qualified Settlement Fund Trust pursuant to Internal Revenue Code § 468B and the Regulations issued thereto;
- (b) Granting final approval of the Plan of Allocation as fair, reasonable, and adequate;
- (c) Certifying the Class and Subclasses, as defined in the Settlement Agreement, for settlement purposes only pursuant to Federal Rule of Civil Procedure 23(a)(1)-(4) and (b)(3);
- (d) Overruling the objections of Class Member Richard H. Warren and Kisha M. Davis, as personal representative of the estate of Class Member Mary L. Davis;
- (e) Finding that non-Class Member Goodwin Proctor lacks standing to object to the Settlement, and overruling its “limited objection” on the merits, and further finding that no other comments provided to JND Legal Administration (“JND”) raised valid concerns about the Settlement;
- (f) Confirming appointment of Plaintiffs as class representatives of the Class and certain Plaintiffs as representatives of the Subclasses for settlement purposes only;
- (g) Confirming appointment of Steve W. Berman, of Hagens Berman Sobol Shapiro LLP and Elizabeth J. Cabraser of Lief Cabraser Heimann & Bernstein, LLP as Class Counsel for the proposed Class for settlement purposes only;
- (h) Confirming appointment of (i) Marc Seltzer of Susman Godfrey as Subclass 1 Counsel; (ii) Joe Rice and Kevin Dean of Motley Rice as Subclass 2 Counsel; (iii)

Peter Prieto and Matthew Weinshall of Podhurst Orseck, P.A. as Subclass 3 Counsel; (iv) David Boies and Steven Davis of Boies Schiller Flexner LLP as Subclass 4 Counsel; and (v) Adam Levitt and John Tangren of DiCello Levitt Gutzler as Subclass 5 Counsel, each for settlement purposes only;

- (i) Confirming appointment of Jennifer M. Keough of JND as Class Action Settlement Administrator;
- (j) Confirming appointment of Flora Bian of JND as Qualified Settlement Fund Administrator and Trustee to carry out all duties and responsibilities of the Qualified Settlement Fund Administrator and Trustee as specified in the Settlement Agreement and the Qualified Settlement Fund Trust Agreement;
- (k) Finding that the Class Notice and Class Notice Plan satisfied and continue to satisfy the applicable requirements of Federal Rule of Civil Procedure 23(c)(2)(b) and 23(e), and fully comply with all laws, including the Class Action Fairness Act (28 U.S.C. § 1711 *et seq.*), and the Due Process Clause of the United States Constitution (U.S. Const., amend. V), constituting the best notice that is practicable under the circumstances of this litigation;
- (l) Permanently enjoining each Class Member from commencing any action against the Released Parties with respect to any released claims as set forth in the Class Members' Release;
- (m) Dismissing with prejudice all released claims as set forth in the Class Members' Release, including the 5ACC and the Actions listed in Exhibit 1 to the Settlement Agreement, subject to Paragraphs 151 and 152 of the Settlement Agreement; and
- (n) Retaining continuing and exclusive jurisdiction over the Parties, including all Class Members, the Settlement Agreement, the Actions and the Final Order and Final Judgment to administer and enforce the Settlement Agreement, for all matters relating to the Settlement Agreement and the Actions and for any other necessary purpose.

This Motion is based on this Notice of Motion and Motion, Plaintiffs' Memorandum in Support of this Joint Motion, New GM's Memorandum in Support of this Joint Motion, GUC Trust's and AAT's Memorandum in Support of this Joint Motion, the Settlement Agreement and all Exhibits attached thereto, the Declarations of Steve W. Berman and Elizabeth J. Cabraser, the Declaration of Jennifer M. Keough and all exhibits thereto, the Declaration of Wendy L. Bloom, the argument of counsel, all papers and records on file in this matter, and such other matters as the Court may consider.

Dated: November 9, 2020

**HAGENS BERMAN SOBOL SHAPIRO
LLP**

By: /s/ Steve W. Berman

Steve W. Berman
Sean R. Matt
Andrew M. Volk
1301 Second Avenue, Suite 2000
Seattle, WA 98101
Telephone: (206) 623-7292
Facsimile: (206) 623-0594
steve@hbsslw.com
sean@hbsslw.com
andrew@hbsslw.com

*Interim Lead Counsel for Plaintiffs and the
Proposed Class*

KIRKLAND & ELLIS LLP

By: /s/ Richard C. Godfrey

Richard C. Godfrey, P.C.
Wendy L. Bloom
Andrew B. Bloomer, P.C.
Mark J. Nomellini
KIRKLAND & ELLIS LLP
300 N. LaSalle
Chicago, IL 60654-3406
Phone: 312-862-2000
Fax: 312-862-2200
richard.godfrey@kirkland.com
wendy.bloom@kirkland.com

Respectfully submitted,

**LIEFF CABRASER HEIMANN
& BERNSTEIN, LLP**

By: /s/ Elizabeth J. Cabraser

Elizabeth J. Cabraser
275 Battery Street, 29th Floor
San Francisco, CA 94111
Telephone: (415) 956-1000
Facsimile: (415) 956-1008
ecabraser@lchb.com

Rachel Geman
Rhea Ghosh
250 Hudson Street, 8th Floor
New York, NY 10013
Telephone: (212) 355-9500
Facsimile: (212) 355-9592
rgeman@lchb.com
rghosh@lchb.com

*Interim Lead Counsel for Plaintiffs and the
Proposed Class*

andrew.bloomer@kirkland.com
mark.nomellini@kirkland.com

Attorneys for Defendant General Motors LLC

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each other party through the Court's electronic filing service on November 9, 2020, which will send notification of such filing to the e-mail addresses registered.

/s/ Steve W. Berman

Steve W. Berman