

**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

JOINT STATUS REPORT REGARDING CLASS SETTLEMENT PAYMENTS

Plaintiffs' Class Counsel and General Motors LLC ("New GM") hereby submit this Joint Status Report Regarding Class Settlement Payments to advise the Court and Class Members¹ that the Class Action Settlement Administrator has completed the Settlement Claim Process, and that the Qualified Settlement Fund Administrator and Trustee will begin disbursing settlement payment checks to Class Members for their eligible Settlement Claims. These settlement payment checks will be issued from the Net Common Fund, and will begin to be disbursed the week of November 22 to 28, 2021.

A declaration by the Class Action Settlement Administrator is attached as Exhibit A. In this declaration, the Class Action Settlement Administrator provides information on the completed Class Notice and Settlement Claim Process, the determination of the Net Common Fund amount, and the timing for distribution of settlement payments for eligible Settlement Claims from the Net Common Fund.

¹ Capitalized terms not defined herein shall have the meanings given such terms in the Settlement Agreement, as Amended on May 1, 2020 (ECF No. 7888-1).

Dated: October 19, 2021

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Respectfully submitted,

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Exhibit A

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

IN RE:

No. 14-MD-2543 (JMF)

GENERAL MOTORS LLC IGNITION
SWITCH LITIGATION

This Document Relates to:

ALL ECONOMIC LOSS ACTIONS

DECLARATION OF JENNIFER M. KEOUGH

I, JENNIFER M. KEOUGH, declare and state as follows:

1. I am the Chief Executive Officer (“CEO”) of JND Legal Administration (“JND”). On December 18, 2020, the Court entered the Final Order¹ and Final Judgment (ECF No. 8306) in which the Court confirmed my appointment as Class Action Settlement Administrator and directed me to carry out all duties and responsibilities of the Class Action Settlement Administrator as specified in the Settlement Agreement, as Amended on May 1, 2020, including all Exhibits thereto (collectively the “Settlement Agreement” (ECF No. 7888-1)), entered into by Plaintiffs, Plaintiffs’ Class Counsel, General Motors LLC (“New GM”), the Motors Liquidation Company GUC Trust (the “GUC Trust”), and the Motors Liquidation Company Avoidance Action Trust (the “AAT”). *See* 12/18/20 Order at Par. 8.

2. This Declaration provides an update on my work as Class Action Settlement Administrator. In particular, this Declaration provides information on the completed Class Notice and Settlement Claims Process, the determination of the Net Common Fund amount, and the timing for disbursement of settlement payments to eligible Settlement Claimants from the Net Common Fund.

¹ The capitalized terms used in my Declaration refer to defined terms in the Settlement Agreement unless I provided a definition herein.

3. This Declaration is based on my personal knowledge, as well as upon information provided to me by experienced JND employees. I am over the age of 18 and, if called upon to do so, I could and would testify competently thereto.

NOTICE

4. In addition to the other forms of notice provided for in the Settlement Agreement, JND mailed 29,831,244 initial Short Form Notice postcards to potential Class Members and re-mailed an additional 179,496 Short Form Notice postcards to forwarding addresses.

5. As required by Paragraph 97 of the Settlement Agreement, JND established a Settlement website, which remains active at the following address: www.gmignitionswitcheconomicsettlement.com. Per JND tracking, as of October 17, 2021, there have been 665,326 unique visitors to the Settlement website and 5,194,189 total page views.

6. As required by Paragraph 101 the Settlement Agreement, JND established a dedicated toll-free telephone number with interactive voice recording to provide Settlement-related information to Class Members with the ability for them to request and receive the Long Form Notice and the Settlement Claim Form. This dedicated toll-free telephone number remains active. As of October 17, 2021, JND received a total of 201,738 incoming calls and 47,045 total requests for a copy of the Long Form Notice and/or Settlement Claim Form.

SETTLEMENT CLAIMS

7. As required by Paragraphs 91, 92 to 93 of the Settlement Agreement, I oversaw a process in which JND received, evaluated and administered Settlement Claims pursuant to the terms of the Settlement Claim Review Protocol, which is attached as Exhibit 10 to the Settlement Agreement, and the Allocation Decision, which is attached as Exhibit 2 to the Settlement Agreement. This process is now complete.

8. JND received a total of 1,582,447 Settlement Claims Forms. The time period in which to file Settlement Claims has now expired.

9. Pursuant to Section I of the Settlement Claim Review Protocol, the deadline to submit a Claim Form was April 20, 2021, which was 90 days after the Final Effective Date. Per

Paragraph 32 of the Settlement Agreement, the Final Effective Date was January 20, 2021, which was when the time period to appeal the Court's Final Order and Final Judgment entered on December 18, 2020 expired.

10. On May 21, 2021, the Court entered an Order Regarding Claims Deadline pursuant to which JND was directed to evaluate the Settlement Claims of 144 persons who filed their Settlement Claim forms after the end of the Settlement Claim Period but on or before May 19, 2021. (ECF No. 8537) Additionally, the Court directed JND to contact 106 persons who had inquired about filing a late Settlement Claim Form and allow them 30 days from the date on which they were contacted by JND to file a late Settlement Claim Form. (*Id.*) JND contacted each of those 106 persons on or before June 3, 2021, and their deadline file late Settlement Claim Forms expired on July 3, 2021.

11. JND reviewed each Settlement Claim Form submitted by the deadlines described in Paragraphs 9 and 10 above to determine whether the Settlement Claim clearly demonstrated eligibility for a settlement payment, as described in Section IV.B of the Settlement Claim Review Protocol.

12. The chart below identifies by Subclass the number of Settlement Claims I approved as eligible for a settlement payment. For 51,095 of these eligible Settlement Claims, the Settlement Claimant is a member of two Subclasses because their Subject Vehicle was subject to both the Delta Ignition Switch Recall and the Electric Power Steering Recall; as a result, their Settlement Claim is counted in both Subclass 1 and Subclass 4.

| Subclass | Number of Settlement Claims Eligible For Settlement Payments |
|---|---|
| Subclass 1 - The Delta Ignition Switch Subclass | 185,670 |
| Subclass 2 - The Key Rotation Subclass | 1,037,237 |
| Subclass 3 - The Camaro Knee-Key Subclass | 40,725 |
| Subclass 4 - The Electric Power Steering Subclass | 129,483 |

| | |
|--|-----------|
| Subclass 5 - The Side Airbag Subclass | 80,841 |
| Total Number of Settlement Claims per Subclass Eligible For Settlement Payments | 1,473,956 |

NET COMMON FUND

13. Pursuant to Paragraph 50 of the Settlement Agreement, the term “Net Common Fund” means the funds remaining in the Common Fund after subtracting payments for all Settlement Implementation Expenses and for Plaintiff Incentive Awards. As required by Paragraph 89(b) of the Settlement Agreement, I have determined that the Net Common Fund amount is \$106,115,259.05. The chart below explains how the Net Common Fund amount was computed:

| | |
|------------------------------------|-------------------------|
| Common Fund | \$121,106,734.89 |
| Settlement Implementation Expenses | (\$14,681,475.84) |
| Plaintiff Incentive Awards | (\$310,000.00) |
| Net Common Fund | \$106,115,259.05 |

14. The Common Fund is comprised of the payments made by New GM, the GUC Trust and the AAT pursuant to Paragraph 88(a) and Paragraph 89 of the Settlement Agreement totaling \$121,100,000.00 plus accrued interest in the amount of \$6,734.89.

15. The term “Settlement Implementation Expenses” is defined in Paragraph 88 of the Settlement Agreement. As required by the Settlement Agreement, all Settlement Implementation Expenses incurred prior to the Final Effective Date were agreed to in writing by Plaintiffs’ Class Counsel, New GM and the GUC Trust, and all Settlement Implementation Expenses incurred on or after the Final Effective Date were agreed to in writing by Plaintiffs’ Class Counsel and New GM. The Settlement Implementation Expenses total \$14,681,475.84.

16. The term “Plaintiff Incentive Awards” is defined in Paragraph 89(a) of the Settlement Agreement as “any individual incentive/service awards to Plaintiffs awarded by the MDL Court,” and the MDL Court entered an Order awarding such incentive/service awards to Plaintiffs on December 18, 2020 (ECF 8307). Pursuant to this Order, the Court approved Service

Awards of \$2,000.00 each to 94 Class Representative Plaintiffs listed on Exhibit A to the Order who were deposed for a total of \$188,000.00, and Service Awards of \$1,000 each to 120 Class Representative Plaintiffs listed on Exhibit B to Order who were not deposed for a total of \$120,000.00. *See* 12/18/20 Order at Par. 8 and Exhibits A & B. Subsequently, Plaintiffs' Counsel advised the Court of two additional Class Representative Plaintiffs who should be paid Service Awards of \$1,000 each; the Court entered an order approving these two additional Service Awards on February 8, 2021. (ECF 8380) Thus, the total amount of Plaintiff Incentive Awards is \$310,000.00 (\$188,000.00 + \$120,000.00 + \$2,000).

SETTLEMENT PAYMENTS

17. Pursuant to Paragraph 89(b) and Paragraph 92 of the Settlement Agreement, if eligible, a Settlement Claimant will receive a settlement payment pursuant to the Settlement Claim Review Protocol and the Allocation Decision to be disbursed from the Net Common Fund by the Qualified Settlement Fund Administrator and Trustee after the amount is finally determined by the Class Action Settlement Administrator.

18. Applying the Settlement Claim Review Protocol and the Allocation Decision, I have determined that the settlement payment amount for an eligible Settlement Claim in each Subclass, and these amounts are listed in the chart below. To compute these settlement payment amounts for each Subclass, I performed the calculation listed in footnote 1 of the Settlement Claim Review Protocol inputting into the formula the Settlement Claims numbers by Subclass listed in the chart in Paragraph 12 above and the Net Common Fund amount listed in Paragraph 13 above.²

² Footnote 1 of the Settlement Claims Review Protocol states as follows: "Thus, put another way, the final Base Payment Amount — that is, the one that forms the basis for payments to individual claimants — is as follows: $[\text{Net Common Fund}] / [(2) (\text{no of approved Settlement Claims in Subclass 1}) + (1.5) (\text{no of approved Settlement Claims in Subclass 2}) + (1) (\text{no of approved Settlement Claims in Subclass 3}) + (1) (\text{no of approved Settlement Claims in Subclass 4}) + (1) (\text{no of approved Settlement Claims in Subclass 5})]$. Again, members of Subclass 3, 4 and 5 receive this Base Payment Amount, and members of Subclasses 1 and 2 receive the Adjustment Base Payment Amounts." (Settlement Agreement Ex. 10)

| Subclass | Settlement Payment Amount |
|--|----------------------------------|
| Subclass 1 - The Delta Ignition Switch Subclass | \$97.43 |
| Subclass 2 - The Key Rotation Subclass | \$73.07 |
| Subclass 3 - The Camaro Knee-Key Subclass | \$48.72 |
| Subclass 4 - The Electric Power Steering Subclass | \$48.72 |
| Subclass 5 - The Side Airbag Subclass | \$48.72 |
| Subclasses 1 & 4 - Delta Ignition Switch & Electric Power Steering | \$146.15 |

19. Pursuant to Section IV of the Allocation Decision and the Settlement Claim Review Protocol, for each eligible Settlement Claim, members of Subclasses 3, 4 and 5 are paid the Base Payment Amount; Subclass 1 is to be paid “2X” the Base Payment Amount; and Subclass 2 is to be paid “1.5X” the Base Payment Amount. Therefore, a Settlement Claim for which the Settlement Claimant is a member of both Subclass 1 and Subclass 4 is paid a settlement payment amount of the Subclass 1 settlement payment plus the Subclass 4 settlement payment.

20. All settlement payments to Settlement Claimants for their eligible Settlement Claims will be paid by checks issued by JND and sent via U.S. mail.

21. Class Members with more than one Subject Vehicle were directed by JND to submit separate Settlement Claims for each of their Subject Vehicles, and JND determined that certain of such Settlement Claimants had more than one Settlement Claim eligible for a settlement payment. Such Settlement Claimants will receive separate checks for each of their eligible Settlement Claims. However, certain business entity Class Members with large numbers of eligible Subject Vehicles were designated by JND as bulk filers, and bulk filers will receive a single check for all of their eligible Settlement Claims combined.

22. JND will mail settlement payment checks to Settlement Claimants for their eligible Settlement Claims the week of November 22 to 28, 2021. If a Settlement Claimant has any questions about their settlement payment check, they can contact JND via email at info@GMIgnitionSwitchEconomicSettlement.com³.

³ Any and all communication from a claimant to JND should include the Class Member’s full name, current and former address(es), Unique ID and Claim Number, if known, check number, and any other identifying information.

23. Settlement payment checks not deposited within 90 days after the check issue date will be void. In the event a Settlement Claimant misplaces their settlement payment check or fails to deposit it on time, the Settlement Claimant may contact JND for a period of 180 days after the issue date on the original check (which will also be the date the check is mailed) to request that the check be reissued. All check reissue requests from Settlement Claimants must be received in writing by JND. Settlement Claimants must make such written requests to JND by email to info@GMIgnitionSwitchEconomicSettlement.com. A reissued settlement payment check not deposited within 30 days after the check issue date will be void.

24. Pursuant to Paragraph 108 of the Settlement Agreement and Section VI of the Settlement Claim Review Protocol, the Class Action Settlement Administrator is to fulfill any escheatment obligations that arise. Class Members who fail to deposit their original checks within 90 days after the check issue date or, if applicable, their reissued checks within 30 days after the reissued check date forfeit their settlement benefit, and their settlement payment will be escheated to the State in which the Class Member resides.

25. A letter from the Class Action Settlement Administrator will accompany each settlement payment check providing the Class Member with the information described in Paragraphs 22, 23 and 24 above. This information will also be posted to the home page on the Settlement website and added to the toll free phone number established for this Settlement.

I declare under penalty of perjury pursuant to the laws of the United States of America that the foregoing is true and correct.

Executed on October 18, 2021 at JND's office in Seattle, Washington



JENNIFER M. KEOUGH