

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

IN RE DURAMAX DIESEL LITIGATION

Case No. 17-11661

Honorable Thomas L. Ludington
Magistrate Judge Patricia T. Morris

ORDER REJECTING STIPULATION TO MODIFY CASE MANAGEMENT ORDER

On April 6, 2020, Plaintiffs and Defendants submitted a stipulation and proposed order through Utilities in CM/ECF. The parties explained that “in light of the substantial business and operational disruptions to GM’s business caused by the COVID-19 pandemic, counsel for GM and counsel for Plaintiffs candidly discussed the well-publicized issues facing GM. GM requested a suspension of all deadlines and activities in this litigation until May 15, 2020.” The stipulation also explained that “counsel for Robert Bosch LLC (and counsel for Robert Bosch GmbH in the Duramax class action) also have represented that the business operations of Robert Bosch LLC and Robert Bosch GmbH are experiencing disruptions and difficulties posed by COVID-19, and as such, have requested and have agreed to a suspension of all deadlines and activities in this litigation until May 15, 2020.” While the spread of coronavirus has significantly impacted our communities and the court system, the Eastern District of Michigan Administrative Orders provide that motions that can be resolved without oral argument or that can be resolved via telephone or video conferencing can proceed (including some criminal matters). *See* 20-AO-021; 20-AO-025.

The discovery cut-off is April 20, 2020 with Plaintiffs’ expert disclosures due on May 18, 2020. ECF No. 144. ECF No. 144. Neither party has explained that they have attempted to use all available means, including video and telephone conferencing and electronic and telephonic

communication, to complete discovery, nor have they provided any specific difficulties they have encountered that prevents them from proceeding with the case.

Accordingly, **IT IS ORDERED** that the parties' stipulation to modify the case management and scheduling order is **REJECTED**.

Dated: April 7, 2020

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

JASON COUNTS, <i>et al.</i> , Plaintiffs, v. GENERAL MOTORS LLC, <i>et al.</i> , Defendants.	No. 1:16-cv-12541-TLL-PTM Judge Thomas L. Ludington Magistrate Judge Patricia T. Morris
IN RE: DURAMAX DIESEL LITIGATION	No. 1:17-CV-11661-TLL-PTM Judge Thomas L. Ludington Magistrate Judge Patricia T. Morris

**STIPULATION AND [PROPOSED] ORDER MODIFYING CASE
MANAGEMENT AND SCHEDULING ORDERS**

The parties have met and conferred and stipulate as follows:

WHEREAS, the COVID-19 pandemic has caused widespread illness and death, leading to the imposition of emergency precautionary measures in our communities and courts, as well as dramatic impacts on the automotive industry;

WHEREAS, the legal community, this case included, has come together to endeavor to put differences aside to navigate these uncertain circumstances and accommodate the exceptional demands that COVID-19 has placed on the conduct of pending litigation;

WHEREAS, in light of the substantial business and operational disruptions to GM's business caused by the COVID-19 pandemic, counsel for GM and counsel for Plaintiffs candidly discussed the well-publicized issues facing GM. GM requested a suspension of all deadlines and activities in this litigation until May 15, 2020;

WHEREAS, in response, counsel for Plaintiffs extended professional courtesies and promptly and graciously agreed to the proposed request;

WHEREAS, counsel for Robert Bosch LLC (and counsel for Robert Bosch GmbH in the *Duramax* class action) also have represented that the business operations of Robert Bosch LLC and Robert Bosch GmbH are experiencing disruptions and difficulties posed by COVID-19, and as such, have requested and have agreed to a suspension of all deadlines and activities in this litigation until May 15, 2020;

WHEREAS, in light of the current uncertainty concerning the COVID-19 crisis, including workplace shutdowns, shelter-in-place orders, and travel restrictions, the parties agree to consider further suspensions of (or modifications to) case deadlines and activities as appropriate in the future;

WHEREAS, the parties therefore agree that it is proper and appropriate to meet and confer by May 15, 2020 about whether a continuation of the suspension is warranted by the circumstances or if the litigation should be reactivated; and to

report to the Court the parties' proposed next steps, including a proposed schedule if the litigation is to be reactivated, by May 22, 2020;

THEREFORE, the parties request that the Court enter the modifications to the Case Management and Scheduling Orders specified in the attached Amended Case Management and Scheduling Orders.

Dated: April 3, 2020
STIPULATED AND AGREED BY:

/s/ Renee D. Smith
Renee D. Smith
Leslie M. Smith
Katherine W. Warner
KIRKLAND & ELLIS LLP
300 North LaSalle
Chicago, IL 60654
Tel: (312) 862 2310
renee.smith@kirkland.com
leslie.smith@kirkland.com
kate.warner@kirkland.com

Michael P. Cooney (P39405)
DYKEMA GOSSETT PLLC
400 Renaissance Center
Detroit, MI 48243
Tel: 313-568-6955
mcooney@dykema.com

*Counsel for Defendant General Motors
LLC*

/s/ Abena A. Mainoo
Abena A. Mainoo
Carmine D. Boccuzzi, Jr.
CLEARY GOTTLIEB STEEN &
HAMILTON LLP
One Liberty Plaza
New York, New York 10006
Tel: (212) 225-2000
amainoo@cgsh.com
cboccuzzi@cgsh.com

Matthew D. Slater
2112 Pennsylvania Ave., NW
Washington, DC 20037
Tel: (202) 974-1500
mslater@cgsh.com

William R. Jansen
Jonathan E. Lauderbach
Michael G. Brady
WARNER NORCROSS & JUDD LLP
2000 Town Center, Suite 2700
Southfield, Michigan 48075
Tel: (248) 784-5022 (Phone)
wjansen@wnj.com
jlauderbach@wnj.com
mbrady@wnj.com

*Counsel for Defendant Robert Bosch
GmbH*

/s/ Abena A. Mainoo
Abena A. Mainoo
Carmine D. Boccuzzi, Jr.
CLEARY GOTTLIEB STEEN &
HAMILTON LLP
One Liberty Plaza
New York, New York 10006
Tel: (212) 225-2000
amainoo@cgsh.com
cboccuzzi@cgsh.com

Matthew D. Slater
2112 Pennsylvania Ave., NW
Washington, DC 20037
Tel: (202) 974-1500
mslater@cgsh.com

William R. Jansen
Jonathan E. Lauderbach
Michael G. Brady
WARNER NORCROSS & JUDD LLP
2000 Town Center, Suite 2700
Southfield, Michigan 48075
Tel: (248) 784-5022
wjansen@wnj.com
jlauderbach@wnj.com
mbrady@wnj.com

*Counsel for Defendant Robert Bosch
LLC*

/s/ Steve W. Berman

Steve W. Berman
Jessica Thompson
HAGENS BERMAN SOBOL SHAPIRO LLP
1301 Second Avenue, Suite 2000
Seattle, Washington 98101
Tel: (206) 623-7292
steve@hbsslaw.com
jessicat@hbsslaw.com

Jason J. Thompson, Bar No. P47184
Lance C. Young, Bar No. P51254
SOMMERS SCHWARTZ
1 Towne Square, Suite 1700
Southfield, Michigan 48076
Tel: (248) 236-5752
jthompson@sommerspc.com

Christopher A. Seeger
SEEGER WEISS LLP
55 Challenger Road
Ridgefield Park, New Jersey 07660
Tel: (973) 639-9100
cseeger@seegerweiss.com

Robert C. Hilliard
HILLIARD MUNOZ GONZALES LLP
719 S Shoreline Blvd., # 500
Corpus Christi, Texas 78401
Tel: (361) 882-1612
bobh@hmgllawfirm.com

James E. Cecchi
CARELLA, BYRNE, CECCHI, OLSTEIN,
BRODY & ADNELLO, P.C.
5 Becker Farm Road
Roseland, New Jersey 07068
Tel: (973) 944-1700
JCecchi@carellabyrne.com

*Counsel for Plaintiffs and the Proposed
Class in Counts*

/s/ Steve W. Berman

Steve W. Berman
Garth W. Wojtanowicz
HAGENS BERMAN SOBOL SHAPIRO LLP
1301 Second Avenue, Suite 2000
Seattle, Washington 98101
Tel: (206) 623-292
steve@hbsslaw.com
garthw@hbsslaw.com

E. Powell Miller (P39487)
Sharon S. Almonrode (P33938)
THE MILLER LAW FIRM
950 W. University Dr.,
Suite 300
Rochester, MI 48307
Tel: (248) 841-2200
epm@millerlawpc.com
ssa@millerlawpc.com

Christopher A. Seeger
Jennifer R. Scullion
55 Challenger Road
Ridgefield Park, New Jersey 07660
Tel: (973) 639-9100
cseeger@seegerweiss.com
jscullion@seegerweiss.com

James E. Cecchi
CARELLA, BYRNE, CECCHI, OLSTEIN,
BRODY & AGNELLO, P.C.
5 Becker Farm Road
Roseland, NJ 07068
Tel: (973) 994-1700
JCecchi@carellabyrne.com

*Counsel for Plaintiffs and the Proposed
Class in In re Duramax*

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

JASON COUNTS, *et al.*,

Plaintiffs,

v.

GENERAL MOTORS LLC, *et al.*,

Defendants.

No. 1:16-cv-12541-TLL-PTM

Judge Thomas L. Ludington

Magistrate Judge Patricia T. Morris

**[PROPOSED] AMENDED CASE MANAGEMENT
AND SCHEDULING ORDER**

Pursuant to the parties' stipulation, and good cause having been shown, it is **ORDERED** that all deadlines and activities in this litigation are suspended through May 15, 2020. The parties are further **ORDERED** to meet and confer by May 15, 2020 about whether a continuation of the suspension (or other modification to the case schedule) is warranted by the circumstances or if the litigation should be reactivated; and to report to the Court the parties' proposed next steps, including a proposed schedule if the litigation is to be reactivated, by May 22, 2020.

THOMAS L. LUDINGTON
United States District Judge

Dated: April _____, 2020

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

IN RE: DURAMAX DIESEL
LITIGATION

No. 1:17-CV-11661-TLL-PTM

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THOMAS L. LUDINGTON
United States District Judge

Dated: April _____, 2020