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July 9, 2014

VIA ELECTRONIC FILING  
Hon. Jesse M. Furman  
United States District Court  
Southern District of New York  
Thurgood Marshall Courthouse  
40 Foley Square  
New York, NY 10007

RE: In Re: General Motors LLC Ignition Switch Litigation  
14-MD-2543 (JMF); 14-MC-2543

Your Honor:

Pursuant to Order No. 3 entered on July 8, 2014, I submit the following letter addressing the five questions your Honor asked in Order No. 1 and the response given by temporary lead counsels.

I would like to first give you a background of our firm so that you may better understand our responses. We are a small town law firm with a national reputation. I have been involved with civil MDL litigation since MDL No. 330, In Re: Swine Flu Immunization Products Liability Litigation. Matt Moreland, of our office, spends fifty percent of his time working as the President Elect of the National Federal Bar Association. My son, Bradley Becnel, who would like to return to the practice of law, left our firm for public service as full-time special assistant and advance lead for the White House. During his tenure over the last six years, he has worked full-time for President Barack Obama, First Lady Michelle Obama, Vice-President Joseph Biden and his wife Doctor Jill Biden, Madam Secretary Hillary Clinton, and President Bill Clinton, doing special projects for the Clinton Global Initiative (pro-bono). Bradley served as lead of the advance team for secret missions to Afghanistan and Iraq, G8 and G20 Summits and President Barack Obama's Nobel Peace Prize presentment. He recently spent two weeks in China with First Lady Michelle Obama and was in charge of coordinating the Seventieth Anniversary of the Normandy Landings for the President of the United States, Barack Obama and his Excellency Francois Hollande, President of the French Republic. Two of my other sons and their wives are attorneys as well that are working in private practice serving the public interest.

Our firm attended the conference held by interim lead counsel on July 1, 2014 by telephone, as we did not receive ample notice to attend in person. The difficulty in attending by phone is we could not hear what was being said by the attorneys attending in person, as not everyone was close enough to the microphone. This resulted in the telephonic attorneys missing out on important parts of the conversation.

I think it is appropriate to address the last question first as your Honor's decision on the bankruptcy issue can dictate the necessity of lead counsel, liaison counsel, plaintiff steering committee and other committees. We believe your Honor should await a ruling by the Bankruptcy Court on the Motion to Enforce before appointing lead and liaison counsel for multiple reasons.

Not only will staying this action pending the rulings of the Bankruptcy Court avoid duplicative costs to the class; it very well could save the class substantial costs by allowing Ken Feinberg to resolve the serious injury and death cases without the need for a Lead Counsel and PSC. The individual attorneys can negotiate their cases with Mr. Feinberg and resolve a substantial number of these cases. As the Court is aware, Mr. Feinberg has participated in multiple cases in this role, from the 9/11 Fund through the GCCF in the BP "Deepwater Horizon" Oil Spill. In the "Deepwater Horizon" matter, Mr. Feinberg settled roughly 225,000 cases for almost seven billion dollars in fourteen months. Mr. Feinberg has been hired by GM to resolve the severe injury and death cases. In fact, Mr. Feinberg will start accepting claims on August 1, 2014 and estimates it will take 90 days to resolve a claim once all information for that client is received. Should Mr. Feinberg settle a majority of the personal injury cases, there will be no need to allocate fees to a PSC for a common benefit fee.

In addition, all claimants will have to file proof of claim forms in the Bankruptcy proceedings and this will provide necessary information to both Defendants and Plaintiffs as to the number of claims and types of claims. It very well could eliminate the need and work that would be required to construct and complete plaintiff fact sheets for the civil action.

Our firm has dealt with this issue of a bankruptcy in the *In re Caribbean Petroleum Corp.* case in Puerto Rico. This case involved the explosion of multiple fuel storage tanks, which burnt for over four days that caused the evacuation of over 4000 homes and businesses as well as the closing of the Puerto Rico airport. While this stay lasted almost 4 years, the stay did not negatively impact plaintiffs. The facts of the case did not change, the liability issues did not change and in fact information gathered through the bankruptcy proceedings has helped shape how the litigation is now moving forward with depositions in the civil case, which are now set for July 17, 2014 through August 22, 2014.

In addition to gathering information in the Bankruptcy Court, a stay would also allow Plaintiffs access to the information gathered by the internal investigations of GM and the investigations by both Houses of Congress. These investigations as well could help prevent duplicative work being done by a PSC and Executive Committee.

If this matter is stayed, there is no need for this Court to appoint a Lead Counsel, Liaison Counsel, or PSC until the bankruptcy matter is concluded. However, if this Honorable Court

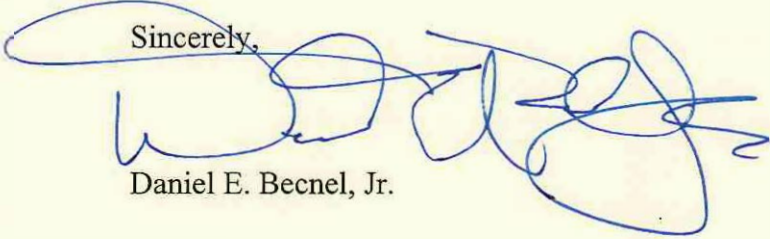
believes otherwise, I would recommend that the Court appoint a Liaison Counsel who practices, and works in an office in New York.

If this Court deems a stay is not appropriate pending the Bankruptcy Court's resolution, our firm believes the fairest way to all plaintiffs' counsel involved is to have an open application process. This way any notion of favoritism or cronyism is disposed of. Your Honor would see the CV of each person and what qualifications each attorney possesses and then could select a team that encompasses attorneys who have strengths in different areas. As the court is aware, some counselors are better trial attorneys and others are better at research and/or brief writing. If a nomination process is allowed, then all you get is the same group of lawyers who have run the MDL litigations for the last several years. Instead, your Honor can also see what other MDL the attorneys are presently serving on to ensure that the attorney has the time for another personal appointment. The Court can also learn what attorneys have taken an active role in this litigation from the beginning such as the approximate 15 attorneys who argued this case to the JPML panel. It should be noted that some attorneys are currently appointed to eight to ten PSCs.

After the appointment of the PSC, the PSC and Lead Counsels can put together the necessary sub-committees that are needed and appoint the attorneys to these committees. These appointments would not have to be limited to just PSC members. Judge Eldon Fallon of the Eastern District of Louisiana, has issued standard orders in three MDLs concerning the appointment of a Lead Counsel, Liaison Counsel and PSC which our recommendations to this Honorable Court follow. In addition, Judge Fallon in the *Murphy Oil Class Action Litigation* (LAED 05-4206) limited fees to 10%. When the BP "*Deepwater Horizon*" case arose, I limited my fees to 10% for all fisherman, oysterman and other cases that I settled though the GCCF. In the *Katrina Canal Breach Consolidated Litigation* (EDLA 05-4182), our office handled 61,000 cases pro-bono; our firm only asked that the Court award us reimbursement of our costs for depositions and experts. There were not hundreds of attorneys looking to do this work at the time and on the settlements for the cases we had previously attained, we waived our fee.

In closing, our firm believes that is in the best interest of Plaintiffs for this Honorable Court to stay this matter pending the resolution of issues by the Bankruptcy Court and not to appoint a lead counsel or PSC until such time that these positions are needed by the class. I am sure I will not make any friends with this letter to the Court, but I feel these things needed to be said. In my opinion, MDLs have evolved in the last few years and what takes place now is not a search to resolve a case for the masses as quickly as possible but instead how to make "busy work" so attorneys can justify a huge fee.

Sincerely,

  
Daniel E. Becnel, Jr.