

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

GENERAL MOTORS LLC IGNITION SWITCH LITIGATION

14-MD-2543 (JMF)

14-MC-2543 (JMF)

This Document Relates to All Actions
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**DANIEL E. BECNEL, JR.'s APPLICATION FOR APPOINTMENT TO
THE PLAINTIFFS' EXECUTIVE COMMITTEE**

NOW INTO COURT, comes Daniel E. Becnel, Jr., counsel for Jomeka Coleman and Vernon Lavell, pursuant to Section II of this Court's Pretrial Order #5, who requests that this Honorable Court appoint him to the Plaintiffs' Executive Committee for this consolidated, multi-district litigation. I hereby represent that I, and the Becnel Law Firm LLC, have and will commit the ample resources necessary to prosecute this litigation, will work cooperatively with the other attorneys involved in this litigation, and have experience in complex litigation including automobile defect/recall, antitrust litigation, mass torts, and class actions. Undersigned would request the opportunity to appear and address the Court at the August 11, 2014 Initial Conference.

I have participated in other vehicle recall litigations such as MDL 2151 *In re: Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices, and Products Liability Litigation*; MDL No. 1632 *In re High Sulfur Content Gasoline Products Liability Litigation*, and the *Exxon Bad Gas Litigation*, currently pending in the U.S.D.C. for the Middle District of Louisiana. When Congress started to investigate Toyota for unintended acceleration claims, I was asked by Congressman Henry Waxman to provide experts to his committee on the subject of sudden acceleration. I was also asked by then Congressman Billy Tauzin, Chairman of the House Energy and Commerce Committee, to provide experts in connection with the investigation of the *Ford Firestone Roll-over Product Liability Litigation*, MDL 1373.

I am intimately aware of the different Louisiana state laws and the Federal Regulations that

will permeate throughout this case. Louisiana has some state statutes that are different than any other law in the country, such as Redhibition (La. C.C. art. 2520 et seq.) and Louisiana Products Liability Act (La. R.S. 9:2800.55 et seq.) Louisiana's definition of certain things such as the definition of an "Express Warranty" differs from other states' statutes. I believe my knowledge of Louisiana law would be a great asset to the Executive Committee.

Thus far, I have filed two suits in this litigation. One in the Middle District of Louisiana (Coleman) and one in the Eastern District of Louisiana (Lavell). Both cases were stayed pending the JPML decision to consolidate and have since been transferred to this Honorable Court. I have attended, either in person or via telephone, every hearing with this Court, the United States Bankruptcy Court for the Southern District of New York presided over by the Honorable Judge Robert E. Gerber, and all meetings held between counsel of record to help coordinate and prosecute this litigation. Our firm has not filed our inventory of death and serious injury cases of as today. Our firm was waiting to see if a direct-filing order would be issued and to see if Mr. Feinberg would be able to resolve these cases without the expense of litigation.

I am a trial lawyer who tries cases. I tried one of the first million dollar verdicts in the U.S. shortly after receiving my law degree. I recently tried to verdict the Mother's Day Bus Crash, which killed 21 people and injured 21 people. The defendants included MCI, the manufacturer of the bus, the doctors who certified the bus driver, Casino Magic, the company that chartered the bus and the State of Louisiana because of faulty highway design. As result of this litigation the W rail had to be changed on all highways.

My office has been one of the leaders throughout the country in MDL litigation, having been involved since one of the first civil MDLs in the country, MDL No. 330 *Swine Flu Immunization Products Liability Litigation*. I participated in the *Luling Ferry Disaster*, the largest maritime disaster in the history of the United States, which involved the death of 78 people. My office had the

largest number of claimants in this litigation. This case was tried and/or settled before U.S. District Judge Alvin Rubin (deceased).

I have worked very closely my entire career with lawyers throughout the country and, for example, in reference to MDL No. 926 *In re Breast Implant Products Liability Litigation*, my office supplied and supervised thirty-five attorneys, full-time, for over two years to the document depository in Cincinnati, Ohio. I personally took numerous depositions in this litigation, including the CEO of Dow Corning Corporation and Dr. Georgiade, the inventor of the MEC breast implant devices (a Bristol-Myers defendant) all of which led to a multimillion dollar settlement in that MDL. Our firm funded 4 million dollars in assessments to the PSC when some firms could not meet their assessment obligations, to ensure the litigation could continue at a properly funded level.

Specifically, in reference to manufacturing products, I was invited by Japanese Industry, including The Japan Society of Mechanical Engineers, to help craft Japan's new Product Liability law, which was introduced on July 1, 1995. Prior to that, Japan did not have a products liability law. The Committee invited 45 corporate members, 15 university and national institute members, as well as international experts from a wide range of PL-related fields, including law, fatigue and fracture, as well as engineering and design. Almost every major Japanese industry was involved in this process. I spoke on automotive, petrochemical, medical products, and pharmaceutical product liability, to name a few. I particularly addressed how multi-district litigation was conducted in the U.S. since no such court proceeding existed in Japan.

I was also invited to speak at the SPT-5 Fifth International Conference on Structural Failure, Product Liability, and Technical Insurance at the Technical University in Vienna, Austria. This was sponsored by the Institute of Mechanics Technical University of Vienna Austria.

I have been one of the leaders in mass torts, products liability, plant explosions, automotive defects/recalls, train derailments, air crashes, ship collisions, and anti-trust litigation across the

country. Specifically, in reference to mass torts, the following are a few of the cases in which my office has served as either Lead Counsel, Trial Attorney, Liaison Counsel or as a member of the Plaintiffs' Committee. I also initiated many of the below-listed as a mass tort before the MDL Panel.

I was a founding member of *Dianne Castano, et al v. The American Tobacco Company, et al* representing Governor Gray Davis and the State of California in the states' litigation and subsequent settlement with the tobacco industry. In the Louisiana Tobacco case, *Gloria Scott et al v. American Tobacco Company, et al.*, I was a member of the Trial Team and personally took many of the major depositions of the defendants. The outcome of this case, only one of its kind, provided millions of dollars to assist the people in Louisiana with smoking cessation programs.

I served on the Plaintiffs' Steering Committee in the following MDLs: MDL No.1038 (was in charge of the document depository); MDL No. 1057(in which I provided the metallurgy experts who found the defect in these pacemakers), MDL No. 1148, MDL No. 1355, MDL No. 1401, MDL No. 1431, MDL No. 1477, MDL No. 1535, MDL No. 1626, MDL No. 1629, MDL No. 1691, MDL No. 1708, MDL No. 1726, MDL No. 1742, MDL1763, MDL No. 1785, MDL No. 1845, MDL No. 1953, MDL No. 2034, MDL No. 2047 (in which our client, Sean Payton of the New Orleans Saints, was the lead plaintiff), MDL No. 2100, MDL No. 2220, and MDL No. 2223. I was appointed to the Plaintiffs' Committee in the *Murphy Oil Litigation*, which involved approximately 6000 homes flooded in oil as a result of defective tanks during Hurricane Katrina.

I was appointed Liaison Counsel in reference to MDL No. 1632 and MDL No. 2263 and as State/Federal Liaison in MDL 1203. I was appointed Lead Counsel/Co-Lead Counsel in MDL No. 1724 and MDL No. 1960.

In the BP Oil Litigation, which I argued before the MDL Panel, I requested that the White House appoint Ken Feinberg as the Special Master. All of the death cases were resolved and Ken Feinberg settled 225,000 cases in 14 months for approximately \$7 billion. I previously recommended

Ken Feinberg to various state and federal judges because of his ability to cut through clutter and resolve cases. Our firm limited our fees in this case to 10% plus costs.

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 and on the settlements for the cases we had previously attained, we waived our fee.

Additionally, our office was one of three law firms, which handled the DPC Festus Missouri case, which was the largest release of chlorine in the United States, which injured approximately 345 people, and caused extensive property damage. Our firm also participated in the Minot North Dakota Train Derailment case, the largest anhydrous ammonia release in the country.

My office is involved in the *Caribbean Petroleum Oil and Fire Litigation*. This case arises from the explosion and subsequent fire, which took place on October 23, 2009 at the fuel storage facility owned by Caribbean Petroleum Corp., located in Bayamon, Puerto Rico. Our office represent 3000 Puerto Rico citizens in this matter.

These are a representative selection of cases in which I have been involved in during my career. I ask the Court to allow me to serve as a member of the Plaintiffs' Executive Committee. I can devote the time necessary to this case as my entire career has been devoted to representing people throughout the country, and my office is often relied upon to organize, finance, and litigate major complex cases. I can assure the Court I will commit whatever resources are necessary to make this Court proud of my work ethic and commitment to make this MDL a success.

Respectfully submitted,
/s/ Daniel E. Becnel, Jr.
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