



VIA ELECTRONIC CASE FILING SYSTEM

July 28, 2014

Hon. Jesse M. Furman
 United States District Judge
 United States District Court for the Southern District of New York
 Thurgood Marshall United States Courthouse
 40 Foley Square
 New York, NY 10007

Re: *In re: General Motors LLC Ignition Switch Litigation*, 14-MD-2543 (JMF)
 Application of Jayne Conroy or Paul J. Hanly, Jr.

Dear Judge Furman:

Pursuant to this Court's order dated July 18, 2014, this letter will serve as the application of Jayne Conroy or, in the alternative, Paul J. Hanly, Jr., of the firm Simmons Hanly Conroy ("SHC"), for a leadership position in *In re: General Motors LLC Ignition Switch Litigation*. As described below, both Ms. Conroy and Mr. Hanly are exceptionally qualified to serve in any of the leadership positions described in the July 18 Order in light of their experience in many complex federal mass tort MDL cases, their long years of experience and outstanding reputation in this Court, and Ms. Conroy's role in *In re: Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices, and Products Liability Litigation* (MDL 2151, C.D. Cal.) ("*Toyota*"), which this Court has already recognized provides useful precedent for this case. In addition, with approximately 70 lawyers and offices in New York, California, Missouri and Illinois, SHC can bring the necessary resources to a case that may be both complicated and very expensive to litigate. The Court has identified seven criteria that it will consider in reviewing applications. We address each in turn.

Knowledge and Experience in Prosecuting Complex Litigation: Both Ms. Conroy and Mr. Hanly have extensive experience with complex federal litigation over more than two decades. Of immediate significance is Ms. Conroy's experience in the *Toyota* litigation. There, Ms. Conroy was appointed by Judge Selna to serve on the Lead Counsel Committee for Economic Loss. She was later appointed as Allocation Counsel for Manifestation States in connection with the settlement. Notably, Ms. Conroy was the only woman on the Lead Counsel Committee for Economic Loss in *Toyota*, providing important leadership and diversity representation for women

We stand for our clients.

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lawyers and clients.

The *Toyota* case was only one of many high profile, complex federal cases in which Ms. Conroy, Mr. Hanly, and their law firm (previously known as Hanly Conroy Bierstein Sheridan Fisher & Hayes LLP (“HC”)) have played or currently play a significant leadership role. Ms. Conroy was appointed to the Plaintiffs’ Executive Committee (“PEC”) in *In re: DePuy Orthopaedics, Inc. Pinnacle Hip Implant Products Liability Litigation* (MDL 2244, N.D. Tex.), where she serves under the oversight of Judge Kinkeade and Special Master Judge James Stanton. She serves on the PEC in *In Re: Lipitor (Atorvastatin Calcium) Marketing, Sales Practices and Products Liability Litigation* (MDL 2502, D. S.C.) and on the Plaintiffs’ Steering Committees (“PSC”) in *In re Pelvic Repair System Products Liability Litigation* (MDL 2325, 2326 & 2327, S.D.W.Va.), in *In re: Zoloft (Sertraline Hydrochloride) Products Liability Litigation* (MDL 2342, E.D. Pa.), and in *In re: Actos (Pioglitazone) Product Liability Litigation* (MDL 2299, W.D. La.). Ms. Conroy also served on the PSCs in the now-concluded *In re: DePuy, Inc. ASR Hip Implant Products* (MDL 2197, S.D. Ohio), in *In re: Gadolinium-Based Contrast Agents Products Liability Litigation* (MDL 1909, N.D. Ohio), and in *In re: Zyprexa Products Liability Litigation* (MDL 1596, E.D.N.Y.). She was selected as Trial Counsel and a member of the Plaintiffs’ Fee Committee in *In re: Bextra and Celebrex Marketing and Sales Practices and Products Liability Litigation* (MDL 1699, N.D. Cal.) and as state/federal liaison in *In re: Chantix (Varenicline) Products Liability Litigation* (MDL 2092, N.D. Ala.), a member of the Science Committee in *In re: Oil Spill by the Oil Rig “Deepwater Horizon” in the Gulf of Mexico* (MDL 2179, E.D. La.) (the so-called “BP Litigation”), and Co-Chair of the Law and Briefing Committee in *In re: Yasmin and Yaz (Drospirenone) Marketing, Sales Practices and Products Liability Litigation* (MDL 2100, S.D. Ill.).

Other lawyers at SHC, including Mr. Hanly, have also held leadership roles in mass tort and class action cases. Mr. Hanly served on the Plaintiffs’ Coordinating Committee in *In re: Ephedra Products Liability Litigation* (MDL 1598 S.D.N.Y) (Rakoff, J.), was state/federal liaison counsel in *Bextra/Celebrex, supra*, and serves as the Chair of the Discovery Committee in *Pinnacle*, while other lawyers at SHC have served or currently serve on the PECs in *In re: Chantix (Varenicline) Products Liability Litigation* (N.D. Ala.), and in *In re: Propecia (Finasteride) Products Liability Litigation* (MDL 2331, E.D.N.Y.), and as Plaintiffs’ Interim Co-Class Counsel in *In re: AIG Workers Compensation Insurance*

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Policyholder Litigation (MDL 2519, N.D. Ill.).¹ Moreover, Mr. Hanly has handled and tried numerous complex cases in this Court, including before Judges Koeltl, Castel, Rakoff, Chin and Nathan. (Following Mr. Hanly's service before Judge Rakoff in the *Ephedra* MDL, Mr. Hanly and Ms. Conroy tried an unrelated case before him.)

Willingness and Ability to Commit to a Time-Consuming Process: As discussed above, both Ms. Conroy and Mr. Hanly have previously demonstrated their willingness and ability to commit to time-consuming multidistrict litigations. Each is familiar with the demands of such cases and can represent to the Court that she (or he) is fully able to take on whatever level of responsibility (Co-Lead Counsel Committee, Executive Committee, Liaison Counsel) this Court deems appropriate.²

Willingness and Ability to Work Cooperatively with Others: The number of PEC and PSC appointments that Ms. Conroy and Mr. Hanly have received in the past several years demonstrates a recognition both among their colleagues and by the bench of their willingness and ability to work cooperatively with others. They have served in varying capacities – steering committee, executive committee, liaison, committee chair – as the needs of the case have required. Their reputation for collegiality and exceptional skill and performance is reflected in the increasing demand for their participation in large multidistrict litigations. Indeed, as noted above, in the *Toyota* litigation, Ms. Conroy was selected by Co-Lead Counsel to act as Allocation Counsel for

¹ We fully expect many (perhaps all) other applicants to represent that they were “involved” or “participated” in various MDLs. The Court should scrutinize such representations carefully. While it is literally true that any attorney whose case or cases were transferred to an MDL court (whether originally filed in or removed to the federal transferor court is irrelevant) can be said to have been “involved” or “participated” in prior MDLs, the critical question for the Court should be the extent to which any applicant was actually court-appointed to a leadership position. In the case of Ms. Conroy, Mr. Hanly and their firm, their involvement was in all cases service on court-appointed leadership committees.

² It should be noted that, although the *Pinnacle* case has consumed substantial amounts of time in the past year, discovery in the case is now complete and the first bellwether case set for trial on September 2, 2014. Neither Ms. Conroy nor Mr. Hanly will be lead trial counsel, and in any event the trial is expected to last only one month. Ms. Conroy's and Mr. Hanly's *Pinnacle* responsibilities thus present no impediment to their commitment and dedication here.



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Manifestation States in connection with the settlement. The value of her contribution was also recognized by her colleagues and by the court in *Toyota* in the computation and allocation of attorneys' fees: her firm's fee was computed with the highest lodestar multiplier of any firm other than the co-lead firms; indeed, her firm had the fourth highest lodestar multiplier out of the 26 firms that participated in the case.

Access to Resources: Recently renamed following the merger of HC with the Illinois-based Simmons Browder Gianaris Angelides & Barnerd LLC, SHC brings unparalleled depth, experience, and resources to this case. With approximately 70 lawyers and total staff of more than 225, the firm has offices on both coasts, as well as in the Midwest. The firm focuses its practice on asbestos personal injury cases, pharmaceutical and other similar mass torts, consumer fraud class actions, antitrust cases, and other complex plaintiffs' side litigation. As described above, not just Ms. Conroy and Mr. Hanly, but other lawyers at SHC as well have substantial experience, including leadership experience, in complex multidistrict litigations, allowing for depth in staffing as needed. SHC will be able to devote the necessary personnel to this case, and to advance whatever expenses are needed throughout the litigation. Significantly, in the *Toyota* case, HC was one of only four firms that paid *all* of the assessments sought from co-lead counsel to advance expenses in that case (its share totaled \$1.7 million); SHC will have no problem advancing significant expenses in this case.

Work in Identifying, Investigating and Prosecuting Claims: SHC has filed two class actions against General Motors arising from ignition switch defects; both cases have been transferred to this MDL. SHC represents more than 100 additional clients with economic loss claims against General Motors arising from ignition switch defects.

Knowledge of Applicable Law: The legal issues in this case overlap substantially with the legal issues in the *Toyota* case, which also involved an automotive defect. As a result of her work there, Ms. Conroy is highly familiar with the legal issues arising from the kind of defect at issue in this case, especially as pertain to claims for economic loss. In addition, both Ms. Conroy and Mr. Hanly have considerable experience in the identification, investigation and litigation of personal injury claims arising from automotive defects.

Geographic Diversity: Ms. Conroy has based her practice in New York for nearly



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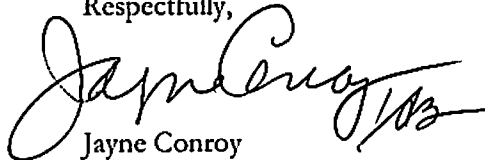
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twenty years, while Mr. Hanly has practiced in New York for more than three decades. As noted, they have handled and tried cases in this District, and are well known to, and highly thought of by, a number of its judges. Although their previous firm, HIC, recently merged with the Simmons firm to form SHC, Ms. Conroy and Mr. Hanly remain firmly rooted in New York, where they lead SHC's New York office and its Complex Litigation practice. Indeed, Ms. Conroy was the sole attorney based in New York with a leadership role in *Toyota*. Nonetheless, SHC brings a nationwide perspective: it has offices from coast to coast. As reflects the national scope of the firm's practice, SHC firm represents clients with ignition switch claims against GM in 35 states across the country.

Biographical Information: Ms. Conroy received a B.A. from Dartmouth College in 1980 and a J.D. from the New England School of Law in 1985, where she was an editor of a law journal. She was admitted to practice in Massachusetts in 1985 and in New York in 1996. She has maintained her office in New York since 1996. Mr. Hanly received a B.A. *magna cum laude* from Cornell University in 1974, a M.A. with honors from Cambridge University in 1976, and a J.D. from Georgetown University Law Center in 1979. He began his career as a law clerk to a United States District Judge, was admitted to practice in New York in 1980, and has maintained his practice here since then. Both Ms. Conroy and Mr. Hanly are in good standing in every court in which they have ever been admitted.

Ms. Conroy respectfully requests the opportunity to address the Court on August 11, 2014.

Respectfully,


Jayne Conroy


Paul J. Hanly, Jr.