

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 ACTIONS

**DECLARATION OF DAWN M. BARRIOS IN SUPPORT OF CO-LEAD  
COUNSEL'S MEMORANDUM OF LAW IN OPPOSITION TO LANCE COOPER'S  
MOTION TO REMOVE THE CO-LEADS AND RECONSIDER  
THE BELLWETHER TRIAL SCHEDULE**

I, Dawn M. Barrios, declare under penalty of perjury as follows:

1. I have personal knowledge of the matters described in this declaration and am competent to testify thereto.

2. On August 15, 2014 in Order No. 8 (Leadership Appointments), Your Honor appointed me Federal/State Liaison Counsel. That Order clearly demonstrated the importance of maximizing the coordination between the MDL and state court actions. The Court's involvement at the inception of an MDL on coordination furthers the mission of providing the state court counsel with information (discovery, rulings, etc.) that counsel would not ordinarily have. It prevents state court counsel from being isolated, unorganized, and generally "in the dark".

3. Order No. 15 (Joint Coordination Order) sets the Court's expectations for coordination: "The MDL Court expects counsel for parties in the MDL proceeding to help ensure that such coordination is achieved wherever it is practicable and desired by a given court or courts." (Rec. Doc. 315, p. 1). The obvious intent of Order No. 15 is to include the state court actions in the MDL as much as practicable, providing Liaison Counsel in all Coordinated Actions with information about the MDL activities and the ability to participate in the MDL. Specifically, it directs Federal/State Liaison Counsel to have the primary obligation to provide all discovery requests to Plaintiffs' Liaison Counsel in the Coordinated Actions, maintain a log of all MDL Orders, discovery requested and received, and provide these documents, as well as other information to all Plaintiffs' Liaison Counsel in a Coordinated Action each month.

4. I take the role of Federal/State Liaison Counsel very seriously. I have followed all MDL orders regarding coordination and have communicated with Liaison Counsel in

Coordinated Actions.<sup>1</sup> In addition to direct emails, my office has set up a Dropbox folder which contains all information the Court directed me to provide, and more, along with other information state court counsel may find useful. Monthly, or more often as needed, each Liaison Counsel in a Coordinated Action receives an email notification of new material placed in the Dropbox folder. The Dropbox folder also has a listing of all Liaison Counsel in a Coordinated Action and his/her contact information, which is available to all Liaison Counsel in Coordinated Actions should they desire to communicate with each other. When depositions were being planned and scheduled, each Liaison Counsel in a Coordinated Action received the original deposition calendars and every update. Very detailed logs of the MDL Orders, Memo Endorsements and discovery were maintained and provided to Coordinated Action counsel via the shared Dropbox folder.

5. Mr. Lance Cooper's cases became Coordinated Actions as early as November 7, 2014, the same date he committed to be Liaison Counsel. As Liaison Counsel in Coordinated Actions, he received all materials and information ordered to be served upon him, described herein and on Exhibit A to this Declaration.

6. Further, Order No. 36, ¶43 (Amended Deposition Protocol Order) encourages Plaintiffs' Counsel in the Coordinated Actions to designate no more than 2 counsel to examine a deponent. In order to encourage cooperation among counsel in Coordinated Actions to select the examiner(s) by mutual agreement, I informed Liaison Counsel in Coordinated Actions that the Order allowed their participation in MDL depositions and requested that if any state court counsel wanted to examine a witness in a MDL deposition, he/ she should notify all other

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<sup>1</sup> I oftentimes get involved assisting state court counsel to understand what coordination means and the benefits and utility to their state court cases.

counsel in a Coordinated Action and myself of the intent to participate in any deposition, and ask if any other counsel in a Coordinated Action had an objection. This procedure ensured that all counsel in a Coordinated Action would be aware of the deposition, the opportunity to participate in the deposition, and that counsel in another Coordinated Action wished to “represent” all Coordinated Actions’ interests in the deposition. Should there be no opposition voiced to the Coordinated Action counsel who wanted to participate in the deposition, he/she could participate and examine the deponent. No counsel ever objected to Mr. Cooper, or any other state counsel, examining any witness. I sought to give each Liaison Counsel in a Coordinated Action a voice in all discovery matters, and the procedure just described furthered that goal.

7. As Federal/State Liaison, I have provided Mr. Lance Cooper with all information and documentation required in the Court’s Orders, as well as the names of the other counsel in Coordinated Actions. All information is in the Dropbox folder to which Mr. Cooper has been given access.

8. No Co-Lead usurped the responsibilities vested in me by the Court regarding coordination, or discouraged any state court counsel from advocating the interests of their client in a forum of the counsel’s choice. My experience in this case is that the Co-Leads never interfered with the directives to Federal/State Liaison Counsel to maximize coordination with state court cases. Rather, it was the opposite; the Co-Leads gave me guidance when asked, assisted when requested, and supported additional procedures I wished to implement to further the goal of coordination. The perfect example of the Co-Leads’ support of coordination is the protocol described in paragraph 6 above. The protocol was not specified by the Court, and yet endorsed by the Co-Leads to further the intent of the Orders.

9. Pursuant to Order No. 36 (Amended Deposition Protocol Order), Mr. Cooper noticed his intent to participate in the depositions of Deborah Nowak-Vanderhoef, David Trush, Lawrence Buonomo, Brian Stouffer, Ronald Porter, Steven Oakley, Jennifer Sevigny, Alberto Manzor, Gay Kent, Raymond DeGiorgio, James Federico, and Jaclyn Palmer, but he only appeared for the depositions of Ray DeGiorgio, Jaclyn Palmer and Gay Kent. He was made aware of these depositions and his ability to participate by the procedure set forth in paragraph 6.

10. Another example of the Co-Leads encouragement of coordination is the Co-Leads conference call on April 13, 2015 with any state court counsel, regardless of whether they were in a Coordinated Action. In that call, the Co-Leads disclosed all activities of the MDL and invited participation and coordination with the MDL, as well answered any questions.

11. I regularly reported to and interacted with all Co-Leads on every state court coordination matter, and I can recall no instance in which any Co-Lead discouraged me or ordered me to deviate from the mandates of the Court on coordination.

12. Mr. Cooper had unfettered access to the identity and contact information of all counsel in Coordinated Actions and continues to this day to have it. This information has always been in the Dropbox folder to which he has had access. And he receives monthly reminders of the Dropbox folder when he gets the emails from me detailing the additions to the folder.

13. Mr. Cooper has never expressed to me that he felt efforts to coordinate were lacking or oppressive in any respect.

14. Attached to this Declaration is a listing of all communication between Mr. Cooper, other counsel in any Coordinated Action or the MDL which I have received, and me. Exhibit A. There have been at least ninety-nine (99) separate instances that MDL information has been provided Mr. Cooper as Liaison Counsel in a Coordinated Action.

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

Executed this 1<sup>st</sup> day of February, 2016 at New Orleans, Louisiana.

/s/ Dawn M. Barrios  
Dawn M. Barrios

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the above document was served upon the attorney of record for each other party through the Court's electronic filing service on February 1, 2016, which will send notification of such filing to the e-mail addresses registered.

/s/ Steve W. Berman

Steve W. Berman

# Exhibit A



## Federal-State Liaison Communications with Lance Cooper

Date	Description
11/7/14	Barrios email to Cooper re: introduction to MDL coordination, Protective Order and shared Dropbox for MDL Orders and Discovery ( <i>Melton v. GM</i> )
11/7/14	Barrios emails Dropbox invitation to Cooper
12/1/14	Barrios email to Cooper re: introduction to MDL coordination, Protective Order and shared Dropbox for MDL Orders and Discovery ( <i>Pate v. GM</i> )
12/10/14	Barrios email to Coordinated Action counsel re: 12/15/14 status conference and enclosing Order No. 19
12/16/14	Barrios email to Coordinated Action counsel enclosing transcript of 12/15/14 status conference
1/27/15	Barrios email to Coordinated Action counsel enclosing a draft of the MDL's consolidated Requests for Production of Documents
2/2/15	Barrios email to Coordinated Action counsel enclosing Plaintiffs' First Set of Consolidated Requests for Production of Documents to Defendant General Motors LLC and Order No. 10
2/7/15	Barrios email to Coordinated Action counsel monthly Orders and Discovery Logs
3/2/15	Barrios email to Coordinated Action counsel enclosing GM MDL deposition schedules for May- August 2015
3/6/15	Barrios email to Coordinated Action counsel enclosing Plaintiffs' Second Set of Consolidated Requests for Production of Documents to Defendant General Motors LLC and Order No. 10
3/9/15	Barrios email to Coordinated Action counsel monthly Orders and Discovery Logs
3/18/15	Barrios email to Coordinated Action counsel enclosing MDL deposition calendars
3/19/15	Barrios email to Doreen Lundigran/ The Cooper Firm enclosing contact information for Coordinated Action counsel
3/31/15	Barrios email to Coordinated Action counsel re: recent developments, scheduling conference call with MDL Lead Counsel for 4/13/15, and enclosing letter re GM subpoenas, Order No. 42, Order No. 43 and MDL deposition calendars
4/8/15	Barrios email to Coordinated Action counsel enclosing Plaintiffs' First Set of Interrogatories to Defendant General Motors LLC served on 4/7/15
4/8/15	Barrios email to Coordinated Action counsel scheduling conference call with MDL Lead Counsel for 4/13/15 to discuss recent developments in the MDL- Orders, depositions, and discovery
4/13/15	Barrios email to Coordinated Action counsel providing contact information for GM leadership
4/14/15	Barrios email to Coordinated Action counsel enclosing schedule of Phase 1 depositions
4/16/15	Barrios email to Coordinated Action counsel enclosing 4/14/15 letters from Lead Counsel re: Jaclyn Palmer 5 <sup>th</sup> Amendment

4/16/15	Barrios email to Coordinated Action counsel enclosing Notice and Cross Notice of Videotaped Depositions for the month of May 2015
4/16/15	Barrios email to Coordinated Action counsel enclosing Amended Notice and Cross Notice of Videotaped Depositions for the month of May 2015
4/23/15	Barrios email to Coordinated Action counsel enclosing Order No. 42
4/23/15	Barrios email to Coordinated Action counsel enclosing Second Amended Notice and Cross Notice of Videotaped Depositions for the month of May 2015
4/27/15	Barrios email to Coordinated Action counsel re: Dropbox, Participation Agreement and deposition appearance
4/28/15	Barrios email to Coordinated Action counsel enclosing Order No. 42 and status update
5/1/15	Barrios email to Coordinated Action counsel re: ability to attend deposition remotely
5/4/15	Annika Martin email to the Executive Committee re: remote access to depositions
5/4/15	Barrios email to Coordinated Action counsel enclosing deposition calendars for GM MDL
5/4/15	Barrios email to Doreen Lundigran/ The Cooper Firm re: deposition calendars
5/6/15	Barrios email to Doreen Lundigran/ The Cooper Firm enclosing Second Amended Notice and Cross Notice of Videotaped Depositions for Month of May 2015
5/11/15	Letter from Cooper to Barrios re: participating at depositions of Jaclyn Palmer and Elizabeth Kiihr
5/12/15	Letter from Cooper to GM Lead Counsel re: participating at depositions of Jaclyn Palmer and Elizabeth Kiihr and speaking "with Coordinated Action counsel identified in the list provided by Dawn Barrios..."
5/26/15	Barrios email to Coordinated Action counsel re: protocol for attending MDL depositions and enclosing copies of GM deposition calendars
5/29/15	Barrios email to Coordinated Action counsel enclosing Amended Notice and Cross Notice of Videotaped Depositions for the month of June 2015
6/1/15	Barrios email to Coordinated Action counsel enclosing New GM's Responses and Specific Objections to Plaintiffs' Third Set of Consolidated Requests for Production of Documents to Defendant General Motors LLC
6/1/15	Barrios email to Doreen Lundigran/ The Cooper Firm enclosing contact list for coordinated action counsel on Dropbox
6/1/15	Barrios email to Doreen Lundigran/ The Cooper Firm re: providing access to shared Dropbox folder
6/2/15	Barrios email to Coordinated Action counsel Notice and Cross Notice of 30(b)(6) Depositions of General Motors LLC
6/4/15	Barrios email to Coordinated Action counsel re: MDL Deposition Protocol for Coordinated Action counsel to participate in MDL depositions
6/5/15	Barrios email to Coordinated Action counsel re: survey of pre-sale vehicles

6/5/15	Cooper letter to Coordinated Action counsel and Barrios re: intention to represent all Coordinated Action counsel at depositions of Steven Oakley, Jennifer Sevigny, Alberto Manzor, Gay Kent, Raymond DeGiorgio and James Federico
6/8/15	Eugene Egdorf email to Coordinated Action counsel re: participating in Manzor and Everest depositions
6/8/15	Scott West email to Coordinated Action counsel re: Manzor deposition
6/9/15	Barrios email with Doreen Lundigran/ The Cooper Firm providing answers to questions asked about the 30(b)(6) depo notice
6/10/15	Eugene Egdorf email to Coordinated Action counsel re: Jeff Wigington participating in Brian Everest deposition
6/10/15	Alyssa Chaplin/ Hilliard Munoz Gonzales email to Coordinated Action counsel re: rescheduling Brian Everest deposition
6/12/15	Barrios email to Coordinated Action counsel enclosing Second Amended Notice and Cross Notice of Videotaped Depositions for Month of June 2015
6/12/15	Scott West email to Coordinated Action counsel with rough copy of Manzor transcript
6/13/15	Scott West email to Coordinated Action counsel re: participation in Ray DiGiorgio deposition
6/15/15	Barrios email Alyssa Chaplin/ Hilliard Munoz Gonzales re: Cooper providing notice of participating in the depositions of Federico and Kent depositions
6/16/15	Sean Matt/ Hagens Berman email to Executive Committee enclosing summary of June 16, 2015 Status Conference with Judge Furman
6/16/15	Barrios emails with Doreen Lundigran/ The Cooper Firm re: deposition of Gay Kent
6/17/15	Barrios emails with Veritext re: Cooper Firm participating in Gay Kent deposition
6/17/15	Barrios email to Veritext re: Cooper appearing at DeGiorgio deposition
6/17/15	Barrios email to Coordinated Action counsel enclosing Notice and Cross Notice of Videotaped Depositions for Month of July 2015
6/18/15	Eugene Egdorf email to Coordinated Action counsel re: representing Coordinated Action counsel at depositions of Ronald Porter and Deborah Nowak-Vanderhoef
6/19/15	Cooper email to Coordinated Action counsel and Barrios re: representing all Coordinated Action counsel at depositions of Ronald Porter and Deborah Nowak-Vanderhoef
6/30/15	Barrios emails with Doreen Lundigran/ The Cooper Firm re: obtaining copies of MDL deposition transcripts
6/30/15	Barrios email to Coordinated Action counsel enclosing Amended Notice and Cross Notice of Videotaped Depositions for Month of July 2015
7/2/15	Cooper email to Coordinated Action counsel re: wanting to represent all Coordinated Action counsel at depositions of Deborah Nowak-Vanderhoef, David Trush, Lawrence Buonomo and Brian Stouffer

7/7/15	Barrios email to Coordinated Action counsel enclosing Second Amended Notice and Cross Notice of Videotaped Depositions for Month of July 2015 and monthly Orders and Discovery Logs
7/10/15	Jeff Wigington email to Coordinated Action counsel re: Robert Arndt and Deb Nowak-Vanderhoef depositions
7/15/15	Scott West email to Coordinated Action counsel re: Altman deposition
7/17/15	Barrios email to Coordinated Action counsel Notice and Cross Notice of Videotaped Depositions for Month of August 2015
7/17/15	Barrios email to Coordinated Action counsel enclosing Third Amended Notice and Cross Notice of Videotaped Depositions for Month of July 2015
7/30/15	Barrios email to Coordinated Action counsel enclosing deposition calendar for August 2015 GM MDL depositions
8/4/15	Barrios email to Coordinated Action counsel enclosing Amended Notice and Cross Notice of Videotaped Depositions for Month of August 2015
8/7/15	Barrios email to Coordinated Action counsel monthly Orders and Discovery Logs
8/7/15	Mark Robinson email to Coordinated Action counsel re: Lucy Clark-Dougherty deposition
8/11/15	Barrios email to Coordinated Action counsel enclosing Notice and Cross Notice of Videotaped Depositions for Month of September 2015
8/11/15	Barrios email to Coordinated Action counsel enclosing Second Amended Notice and Cross Notice of Videotaped Depositions for Month of August 2015
8/12/15	Barrios emails with Jodi Flowers and Cooper re: attendance at Melton/ Gruskin depo
8/21/15	Barrios email from Jeff Wigington to Coordinated Action counsel re: Mary Fitch deposition
8/24/15	Barrios email to Coordinated Action counsel re: Peter Judis deposition
8/28/15	Barrios email to Coordinated Action counsel enclosing Amended Notice and Cross Notice of Videotaped Depositions for Month of September 2015
8/31/15	Scott West email to Coordinated Action counsel re: participation in Calabrese deposition
9/1/15	Barrios email to Coordinated Action counsel re: Rick Wagoner deposition
9/8/15	Barrios email to Coordinated Action counsel monthly Orders and Discovery Logs
9/8/15	Barrios email to Coordinated Action counsel Notice and Cross Notice of 30(b)(6) Deposition of General Motors LLC and Request for FRCP 34 Inspection of Premises
9/11/15	Barrios email to Coordinated Action counsel deposition calendars for GM MDL depositions
9/14/15	Barrios email to Coordinated Action counsel Notice and Cross Notice of Videotaped Depositions for Month of October 2015
9/18/15	Barrios email to Coordinated Action counsel deposition calendars for GM MDL depositions

9/18/15	Barrios email to Coordinated Action counsel Second Amended Notice and Cross Notice of Videotaped Depositions for Month of September 2015 and Amended Notice and Cross Notice of Videotaped Depositions for Month of October 2015
9/25/15	Barrios email to Coordinated Action counsel deposition calendars for GM MDL depositions
10/1/15	Barrios email to Coordinated Action counsel Second Amended Notice and Cross Notice of Videotaped Depositions for Month of October 2015
10/6/15	Barrios email to Coordinated Action counsel the Statement of Facts from DOJ settlement with GM
10/7/15	Barrios email to Coordinated Action counsel monthly Orders and Discovery Logs
10/9/15	Barrios email to Coordinated Action counsel Third Amended Notice and Cross Notice of Videotaped Depositions for Month of October 2015
10/12/15	Barrios email to Coordinated Action counsel the deposition calendars for GM MDL depositions
10/19/15	Barrios email to Coordinated Action counsel the Notice and Cross Notice of Videotaped Depositions for Month of November 2015
10/23/15	Barrios email to Coordinated Action counsel the deposition calendars for GM MDL depositions
10/28/15	Barrios email to Coordinated Action counsel the Amended Notice and Cross Notice of Videotaped Depositions for Month of November 2015
10/30/015	Barrios email to Coordinated Action counsel the Second Amended Notice and Cross Notice of Videotaped Depositions for Month of November 2015
11/2/15	Barrios email to Coordinated Action counsel the Cross Notice of Videotaped Deposition of Arturo Alcala and Cross Notice of Rule 30(b)(6) Deposition of Defendant Delphi Automotive Systems, LLC
11/10/15	Barrios email to Coordinated Action counsel monthly Orders and Discovery Logs
11/11/15	Barrios email to Coordinated Action counsel Plaintiffs' Third Amended Notice and Cross Notice of Videotaped MDL Fact Witness Depositions for Month of November 2015
11/30/15	Barrios email to Coordinated Action counsel Plaintiffs' Notice and Cross Notice of Videotaped MDL Fact Witness Depositions for Month of December 2015
12/7/15	Barrios email to Coordinated Action counsel monthly Orders and Discovery Logs
1/8/16	Barrios email to Coordinated Action counsel monthly Orders and Discovery Logs