Exhibit 3

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
----------x
IN RE:
GENERAL MOTORS LLC IGNITION SWITCH
LITIGATION 14-MD-2543 (JMF)

This Document Relates to All Actions
----------x

DECLARATION OF LARRY COBEN

I, Larry Coben, am giving this Declaration based upon my own personal knowledge, except where otherwise specified. I suffer from no legal disability or incapacity. I am of the legal age of majority. I am competent to give testimony to the matters stated herein.

1. I am an attorney licensed to practice law in the Commonwealth of Pennsylvania and the State of Arizona. I have also been admitted to the federal courts in Pennsylvania and Arizona, as well as the Supreme Court of the United States. In my role as a trial lawyer, I have been admitted pro hac vice in most states.

2. For the past 40 years, my practice has focused on litigating products liability cases and the majority of my work has pertained to the representation of consumer victims catastrophically injured, or the families of a

loved one killed, because of a faultily designed motor vehicle. I have investigated cases and settled or tried to verdict thousands of such cases.

3. As a result of my diverse litigation work, I have authored four textbooks related to products liability law, crashworthiness litigation, and trial practice. I have also published more than 200 papers in various law periodicals regarding trial practice ranging from case selection, ethical responsibilities of trial lawyers, discovery, and trial practice. I have been an invited lecturer at hundreds of litigation related programs, taught an elective forensic science course at the University of Pennsylvania School of Engineering and continuously serve as a guest lecture at the ASU School of Law.

4. In activities related to my practice and experiences as a lawyer, I have testified before a Congressional Committee with oversight authority of the National Highway Traffic Safety Administration ("NHTSA") and provided written testimony to NHTSA on many vehicle safety issues. I also served in a representative capacity for existing tort victims on the Creditors' Committee during the GM Bankruptcy process.

5. For the past 40 years I have been an active member and currently serve as the Chief Legal Officer of the Attorneys Information Exchange Group ("AIEG"). AIEG is a 700 member group of attorneys who practice across the United States with a very special interest in representing consumers in motor

vehicle products liability cases. Our members have been the lead attorneys on virtually every well-publicized case involving auto company malfeasance – including faulty fuel systems in the Ford Pinto and GM Pick-up trucks, Ford Firestone tire class action litigation and individual cases, Ford Explorer litigation, Takata air bag litigation, and GM Ignition Switch litigation. AIEG serves its members by assisting in the cooperative effort to facilitate sharing information and the education of its members. We also occasionally prepare and file Amicus Briefs in courts, including the Supreme Court of the United States, and federal and state courts across the country. AIEG's goals include the preservation of the jury system and the improvement of motor vehicle safety through the litigation process.

6. I am personally familiar with how motor vehicle design cases are evaluated and selected for trial. I also understand the goals and purposes of the bellwether trial system in aggregate litigation, including the MDL process. My law firm has been co-lead or lead counsel in dozens of federal and state MDL litigations including the NFL Concussion action, Vioxx, and several medical devices actions. In these capacities we have been involved in assessing the viability of cases that plaintiffs select as bellwether cases. I personally have current responsibility for spear-heading a national proposed class action for economic loss involving millions of Ford products. And, my work in the NFL litigation involved the initiation of this Class action, facilitating the legal strategies pre-settlement,

developing the scientific predicate for the injury claims and serving along with a very few other members of the PSC in picking the players who would best represent the class members diverse interests and injuries of the settlement class – which was approved by the Court.

7. I have reviewed the following, including the filings and letters of Victor Pribanic:

- Plaintiffs' Motion to Reconsider the Order Approving the Establishment of the 2015 New GM Ignition Switch Qualified Settlement Fund
- Plaintiffs' Motion to Remove the Co-Leads and Reconsider the Bellwether Trial Schedule
- General Motors LLC's Combined Response to Motion to Remove the Co-Leads and to Reconsider the Bellwether Trial Schedule and Motion to Reconsider the Order Approving The Establishment of the 2015 New GM Ignition Switch Qualified Settlement Fund
- Co-Lead Counsel's Memorandum in Opposition to Lance Cooper's Motion to Remove Co-Lead Counsel and for Reconsideration of the Order Approving the Qualified Settlement Fund
- Declaration of Steve W. Berman in Support of Co-Lead Counsel's Memorandum in Opposition to Lance Cooper's Motion to Remove Co-Lead Counsel and for Reconsideration of the Order Approving the Qualified Settlement Fund
- Declaration of Elizabeth J. Cabraser in Support of Co-Lead Counsel's Memorandum in Opposition to Lance Cooper's Motion to Remove Co-Lead Counsel and for Reconsideration of the Order Approving the Qualified Settlement Fund
- Declaration of Robert C. Hilliard in Support of Co-Lead Counsel's Memorandum in Opposition to Lance Cooper's Motion to Remove Co-Lead Counsel and for Reconsideration of the Order Approving the Qualified Settlement Fund

- Declaration of Dawn M. Barrios in Support of Co-Lead Counsel's Memorandum in Opposition to Lance Cooper's Motion to Remove Co-Lead Counsel and for Reconsideration of the Order Approving the Qualified Settlement Fund
- Declaration of Geoffrey Parsons Miller
- Bellwether evaluation documents

8. In most MDL matters, the selection of bellwether cases remains a very important stage of litigation because it allows both sides to see the good, the bad, and maybe the ugly. The resolution of these cases at trial has the capacity to shape how successive cases will be tried or settled. Plaintiffs always want to present bellwether cases which have an excellent chance of success, are representative of good facts, good engineering science, and good damages. Because of the evidentiary precedent of rulings in bellwether cases, it is vital that strongly meritorious cases be chosen. The success of these cases has an enormous impact on virtually every other case waiting in line for trial or to re-engage in settlement discussions.

9. I do not know Mr. Hilliard, who currently serves as lead counsel for the personal injury cases in this MDL. I have no sense of how many major vehicle design cases he has handled to verdict in his home state or elsewhere.

10. It is my understanding that Mr. Hilliard was responsible for selecting the plaintiffs' bellwether cases in this MDL, including the *Scheuer* case. I

also understand that *Scheuer* and several other bellwether cases selected by him are cases his law firm signed-up. I also understand that somehow Mr. Hilliard and his firm handled over 1,000 cases purportedly involving the GM Ignition Switch defect. Because I am not privy to the legitimacy of any of these confidentially settled cases, I cannot comment on how many of those were "real cases" with real substantive merit. I can, however, affirm that based on my review of materials, the first case tried and the next one set as a bellwether case should never have been chosen. From an engineering standpoint and from a litigation standpoint, they are terrible selections.

11. I have studied the Bellwether Evaluations prepared by Mr. Hilliard or his team and find them very odd. First, it's clear to me that Mr. Hilliard was either uninformed or he ignored the substantive law of Pennsylvania in evaluating the *Yingling* case. Under Pennsylvania law, the purported comparative fault mentioned in the Evaluation is not a defense. The last appellate court case to restate this unyielding proposition of law in Pennsylvania was a case I litigated and styled *Gaudio v. Ford Motor Company,* 976 A.2d 524 (Pa. Super. 2009), appeal denied, 989A.2d 917 (Pa. 2010). Second, this case is woefully undervalued. Even if this young man had a menial job supporting a wife and several children, using the total offset method required in Pennsylvania, the economic loss alone will range from $300,000 to $700,000.00. A review of the *Barthelemy* case indicates

that there was no air bag deployment and a photograph of the vehicle explains why. The damage was so insignificant that deployment should not occur. The injury is described as "swollen right knee, swollen right shoulder". If that is the extent of injury and the extent of damage to the car, as a trial advocate, an officer of the court, and an experienced trial lawyer, I cannot imagine anyone with any level of trial experience agreeing to bring a lawsuit against a product manufacturer for this case—let alone designate it as a bellwether case. The *Reid* bellwether case is just as ridiculous a selection as the *Barthemlemy* case. The front end damage represents no more than a 5 – 7 mph delta V. An airbag should not deploy under that circumstance, thus there is no causation even if someone could prove the ignition switch defect played a role in causing this minor collision. The damage value of this case is below the threshold for a jury trial in most venues. Looking at the *Norville* and *Cockram* cases lead to the same conclusions: no real proof of product failure vis a vis the ignition switch or the failure of an airbag to deploy, and the damages are so insignificant that no competent products liability trial lawyer would ever recommend filing these cases against a manufacturer.

12. It is my understanding and belief that when Mr. Hilliard was chosen as lead counsel for the personal injury cases, he assumed a duty to every lawyer and every plaintiff in the MDL. And, by definition that duty dictated that he

select good bellwether cases to help every other plaintiff who will follow to trial or seek a subsequent settlement.

13. In my professional opinion, when Mr. Hilliard obtained a high/low settlement for his bellwether cases he lost major incentive to zealously represent those clients and, in turn, he compromised his fiduciary duty to all other MDL parties. It is also my opinion that Mr. Hilliard's actions were, without full disclosure to and concurrence from all members of the Executive Committee, improper. Once the high/low agreements were made, Mr. Hilliard's clients were guaranteed compensation and Mr. Hilliard was guaranteed to receive common benefit fees for the preparation and trial of these cases. Even with a defense verdict, Mr. Hilliard's clients would still receive compensation and he would receive a common benefit fee. A trial loss, however, harms the remaining plaintiffs by making it more difficult for them to receive adequate compensation for their claims.

14. This leads to the specific example of the *Scheuer-Bartolemy-Yingling* bellwether case selection issue. Under the rule of primacy in general, trial counsel like to lead with good evidence and good witnesses. In bellwether cases, conventional wisdom is the same: pick strong cases to go first. Thus, early on, the *Yingling* case was chosen to be the first bellwether trial. That made great sense. The plaintiff had the car. He had the black box download. He had a widow and five

children who had lost their father. No case is flawless, but that was an excellent choice for the MDL plaintiffs to have heard first. On the other hand, the *Scheuer* case was not a good case to start the MDL bellwether process. There was no car. There was no black box download. There were questions about how the wreck occurred. The plaintiff was not seriously injured and the damage claim was specious. I agree with this Court's comments at the end of the trial that this was an "outlier." Selecting that case, in my opinion, represents poor judgment predicated upon either a lack of appreciation of the basic necessary elements to win this type of case or a gamble at the expense of other litigants. Finally, the tactic of piggy-backing a soft tissue injury onto a loss of home economic loss claim was a bizarre strategy. It turns out that decision reflects that trial counsel did not properly prepare the case. But just as importantly it reflects a misunderstanding of how jurors in New York City would consider such a claim, *i.e.*, a reach that destroyed the client's credibility.

15. The next case in the bellwether list, *Barthelemy*, appears no better. The car in that case went out of control on black ice and may have sideswiped a guardrail. There is minimal damage to the vehicle and it is obvious from the photographs that the airbags should not have deployed. That same night, in that same area, there were some 38 other cars that lost control. Further, as with *Scheuer*, the plaintiffs have minimal injuries and low medical expenses. The

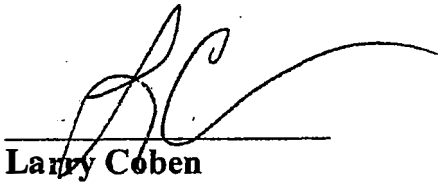
minimal injuries guarantee a low verdict even if the jury somehow finds GM liable.

16. I understand that *Barthelemy* was GM's pick. This begs the question: Why was this case filed in the first place? As a Co-Lead, Mr. Hilliard had the responsibility to make sure he only filed meritorious cases. He should have known better than anyone the risk of filing frivolous cases and allowing GM to pick one or more of those cases to be bellwether trial cases. It appears to be a good pick for GM. It was a bad pick, however, for Mr. Hilliard to file in the first place.

17. Our rules of conduct dictate we do our level best to avoid an appearance of impropriety. Here, I do not think any effort was made to follow this edict. And, absent a change in leadership, this tainted practice will flourish unchecked.

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

Executed on 5th of February, 2016.



Larry Coben