

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

GENERAL MOTORS LLC IGNITION SWITCH LITIGATION

14-MD-2543

This Document Relates To:
Atz v. General Motors LLC, 15-CV-5222

ORDER

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JESSE M. FURMAN, United States District Judge:

On April 6, 2020, the Court granted the motion by Bailey Cowan Heckamann PLLC and Pulaski Law Firm, PLLC (the “Firms”) to withdraw from their representation of Sunita Bhandari. *See* 14-MD-2543, ECF No. 7836 (the “April 6 Order”). Pursuant to the April 6 Order, Ms. Bhandari had ninety days — until July 6, 2020 — to file, in the form of a new lawsuit, an amended and severed complaint as well as a Related Case Statement in the United States District Court for the Southern District of New York, and to pay any filing fee associated with filing a complaint pursuant to 28 U.S.C. § 1914(a). *Id.* ¶ 3. On July 9, 2020, pursuant to Paragraph 5 of the April 6 Order, New GM filed a First Notice of Non-Compliance pertaining to Ms. Bhandari’s failure to comply with the April 6 Order and requested that the Court dismiss her claims without prejudice. *See* 14- MD-2543, ECF No. 8033.

On July 10, 2020, the Court extended Ms. Bhandari’s deadline to file an amended and severed complaint and to pay any filing fee associated with filing a complaint pursuant to 28 U.S.C. § 1914(a), to August 9, 2020, in light of an apparent misunderstanding over whether Ms. Bhandari had the documents she needed; her apparent intent to continue pursuing her claims; and out of an abundance of caution, mindful of Ms. Bhandari’s *pro se* status. *See* ECF No. 8036. To

date, Ms. Bhandari has not filed an amended and severed complaint, and New GM has not filed another notice of non-compliance.

The Court just received the letter attached as Exhibit A, dated August 1, 2020, from Ms. Bhandari. In it, she notes that she “do[es]n’t remember what has been take care and what needs to be provided.” As the Court noted in the April 6 Order, in order to continue to pursue her claims against New GM, Ms. Bhandari must (1) file, **in the form of a new lawsuit**, an amended and severed complaint in the United States District Court for the Southern District of New York; (2) pay any filing fee associated with filing a complaint pursuant to 28 U.S.C. § 1914(a); and (3) in conjunction with any amended and severed complaint, file a Related Case Statement, available at www.nysd.uscourts.gov/forms.php, identifying the new lawsuit as related to these proceedings (*In re General Motors Ignition Switch Litigation*, 14-MD-2543 (JMF)).

In her letter, Ms. Bhandari notes that “I will start looking back into the case and finding a new attorney once I get [a COVID-19] vaccination.” If Ms. Bhandari wishes to pursue this case, she cannot defer the filing of an amended and severed complaint until the distribution of a COVID-19 vaccine, as that date is uncertain and may be months, if not years, in the future. In light of Ms. Bhandari’s apparent confusion over the requirements of the April 6 Order and her *pro se* status, however, the Court will grant Ms. Bhandari one **final** extension to **September 21, 2020**. If Ms. Bhandari fails to file an amended and severed complaint and to pay any associated filing fee by that date, New GM may file another notice that will result in Ms. Bhandari’s dismissal without prejudice.

To the extent that Ms. Bhandari’s letter includes a “Petition for . . . transfer of case to Eastern Federal Court of Philadelphia,” the Court construes that request as a motion to remand

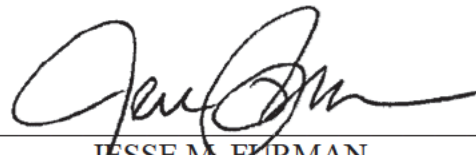
the case to the U.S. District Court for the Eastern District of Pennsylvania. Ms. Bhandari provides no basis for that request, which is hereby DENIED.

As a *pro se* litigant, Ms. Bhandari should send all communications by mail to the Pro Se Intake Unit, 40 Centre Street, Room 105, New York, NY 10007.

New GM shall serve Ms. Bhandari with a copy of this order; the April 6 Order, ECF No. 7836; and the Court's order of July 10, 2020, ECF No. 8036, and shall file proof of such service **no later than August 26, 2020.**

SO ORDERED.

Dated: August 24, 2020
New York, New York



JESSE M. FURMAN
United States District Judge

EXHIBIT A

Honorable Judge Furman
United State District Court
Thurgood Marshall Court House
40 Centre Street, Room # 105
New York – NY – 10007

From:
Sunita Bhandari

Date : August 1st,2020

Reference: GM MDL Case

Sub: Request of Petition for extension and transfer of the case

Honorable Judge,

Petition for extension due to covid-19/no help and transfer of case to Eastern Federal Court of Philadelphia.

Due to COVID-19, right now I have no home health help. In these circumstances I do not want to end up in hospital. I am scared and do not want any contagious disease in my life. I won't be able to tolerate more pain than I already have. The pain of TMJ/ neck/shoulder/upper arm specially headache and pressure on eyes don't let me even think. Right now, I am totally blank related to case. Apart from the leg and back pain is more than before. There is much stress on. I get proper shower once a week. When vaccination of corona will be out and when I will get help? When will I start getting back my physical therapy, Myofascial therapy, I get into what is new normal for me.

I will start looking back into the case and finding new attorney once I get vaccination. It is very painful to look into file, opening file or any kind of paperwork. Taking file, turning pages and put into basic points together give me severe pain as I told you before I do not move around in absence of someone. It takes lots of mental and physical energy which is not possible at all without any help. Right now, I don't remember what has been taken care and what needs to be provided. I was not provided any document by old attorney, Mr. Bailey, what have been submitted to court, what actions taken by them.

Regards,


Sunita Bhandari