

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

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INTERNATIONAL UNION, UNITED)
AUTOMOBILE, AEROSPACE, AND)
AGRICULTURAL IMPLEMENT)
WORKERS OF AMERICA; and EARL)
HENRY and BONNIE LAURIA, on)
behalf of themselves and all other)
persons similarly situated,)

Plaintiffs,)

v.)

GENERAL MOTORS CORPORATION,)

Defendant.)

ROBERT H. CLELAND
05 - 73991

Case No. _____

U.S. DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

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FILED

PLAINTIFFS' MOTION TO SET SCHEDULING CONFERENCE

Plaintiffs respectfully ask the Court to set a scheduling conference in this matter at an early date, pursuant to Rule 16(b) of the Federal Rules of Civil Procedure, for the purpose of addressing procedures relating to scheduling, discovery, class certification, and settlement. In support of their motion, Plaintiffs state as follows.

1. Nature of the Action. Plaintiffs in this action seek declaratory and injunctive relief confirming that retiree health care benefits to which class members are entitled under applicable collective bargaining agreements cannot be unilaterally terminated or modified by Defendant General Motors Corporation ("GM").

Plaintiffs Earl Henry and Bonnie Lauria ("Class Representatives") seek to represent themselves and a class of approximately 500,000 members. The proposed class consists of former GM employees who retired under collective bargaining agreements negotiated by

Plaintiff International Union, United Automobile, Aerospace, and Agricultural Implement Workers of America ("UAW"), having met the requirements for retiree health care benefits specified in the applicable collective bargaining agreement, as well as the spouses, surviving spouses, and dependents of those former employees, who are also entitled to such benefits. Plaintiffs contend that the retiree health care benefits to which the class members are entitled under these collective bargaining agreements cannot be unilaterally terminated or modified by GM.

Defendant GM asserts, on the other hand, that it retained the right to unilaterally terminate or modify such retiree health benefits, and GM has stated its intent to do so in the near future in order to reduce its health care costs. GM contends, furthermore, that its future will be at stake if it is unable to achieve a significant reduction in its health care costs.

2. Settlement and Class Certification. Plaintiffs anticipate that this lawsuit will be settled. Plaintiff UAW and Defendant GM have reached a tentative agreement, which they expect to be reduced to a memorandum of understanding in the near future. During the next 90 days, the parties anticipate that: (a) they will engage in continued negotiations aimed at finalizing a detailed settlement agreement; and (b) counsel for the class representatives and the proposed class will analyze the agreement and additional information in order to determine whether it is fair, reasonable, and adequate and whether seeking the court's approval of the settlement would be in the best interests of the proposed class. Assuming a satisfactory conclusion to these tasks, class counsel would then move for class certification under Rule 23(c) and the parties will seek approval of the settlement under Rule 23(e).

Defendant GM has not yet entered an appearance in this action. Plaintiffs expect that when GM enters an appearance, it will concur in this motion.

3. Scheduling Conference. Because the anticipated course of this litigation differs from the usual, Plaintiffs believe that an early scheduling conference with the Court would be helpful. Such a conference would establish a schedule for filing the anticipated motions for class certification and approval of the settlement, determine procedures for such discovery as may be necessary, and consider the appointment of interim class counsel under Rule 23(g)(2)(A).

For these reasons, Plaintiffs respectfully request that the Court set a scheduling conference at an early date.

Respectfully submitted,



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Dated: October 18, 2005

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MEMORANDUM IN SUPPORT OF
PLAINTIFFS' MOTION TO SET SCHEDULING CONFERENCE

U.S. DISTRICT COURT
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SOUTHERN DIVISION
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STATEMENT OF ISSUES PRESENTED

Whether a conference to discuss scheduling would facilitate administration of this case.

Plaintiffs answer, "Yes."

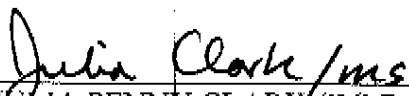
STATEMENT OF CONTROLLING AUTHORITY

Federal Rule of Civil Procedure 16(b)

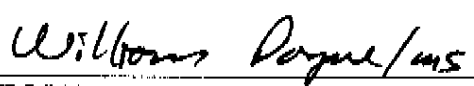
STATEMENT IN SUPPORT OF MOTION

As set forth in Plaintiffs' Motion to Set Scheduling Conference, the parties expect that this matter will be settled. Plaintiffs therefore believe it would facilitate proceedings to schedule an early conference with the Court to establish a schedule for filing the anticipated motions for class certification and approval of the settlement, determine procedures for such discovery as may be necessary, and to consider the appointment of interim class counsel under Rule 23(g)(2)(A).

Respectfully submitted,

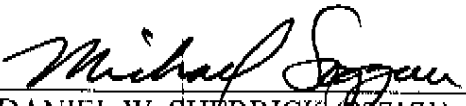


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