

*Clerk of the Court*

FILED  
U.S. BANKRUPTCY COURT  
2009 SEP 14 A 9:08  
United States Bankruptcy Court  
Southern District of New York  
One Bowling Green  
New York, N.Y. 10004-1408

S.D. OF N.Y. **Lead Case # 09-50026**

In Re:	)	
	)	Chapter 11
MOTORS LIQUIDATION COMPANY, et. al.	)	<u>Case # 09-0950026</u>
	)	(Gerber)
(formerly General Motors Corp. et. al.)	)	Jointly Administered
	)	August 12, 2009
<hr/>		
Official Committee of Unsecured Creditors of Motors Liquidation Company f/k/a General Motors Corporation	)	Adversory Proceeding
	)	<u>Case # 09-00504 (REG)</u>
	)	
against	)	
	)	
J.P. Morgan Chase Bank, N.A. et al.	)	
	)	
	)	
	)	<b>Dated September 12, 2009</b>

**MY RESPONSE TO 9-10-2009 LETTER (Adverse Dkt. # 7), OF ERIC B. FISHER ("Fisher")**  
**TO HONORABLE JUDGE GERBER, OPPOSING**  
**MY 8-14-2009 REQUEST FOR PERMISSION TO FILE AMICUS CURIE BRIEF(S),**  
 on the 7-31-2009 Adverse Complaint filed by Official Committee of Unsecured Creditors  
 of Motor Liquidation Company f/k/a General Motors Corporation (Lead **Docket # 3593** and  
**Adversarial Case Docket # 6)**

I submit the following in response to Eric B. Fisher's ("Fisher") 9-10-2009 letter<sup>1</sup> to honorable Judge Gerber, opposing my 8-14-2009 request to file amicus curie brief(s) in this case.

1) I do not know what is the usual practice in this bankruptcy court to file opposition papers. My understanding is that it is either 14 days or 21 days, unless, by consent, an extended time is agreed to by parties (or the court grants such permission). My request was mailed to the court on August 14, 2009, and Fisher's opposition was filed on 9-10-2009, i.e. 27 days later<sup>2</sup>, which may be too late. Hence, on this ground alone, this court should either dismiss or strike Fisher' 9-10-2009 letter.

2) Fisher has also made a filing under Docket # 8 that his letter was mailed to various parties by

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<sup>1</sup> It is not clear whether Fisher wrote this letter in his own individual/personal capacity or on behalf of his client.


<sup>2</sup> This may be the reason (failure to file timely response) why no formal response was filed, within the allowed time limits, but a personal letter was addressed to the honorable judge.

electronic system. I did not receive a copy of his letter either by mail or even by e-mail. I happened to notice his letter from GM's web site. So, how could this happen? Is there a reason why my name was missed in sending Fisher's 9-10-2009 letter? **I hope that the plaintiff in this case will correct its omission and include my name and address in its mailing list.**

3) I am fully aware of the rule that as a Creditor I could take direct part in this case, but I wanted to file "friend of the court" briefs. According to Black's law dictionary, "(A) person with strong interest in or views on the subject matter of an action may petition the court for permission to file a brief, ostensibly on behalf of a party but actually to suggest a rationale consistent with its own views." If Fisher has never heard of such a procedure, I beg to submit that it shows his own ignorance.

Respectfully submitted.


Party Interested in Filing Amicus Curie Brief(s)

  
9/12/2009  
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Certification

This is to certify that a copy of the aforementioned was mailed by first class mail, postage paid this 12th day of September, 2009 to:

- 1) Weil, Gotshal & Manges LLP, Attorneys for Debtors, 767 Fifth Avenue, New York, N.Y. 10153 - Attn: Harvey R. Miller/Stephen Karotkin/Joseph H. Smolinsky;
- 2) Cadwalader, Wickersham & Taft LLP, Attorneys for the Purchaser, One World Financial Center, New York, N.Y. 10281 - Attn: John J. Rapisardi;
- 3) Kramer Levin Naftalis & Frankel LLP, Attorneys for the Creditors Committee, 1177 Avenue of the Americas, New York, N.Y. 10036, Attn: Kenneth H. Eckstein;
- 4) Office of the United States Trustee for the Southern District of New York, 33 Whitehall Street, 21<sup>st</sup> floor, New York, N.Y. 10004 - Attn: Diana G. Adams;
- 5) U.S. Attorney's General Office, S.D.N.Y., 86 Chambers Street - Third Floor, New York, N.Y. 10007 - Attn: David S. Jones/Matthew L. Schwartz;
- 6) Butzel Long, Special Counsel to Official Committee of Unsecured Creditors, 380 Madison Avenue, 22<sup>nd</sup> floor, New York, N.Y. 10017. Attn: Eric B. Fisher/Barry N. Seidel;
- 7) JP Morgan Chase Bank, N.A., P.O. Box 2558, Houston, Texas 77252; and
- 8) Courtesy Copy to the Chambers of Honorable Judge Robert E. Gerber, United States Bankruptcy Court, Southern District of New York, One Bowling Green, New York, N.Y. 10004-1408

  
9/12/2009  
(Radha R.M. Narumanchi)