

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X

In re:

MOTORS LIQUIDATION COMPANY, f/k/a
GENERAL MOTORS CORPORATION, *et al.*,

Chapter 11

Case No. 09-50026 (MG)
(Jointly Administered)

Debtors.

-----X

MOTORS LIQUIDATION COMPANY AVOIDANCE
ACTION TRUST, by and through the Wilmington Trust
Company, solely in its capacity as Trust Administrator and
Trustee,

Adversary Proceeding

Plaintiff,

Case No. 09-00504 (MG)

against

JPMORGAN CHASE BANK, N.A., *et al.*,

Defendants.

-----X

**STIPULATION AND ORDER
DISMISSING ADVERSARY PROCEEDING AGAINST
ARES ENHANCED LOAN INVESTMENT STRATEGY III, LTD.**

WHEREAS, on May 20, 2015, Plaintiff filed a First Amended Adversary Complaint for (1) Avoidance of Unperfected Lien, (2) Avoidance and Recovery of the Postpetition Transfers, (3) Avoidance and Recovery of Preferential Payments, and (4) Disallowance of Claims by Defendants (“Amended Complaint”) (ECF No. 91) and thereafter served the Amended Complaint on, among others, defendant Ares Enhanced Loan Investment Strategy III, Ltd. (“Defendant”);

WHEREAS, the claims asserted against Defendant in the Amended Complaint concern a certain pre-petition interest payment made on or before May 27, 2009, totaling \$94,612.33 (the “Pre-petition Transfer”) and a certain post-petition transfer totaling \$28,375.04 (the “Post-petition Transfer”), both of which Plaintiff asserts were made pursuant to a certain term loan agreement, dated as of November 29, 2006, as amended by that certain first amendment dated as of March 4, 2009 (the “Term Loan Agreement”);

WHEREAS, on November 16, 2015, Defendant filed an Answer to the Amended Complaint (ECF No. 241); and

WHEREAS, on November 17, 2016, the Court entered a stipulation and order dismissing with prejudice the claim against Defendant related to the Pre-petition Transfer (ECF No. 788);

WHEREAS, Defendant represents that, to the best of its knowledge, it did not receive any funds related to the Term Loan Agreement on or after June 30, 2009, other than the Post-petition Transfer;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between counsel for the parties, that Defendant is dismissed from this adversary proceeding and

any and all claims against Defendant arising out of or related to the Term Loan Agreement are dismissed with prejudice.

Dated: New York, New York
November 20, 2017

New York, New York
November 20, 2017

BINDER & SCHWARTZ LLP

JONES DAY

By: /s/Eric B. Fisher
Eric B. Fisher
Neil S. Binder
Lindsay A. Bush
Lauren K. Handelsman
366 Madison Avenue, 6th Floor
New York, New York 10017
Tel: (212) 510-7008
Fax: (212) 510-7299
Email: efisher@binderschwartz.com

By: /s/Erin L. Burke
Bruce Bennett (admitted *pro hac vice*)
Erin L. Burke (admitted *pro hac vice*)
555 South Flower Street, 50th Floor
Los Angeles, California 90071
Tel: (213) 489-3939
Email: bbennett@jonesday.com
Email: eburke@jonesday.com

*Attorneys for the Motors Liquidation
Company Avoidance Action Trust*

Gregory M. Shumaker (admitted *pro hac vice*)
Christopher J. DiPompeo (admitted *pro hac vice*)
51 Louisiana Avenue, N.W.
Washington, D.C. 20001
Tel: (202) 879-3939
Email: gshumaker@jonesday.com
Email: cdipompeo@jonesday.com

MUNGER, TOLLES & OLSON LLP

John W. Spiegel (admitted *pro hac vice*)
Matthew A. Macdonald (admitted *pro hac vice*)
Bradley R. Schneider (admitted *pro hac vice*)
350 South Grand Avenue, 50th Floor
Los Angeles, CA 90071
Tel: (213) 683-9100
Email: john.spiegel@mto.com
Email: matthew.macdonald@mto.com
Email: bradley.schneider@mto.com

*Attorneys for Ares Enhanced Loan Investment
Strategy III, Ltd.*

IT IS SO ORDERED.

Dated: November 21, 2017
New York, New York

/s/ Martin Glenn
MARTIN GLENN
United States Bankruptcy Judge