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Company GUC Trust

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

-----X	
<b>In re</b>	: <b>Chapter 11 Case No.</b>
	:
<b>MOTORS LIQUIDATION COMPANY, <i>et al.</i>,</b>	: <b>09-50026 (REG)</b>
<b>f/k/a General Motors Corp., <i>et al.</i></b>	:
	: <b>(Jointly Administered)</b>
<b>Debtors.</b>	:
	:
-----X	

**REPLY TO RESPONSES FILED BY CLAIMANTS TO THE 89TH, 165TH,  
245TH, AND 253RD OMNIBUS OBJECTIONS TO LATE-FILED PROOFS OF  
CLAIM NUMBERED 70400, 69688, 70180, 71170, 70303, 71140, 71193, AND 70342**

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TO THE HONORABLE ROBERT E. GERBER  
UNITED STATES BANKRUPTCY JUDGE:

The Motors Liquidation Company GUC Trust (the “**GUC Trust**”), formed by the above-captioned debtors (collectively, the “**Debtors**”) in connection with the Debtors’ Second Amended Joint Chapter 11 Plan, dated March 18, 2011 (as may be amended, supplemented, or modified from time to time, the “**Plan**”), files this reply (the “**Reply**”) to responses filed by various claimants (the “**Claimants**”) to the 89th, 165th, 245th and 253rd Omnibus Objections filed by the GUC Trust, seeking expungement of the claims because they were filed after the November 30, 2009 deadline set by the Court (the “**Bar Date**”). The claims that are the subject of this Reply are: Claim No. 70400 (Alberta Bruster); Claim No. 69688 (Lonnie Chapman); Claim No. 70180 (Betty Dalton); Claim No. 71170 (Jesmer Evans); Claim No. 70303 (Monty R. and Lisa K. Henderson); Claim No. 71140 (Michael Stelmach, Sr.), Claim No. 71193 (Stephan A. Truxall, Sr.); and Claim No. 70342 (Sudie M. Venable) (collectively, the “**Late-Filed Claims**”). In support of this Reply, the GUC Trust respectfully represents:

**PRELIMINARY STATEMENT**

1. Over 71,315 claims were filed against the Debtors in this chapter 11 case. To date, the GUC Trust has filed objections to approximately 38,490 claims. The GUC Trust has resolved or attempted to resolve many of these objections. As of the date hereof, approximately 1,727 claims remain in dispute.

2. In order to maximize efficiencies in the claims reconciliation process, the GUC Trust has and will continue to address similarly situated claims together. Consistent with this approach, this Reply responds to similar arguments made by *pro se* Claimants whose claims

were filed well after the November 20, 2009 Bar Date. The Late-Filed Claims addressed herein are as follows:

<b>Claim Number</b>	<b>Claimant</b>	<b>Claim Amount</b>	<b>Omnibus Objection</b>
70400	Alberta Bruster	\$11,000.00	253rd
69688	Lonnie Chapman	\$8,000.00	253rd
70180	Betty Dalton	\$2,500,000.00	165th
71170	Jesmer Evans	Unliquidated	245th
70303	Monty R. and Lisa K. Henderson	\$10,000.00	89th
71140	Michael Stelmach, Sr.	Unliquidated	245th
71193	Stephan A. Truxall, Sr.	Unliquidated	245th
70342	Sudie M. Venable	\$100,000 and \$50,000 a year for life	165th

3. The reasons cited by the Claimants for the late filings include, among other things, mistake, lack of understanding of the rules, and preoccupation with personal matters. While each of these Claimants raises facts<sup>1</sup> and arguments that are sympathetic, they simply do not satisfy the “excusable neglect” standard required by the Supreme Court in *Pioneer Investment Services Co. v. Brunswick Associates L.P.*, 507 U.S. 380, 395 (1993), and its Second Circuit progeny. Accordingly, the Late-Filed Claims should be disallowed and expunged.

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<sup>1</sup> Claimants make various unsupported factual allegations in the Responses. The GUC Trust expressly reserves its right to refute such facts. However, given that – even if the alleged facts are true – the Claimants cannot show “excusable neglect,” the GUC Trust requests that, for the purposes of this Reply only and in order to address the Late-Filed Claims efficiently, the Court accept the alleged facts as true.

**THE CLAIMS**<sup>2</sup>

**Alberta Bruster, Claim No. 70400**

4. On *September 17, 2010*, Alberta Bruster filed Claim No. 70400 against Motors Liquidation Company. The \$11,000 claim was filed over 9 months after the Bar Date. Ms. Bruster's claim relates to a May 22, 2009 car accident she alleges was caused by a defect in power steering. Ms. Bruster asserts that her claim was late because she was not aware of either her claim or the bankruptcy proceeding until April 2010, when she received a recall notice for defective electrical power steering. Ms. Bruster's response is Docket No. 11146 and is attached hereto as Exhibit A.

**Lonnie Chapman, Claim No. 69688**

5. On *January 4, 2010*, Lonnie Chapman filed Claim No. 69688 against Motors Liquidation Company. Mr. Chapman has not provided any reason for the late filing of his claim. The \$8,000 claim was filed over 5 weeks after the Bar Date. Mr. Chapman's claim is based on damages and injuries sustained from an alleged vehicle fire on April 21, 2009. Mr. Chapman's response is Docket No. 11136 and is attached hereto as Exhibit B.

**Betty Dalton, Claim No. 70180**

6. On *March 30, 2010*, Betty Dalton filed Claim No. 70180 against Motors Liquidation Company. The \$2,500,000 claim was filed over 4 months after the Bar Date. Ms. Dalton's claim relates to an alleged 2007 accident in which her husband was fatally injured due to airbag non-deployment. In her response, Ms. Dalton asserts her claim was late because she did not know that she had a claim until she watched a television episode in February 2010

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<sup>2</sup> As stated above, for purposes of the GUC Trust's objection to the Late-Filed Claims, the GUC Trust requests the Court treat the facts alleged by claimants as true. However, the GUC Trust reserves the right to challenge such factual allegations. Additionally, the GUC Trust reserves the right to argue that certain of the Late-Filed Claims are not properly asserted by or on behalf of the Claimant.

concerning vehicle safety crash tests that included the vehicle involved in her husband's accident. Further, Ms. Dalton contends that she did not receive sufficient notice of the bankruptcy because she lives in a rural area. Ms. Dalton's response is Docket No. 9344 and is attached hereto as Exhibit C.

**Jesmer Evans, Claim No. 71170**

7. On *June 1, 2011*, James and Sadie Evans, on behalf of their grandfather, Jarrate Evans, filed Claim No. 71170 against Motors Liquidation Company.<sup>3</sup> The unliquidated claim was filed over 18 months after the Bar Date. James Evans asserts that his grandfather was overcharged for financing by G.M.A.C. when he purchased a vehicle from a "G.M. Executive car cage." Mr. Evans asserts, without support, that the claim should be allowed because the Bar Date does not apply. Mr. Evans's response is Docket No. 10847 and is attached hereto as Exhibit D.

**Monty R. and Lisa K. Henderson, Claim No. 70303**

8. On *May 29, 2010*, Monty R. and Lisa K. Henderson filed Claim No. 70303 against Motors Liquidation Company. Although the Hendersons received actual notice of the Bar Date, the \$10,000 claim was filed over 6 months after the Bar Date. The Hendersons' claim is based on an alleged engine fire and recall associated with the Hendersons' Chevy Impala. According to Claimants, the claim was timely filed because Claimants had filed a pre-bankruptcy claim with General Motors in August of 2008. The Hendersons' response is attached hereto as Exhibit E.<sup>4</sup>

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<sup>3</sup> The claim was originally filed on behalf of their grandmother, Jessmer Evans. However, the Claimants have since clarified that the Claimant should be Jarrate Evans.

<sup>4</sup> The Hendersons sent their response directly to counsel for the GUC Trust. Counsel requested that the Hendersons file their response with this Court. However, to date, it does not appear that the Hendersons have complied with that request. For the purpose of this motion, the GUC Trust treats the response as if it had been filed with the Court.

**Michael Stelmach, Sr., Claim No. 71140**

9. On *May 25, 2011*, Anastasia Stelmach filed Claim Number 71140 on behalf of her late father, Michael Stelmach, Sr., against Motors Liquidation Company. Notice of the Bar Date was sent to Mr. Stelmach on September 25, 2009. Although Mr. Stelmach passed away in April 2008, his daughter received and viewed the bankruptcy notices. The unliquidated claim was filed over 18 months after the Bar Date. Ms. Stelmach asserts that the claim was late because she was preoccupied with other legal matters when she received notice of the bankruptcy and did not otherwise understand why her late father was receiving bankruptcy papers. Ms. Stelmach's response is Docket No. 11012 and is attached hereto as Exhibit F.

**Cheryl L. Truxall, Claim No. 71193**

10. On *June 22, 2011*, Cheryl L. Truxall filed Claim No. 71193 on behalf of her late husband, Stephen A. Truxall, Sr., against Motors Liquidation Company. Mr. Truxall, who died on August 25, 2010, received notice of the Bar Date on September 25, 2009. Nevertheless, his unliquidated claim was filed 19 months after the Bar Date. The claim is based on Mr. Truxall's June 8, 1991 work-related injury. Ms. Truxall contends that the claim should be permitted because prior to her husband's death, she was not privy to any of the notices that Mr. Truxall received regarding the bankruptcy. Ms Truxall's response is Docket No. 11218 and is attached hereto as Exhibit G.

**Sudie M. Venable, Claim No. 70342**

11. On or about *July 7, 2010*, Sudie M. Venable filed Claim No. 70342 against Motors Liquidation Company. The claim is for \$100,000 and \$50,000 a year, for life, and it was filed over 7 months after the Bar Date. The claim is based on her adult son's automobile accident. According to Ms. Venable, the claim was not filed on time because she



was preoccupied with caring for her disabled son, did not have time to follow-up regarding the bankruptcy and did not otherwise understand bankruptcy procedures.

## ARGUMENT

### A. Applicable Law

12. Section 502(b)(9) of the Bankruptcy Code provides that, upon the objection of a party in interest, a claim shall be disallowed to the extent that “proof of such claim is not timely filed.” 11 U.S.C. § 502(b)(9). Pursuant to Bankruptcy Rule 3003(c)(3), a proof of claim is not timely filed unless it is filed “prior to a bar date established by order of a bankruptcy court.” *In re XO Commc’n, Inc.*, 301 B.R. 782, 791 (Bankr. S.D.N.Y. 2003); Fed. R. Bankr. P. 3003(c)(3). As a general rule, any creditor who fails to file a proof of claim on or before the applicable bar date “will be forever barred that is, forbidden – from asserting the claim against each of the Debtors and their respective estates.” *Bar Date Order* dated September 16, 2009 (the “**Bar Date Order**”) at ¶ 6. In that regard, the bar date “does not function merely as a procedural gauntlet, but as an integral part of the reorganization process.” *In re Hooker Invs., Inc.*, 937 F.2d 833, 840 (2d Cir. 1991) (internal citations and quotation marks omitted).

13. Bankruptcy Rule 9006(b)(1) provides the court with discretion to enlarge the time to file claims “where the failure to act was the result of *excusable neglect*.” Fed. R. Bankr. P. 9006(b)(1) (emphasis added). The claimant has the burden of establishing excusable neglect. *In re Enron Corp.*, 419 F.3d 115, 121 (2d Cir. 2005); *In re Andover Togs, Inc.*, 231 B.R. 521, 549 (Bankr. S.D.N.Y. 1999).

14. In determining whether excusable neglect exists, courts are required to consider the following four factors in accordance with the Supreme Court’s decision in *Pioneer*: “[1] the danger of prejudice to the debtor, [2] the length of the delay and its potential impact on judicial proceedings, [3] the reason for the delay, including whether it was within the reasonable

control of the movant, and [4] whether the movant acted in good faith.” 507 U.S. 380, 395 (1993).

15. The Second Circuit takes a “hard line” in applying the *Pioneer* factors, placing the greatest weight and focusing primarily “on the third factor, the reason for the delay in filing a proof of claim.” *Enron*, 419 F.3d at 122 (internal quotation marks omitted). “[I]nadvertence, ignorance of the rules, or mistakes construing the rules do not usually constitute ‘excusable’ neglect.” *Pioneer*, 507 U.S. at 392; *In re Lehman Bros. Holdings Inc.*, 433 B.R. 113, 126 (Bankr. S.D.N.Y. 2010) (finding that creditors who claimed to be unaware of their claims until after the bar date could not demonstrate excusable neglect because they failed to investigate and perform reasonable diligence to identify those claims). Simply put, in the Second Circuit “[t]he equities will rarely if ever favor a party who fail[s] to follow the clear dictates of a court rule, and where the rule is entirely clear, we continue to expect that a party claiming excusable neglect will, in the ordinary course, lose under the *Pioneer* test.” *Enron*, 419 F.3d at 123 (internal citations omitted).

**B. The Claimants Have Not Satisfied Their Burden of Demonstrating Excusable Neglect**

16. The Claimants have provided several reasons why their claims were filed late, including, *inter alia*:

- Claimants did not know that they had claims prior to the Bar Date (Claim numbers 70400 (Bruster) and 70180 (Dalton));
- Claimants were unaware of the bankruptcy until after the Bar Date (Claim numbers 70400 (Bruster) and 71193 (Truxall));
- Claimants already filed a claim with ESIS or had a pending litigation prior to the Bankruptcy (Claim number 70303 (the Hendersons));
- Claimants were preoccupied with other matters and did not understand the Bar Date (Claim numbers 71140 (Stelmach) and 70342 (Venable)); and

- The Bar Date does not apply to the Claimant (Claim number 71170 (Evans)).

Each of the Late-Filed Claims and arguments made by the Claimants in their individual responses are addressed below.

17. **Claim Number 70400 (Bruster)**: Ms. Bruster asserts that she was not aware of either the bankruptcy or the fact that she had a claim until April 2010. The accident upon which her claim is based, however, occurred in May 22, 2009 – well before the November 30, 2009 Bar Date. Ms. Bruster therefore had sufficient time to conduct due diligence and investigate whether she had a claim. *See Lehman Bros.*, 433 B.R. at 126 (“Creditors act at their peril where they fail to adequately investigate and pursue their rights.”). Consequently, Ms. Bruster has not satisfied her burden to show excusable neglect.

18. **Claim Number 70180 (Dalton)**: Ms. Dalton contends that (i) she was unaware of her claim until February of 2010 and (ii) notice by publication was insufficient because she lives in a rural area. First, given that the underlying accident occurred in 2007, Ms. Dalton had adequate time to conduct due diligence and investigate whether she had a claim prior to the Bar Date. *Lehman Bros.*, 433 B.R. at 126 (finding that excusable neglect is not present where claims were not unknowable and could have been discovered through the exercise of reasonable diligence). Second, the Debtors published notice of the Bar Date in accordance with the Court’s order, which is sufficient – regardless of where Claimant resides. *See Chemetron Corp. v. Jones*, 72 F.3d 341, 348-49 (3d Cir. 1995) (finding that publication of bar date notice in two national newspapers sufficient even though creditors lived in Cleveland), *cert. denied*, 517 U.S. 1137 (1996); *In re Adler, Coleman Clearing Corp.*, 204 B.R. 99, 107 (Bankr. S.D.N.Y. 1997).

19. **Claim Number 71193 (Truxall):** Ms. Truxall, who filed a claim on behalf of her husband, contends that she had no knowledge of the bankruptcy proceedings because she did not read the bankruptcy notices sent to her husband. However, Mr. Truxall passed away in August 2010, and was thus still living when he received actual notice of the Bar Date and when the Bar Date occurred. Thus, Ms. Truxall's lack of knowledge does not bear on excusable neglect or on the timeliness of the claim.

20. **Claim Number 70303 (Hendersons):** The Hendersons argue their claim was timely because they submitted a claim to the Debtors' claim representative (ESIS) before commencement of the bankruptcy case. However, given the Hendersons received actual notice of the Bar Date, they were obligated to file a timely claim in the bankruptcy proceeding. Their failure to do so does not satisfy their burden of proving excusable neglect.

21. **Claim Number 71140 (Stelmach):** Ms. Stelmach filed a claim on behalf of her late father over 18 months after the Bar Date. Actual notice was sent to Ms. Stelmach's father, and received by Ms. Stelmach, following his death. According to Ms. Stelmach, her claim was late because she was preoccupied with other legal matters when the relevant notices were received, and that she otherwise did not understand the notices. The reasons given by Ms. Stelmach do not satisfy her burden of demonstrating excusable neglect.

22. **Claim Number 70342 (Venable):** Ms. Venable contends that her claim, which was filed over 7 months after the Bar Date, should be permitted because she was preoccupied with caring for her disabled adult son, did not have time to follow-up regarding the bankruptcy and did not understand bankruptcy procedures. Ms. Venable's preoccupation and inexperience with bankruptcy procedures does not satisfy her burden of demonstrating excusable neglect.

23. **Claim Number 71170 (Evans)**: Mr. Evans filed a claim on behalf of his late grandfather over 18 months after the Bar Date. Mr. Evans asserts that the claim was timely because the Bar Date does not apply. The claim, on its face, appears to be an unsecured claim subject to the Bar Date, and nothing in Mr. Evans's response provides support for the application of any other deadline. Thus, Mr. Evans has not met his burden of showing excusable neglect under the applicable case law.

24. **Claim Number 69688 (Chapman)**: Mr. Chapman, whose claim was filed over 5 weeks after the Bar Date, provides no understandable explanation for why his claim was filed late. Accordingly, he has failed to provide any evidence to satisfy his burden of demonstrating excusable neglect.

\* \* \*

25. The GUC Trust has a fiduciary duty to ensure the Bar Date Order is enforced as to all claimants who cannot show excusable neglect. The Claimants' *pro se* status does not change this approach. Indeed, while courts hold *pro se* litigants to less stringent standards than trained attorneys, a *pro se* litigant is nevertheless required to be aware of and comply with procedural rules and substantive law. *See, e.g., Traguth v. Zuck*, 710 F.2d 90, 95 (2d Cir. 1983) (A claimant's *pro se* status does not exempt the claimant from "compliance with relevant rules of procedural and substantive law."); *In re Hongjun Sun*, 323 B.R. 561, 566 (Bankr. S.D.N.Y. 2005) (finding that *Pioneer* and the Second Circuit's more stringent standards likewise apply to *pro se* claimants); *In re Klein*, 64 B.R. 372, 376 (Bankr. E.D.N.Y. 1986) (rejecting argument that literate *pro se* creditor should be excused from compliance with bar date because he did not understand the bar date notice received).

26. Notably, the vast majority of the claims filed against the Debtors were timely filed in advance of the Bar Date. Thousands of creditors therefore understood the notice given and their obligation to comply with the Bar Date. Allowing the Late-Filed Claims would be unfair to all of the creditors that complied with the Court's deadlines.<sup>5</sup> *In re Dana Corp.*, No. 06-10354, 2008 WL 2885901, at \*6 (Bankr. S.D.N.Y. July 23, 2008) (finding that allowing the late-filed claim would be "unfair to those claimants who respected the Bar Date and would potentially open a floodgate of other late claimants seeking the same relief."). Moreover, allowing the Late-Filed Claims could also open the floodgates for other creditors seeking relief from the Bar Date, causing delays, costs and diversion of resources, to the detriment of all parties in interest.

### **CONCLUSION**

For the reasons set forth above, this Court should enter an order expunging each of the Late-Filed Claims and granting such other and further relief as the Court deems just and proper.

Dated: New York, New York  
January 26, 2012

/s/ Stefanie Birbrower Greer  
Barry N. Seidel (BS-1945)  
Stefanie Birbrower Greer (SG-2898)

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*Attorneys for Motors Liquidation  
Company GUC Trust*

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<sup>5</sup> It would be particularly prejudicial to allow the unliquidated claims of Mr. Evans, Mr. Truxall and Mr. Stelmach, each of which were filed after the Effective Date and thus are not included in the GUC Trust's reserves.

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X	
<b>In re</b>	: <b>Chapter 11 Case No.</b>
	:
<b>MOTORS LIQUIDATION COMPANY, et al.,</b>	: <b>09-50026 (REG)</b>
<b>f/k/a General Motors Corp., et al.</b>	:
	:
<b>Debtors.</b>	: <b>(Jointly Administered)</b>
	:
-----X	

**ORDER GRANTING 89TH, 165TH, 245TH, AND 253RD  
OMNIBUS OBJECTIONS AS TO LATE-FILED PROOFS OF  
CLAIM NUMBERED 70400, 69688, 70180, 71170, 70303, 71140, 71193,  
AND 70342 AND DISALLOWING AND EXPUNGING SUCH CLAIMS**

Upon the 89th, 165th, 245th, and 253rd Omnibus Objections to late-filed proofs of claim numbered 70400 (Alberta Bruster); 69688 (Lonnie Chapman); 70180 (Betty Dalton); 71170 (Jesmer Evans); 70303 (Monty R. and Lisa K. Henderson); 71140 (Michael Stelmach, Sr.), 71193 (Stephan A. Truxall, Sr.); and 70342 (Sudie M. Venable) (collectively, the “**Late-Filed Claims**”) and the reply (the “**Reply**”) to the responses of the Late-Filed Claims of the Motors Liquidation Company GUC Trust formed by the above-captioned debtors (collectively, the “**Debtors**”) in connection with the Debtors’ Second Amended Joint Chapter 11 Plan, dated March 18, 2011, pursuant to section 502(b) of title 11 of the United States Code (the “**Bankruptcy Code**”), seeking entry of an order disallowing and expunging the Late-Filed Claims on the grounds that such Late-Filed Claims were not timely filed, all as more fully described in the Omnibus Objections and the Reply; and due and proper notice of the Omnibus Objections and Reply having been provided, and it appearing that no other or further notice need be provided; and the Court having found and determined that the relief sought in the Omnibus Objections and Reply is in the best interests of the Debtors, their estates, creditors, and all parties

in interest and that the legal and factual bases set forth in the Omnibus Objections and Reply establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefor, it is

ORDERED that the relief requested in the Omnibus Objections is granted as to the Late-Filed Claims; and it is further

ORDERED that, pursuant to section 502(b) of the Bankruptcy Code, the Late-Filed Claims are disallowed and expunged; and it is further

ORDERED that this Court shall retain jurisdiction to hear and determine all matters arising from or related to this Order.

Dated: New York, New York  
\_\_\_\_\_, 2012

\_\_\_\_\_  
United States Bankruptcy Judge



# **EXHIBIT A**

November 10, 2011

Honorable Robert E. Gerber  
United States Bankruptcy Judge  
Room 621 United States Bankruptcy Court  
One Bowling Green  
New York, NY 10004

RE: Alberta .. Bruster- Claim #700400

Dear Judge Gerber:

I object to the ruling disallowing my claim. I was not aware that GM was in bankruptcy until after I had received a recall letter for a defect in the electrical power steering. I received this correspondence in April 2010. I had an accident on May 22, 2009 in which my daughter was injured because of a defective power steering totaling my vehicle. As requested, I returned the completed reimbursement form to General Motors informing them that I would like to be compensated because the accident that my daughter had had happened prior to me receiving the recall letter. After I called them, two weeks later, they still didn't have an answer regarding the defective power steering. I did not receive a response from them for several months.

They were slow in their response to me, and each time that I called, I was repeatedly told that they were working on the matter. Two months later, I received a call from GM informing me that they could not reimburse me because they were in bankruptcy, and I would have to submit a proof of claim which was accessible via the internet. As requested, I completed a proof of claim and submitted to Motors Liquidation. I was told that the claim would be late, but to send it anyway.

I think my claim should be accepted, and I should receive payment because the Company should be solely responsible for its mistakes. They should have responded to me sooner than they did because they knew when I initially contacted them about my daughter's accident that they were in bankruptcy. GM had me waiting on a response, and was very much aware of their current financial situation. However, I did file a proof of claim immediately after retrieving it from the website.

Sincerely,

Alberta .. Bruster

A handwritten signature in cursive script that reads "Alberta Bruster". The signature is written in dark ink and is positioned below the typed name.

November 4, 2011

Alberta Bruster  
P.O. Box 122  
Vidalia, LA 71373

~~Re: Claim # 70200/Disallowed/Disallowed Claim~~

Dear Sir or Madam:

This correspondence is to dispute the disallowed claim regarding the 2005 Cobalt. On April 9, 2010, I received your letter informing debtors of the recall of the vehicle. Prior to receiving the letter, my daughter had had an accident and was hospitalized on May 22, 2009 as a result of the power steering going out in the Cobalt.

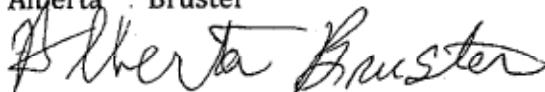
The cost of the repairs would have been \$4,498.18; however, the insurance company totaled the car at a cost in the amount of \$6,709.13, which was used to purchase another vehicle. Because of the power steering default, other damages occurred to the vehicle when it was wrecked; therefore, the charges totaled \$6,709.13.

I was unaware of the reported defects of the vehicle at the time; therefore, I believe that I should be compensated for the total amount of \$6,709, in addition to the \$1,500 personal cash that I had to add to purchase another car. Additionally, there were charges for hospital bills caused by the faulty power steering, totaling \$2,450, which I believe I should be compensated for. We were without a vehicle for two (2) months or more.

I am requesting total compensation in the amount of \$11,000.00 to settle my claim. I believe that the problem should have been identified and resolved prior to 2010.

Sincerely,

Alberta Bruster



**EXHIBIT B**

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

\_\_\_\_\_  
x  
In re: MOTORS LIQUIDATION COMPANY, et al.,  
F/K/A GENERAL MOTORS CORP., et al.  
DEBTORS  
\_\_\_\_\_  
x

Case No. 09-50026 (REG)

Chapter 11

**ORDER GRANTING APPLICATION(S) FOR ALLOWANCE OF INTERIM/FINAL  
COMPENSATION AND REIMBURSEMENT OF EXPENSES**

Upon consideration of Application(s) for Allowance of Interim/Final Compensation and Reimbursement of Expenses (the "Application(s)") for professional services rendered and expenses incurred during the period commencing 4-21, 2009 through 11-1-, 2011; and a hearing having been held before this Court to consider the Application(s) on 11-22-, 2011; and notice have been given pursuant to Federal Rules of Bankruptcy Procedure 2002(a)(7) and (c)(2); and due consideration having been given to any responses thereto; and sufficient cause having been shown therefor; it is hereby

ORDERED, that the Application(s) is/are granted to the extent set forth in Schedule A.

Dated: New York, New York

\_\_\_\_\_

\_\_\_\_\_  
United States Bankruptcy Judge

*R*

# **EXHIBIT C**

United States Bankruptcy Court  
Southern District of New York

In re:

*Motors Liquidation Company, et al.*  
*flk/a General Motors Corp., et al.*

Debtors

)  
)  
)  
) Case No. 09-50026 (REG)  
) Chapter 11  
)  
)

**RESPONSE OF DEBTORS  
OBJECTION TO PROOF OF CLAIM #70180**

TO THE HONORABLE ROBERT E. GERBER,  
UNITED STATES BANKRUPTCY JUDGE

Betty E. Dalton submits this response concerning the Debtors objection to late-filed claim, #70180, based on the following:

**ARGUMENT**

- 1) The Debtors did not adequately communicate Bankruptcy filing information in the rural area in which I live.
- 2) The discovery of the lawsuit began when I was contacted by General Motors by email in late February 2010, inquiring if I would be interested in purchasing a new vehicle. The email was received a few weeks after I had viewed a TV episode concerning vehicle safety crash tests that included the year and model of the vehicle in which was my husband was fatally injured in 2007 due to the failure of airbags to deploy. Only after several contacts with General Motors customer service in March 2010 concerning the non deployment of airbags recall, was I informed of the lawsuit and given the contact information. It took about 2 weeks to compile the supporting documentation to adequately file Proof of Claim dated March 30, 2010.
- 3) General Motors is accountable for product they manufacture along with the consequences when they fail to function properly especially in the loss of human life.
- 4) Proof of Claim #70206 is a duplicate claim and needs to be removed from this case.

Copies sent to:

- (i) WEIL, GOTSHAL & MANGES LLP, 767 Fifth Avenue, New York, New York 10153 (Attn: Harvey R. Miller, Esq., Stephen Karotkin, Esq., and Joseph H. Smolinsky, Esq.)
- (ii) Motors Liquidation Company, 401 South Old Woodward Avenue, Suite 370, Birmingham, Michigan 48009 (Attn: Thomas Morrow)
- (iii) General Motors LLC, 400 Renaissance Center, Detroit, Michigan 48265 (Attn: Lawrence S. Buonomo, Esq.)
- (iv) Cadwalader, Wickersham & Taft LLP, attorneys for the United States Department of Treasury, One World Financial Center, New York, New York 10281 (Attn: John J. Rapisardi, Esq.)
- (v) the United States Department of Treasury, 1500 Pennsylvania Avenue NW, Room 2312, Washington, D.C. 20220 (Attn: Joseph Samarias, Esq.)
- (vi) Vedder Price, P.C., attorneys for Export Development Canada, 1633 Broadway, 47<sup>th</sup> Floor, New York, New York 10019 (Attn: Michael J. Edelman, Esq. and Michael L. Schein, Esq.)
- (vii) Kramer Levin Naftalis & Frankel LLP, attorneys for the statutory committee of unsecured creditors, 1177 Avenue of the Americas, New York, New York 10036 (Attn: Thomas Moers Mayer, Esq., Robert Schmidt, Esq., Lauren Macksoud, Esq. and Jennifer Sharret, Esq.)

(viii) the Office of the United States Trustee for the Southern District of New York, 33 Whitehall Street, 21<sup>st</sup> Floor, New York, New York, 10004 (Attn: Tracy Hope Davis, Esq.)

(ix) the U.S. Attorney's Office, S.D.N.Y., 86 Chambers Street, Third Floor, New York, New York 10007 (Attn: David S. Jones, Esq. and Natalie Kuchler, Esq.)

(x) Caplin & Drysdale, Chartered, attorneys for the official committee of unsecured creditors holding asbestos-related claims, 375 Park Avenue, 35<sup>th</sup> Floor, New York, New York, 10152-3500 Attn: Elihu Inselbuch, Esq. and Rita C. Tobin, Esq.) and One Thomas Circle, N.W. Suite 1100, Washington DC 20005 (Attn: Trevor W. Swett III, Esq. and Kevin C. Maclay, Esq.)

(xi) Stutzman Bromberg, Esserman, & Plifka, A Professional Corporation, attorneys for Dean M. Trafelet in his capacity as the legal representative for future asbestos personal injury claimants, 2323 Bryan Street, Suite 2200, Dallas, TX 75201 (Attn: Sander L. Esserman, Esq. and Robert T. Brousseau, Esq.)

Date: February 16, 2011

Signature: Betty E. Dalton  
Name: Betty E. Dalton  
Address:  
1707 Radford Road  
Christiansburg, VA 24073  
(540) 381-3838



# **EXHIBIT D**

DEAR HONORABLE ROBERT E GERBER  
UNITED STATES BANKRUPTCY JUDGE IN  
ROOM 621 OF THE UNITED STATES BANKRUPTCY  
COURT FOR THE SOUTHERN DISTRICT OF  
NEW YORK

I'm writing you about the  
HEARING DATE AND RESPONSE DEADLINE  
ON THE MOTORS LIQUIDATION COMPANY  
CASE. GENERAL MOTORS CLAIMS I MISSED  
THE DUE DATE FOR JARRATE EVANS CLAIM  
NOT JESMER EVANS JESMER EVANS  
DID NOT EVEN DRIVE ALL OF THE G.M  
CADILLACS WAS PURCHASED BY JARRATE  
EVANS AND THE CARMAXOS AS WELL THROUGH  
THE G.M. EXECUTIVE CAR CAGE  
AND NOT THE DEALERSHIP LOTS.

THERE WAS A DIFFERENT DUE DATE  
FOR EXECUTIVE PURCHASING AND  
THAT DUE DATE I FILED IN TIME  
I FEEL LIKE WE WAS OVER CHARGED  
IN FINANCING BY G.M.A.C WHICH  
IS WHY I FILED FOR MY DECEASED  
GRAND FATHER JARRATE EVANS NOT  
JESMER EVANS HIS DECEASED WIFE  
THAT DID NOT BUY OR DRIVE CARS (OVER)

AND EXPUNGED WAS ADDRESSED  
TO THE WIDOW AND NOT THE

BUYER JARRIE EVANS

ALSO I HAVE OTHER CLAIMS FILE  
AGAINST GENERAL MOTORS IN A  
PRODUCT LIABILITY DISCRIMINATION  
LITIGATION FOR G.M.'S ADVERTISEMENTS  
FROM BENEFICIAL NATIONAL BANK  
IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION CASE NUM. 1:98-  
CV-02178 & CASE NUM. 1:98-CV-02550

I'M SENDING YOU A COPY OF SOME  
OF THE CARS PURCHASED FROM G.M.A.C  
CADILLAC'S EXECUTIVE CAR CAGE (OR)  
HOLDING BIN ON CADILLAC MEMORIES  
BOOK PAPER

THANK YOU

James Evans

- Mr. Charles W. Evans, Jr.  
11 Cadillacs, Dayton, OH
- Mr. Ed Evans  
3 Cadillacs, Lake Ozark, MO
- Mr. Edwin C. Evans  
7 Cadillacs, Ft. Walton Bch, FL
- Mr. Harold L. Evans  
22 Cadillacs, Cheshamford, MA
- Mr. & Mrs. J.T. Evans  
1 Cadillac, Ft. Lauderdale, FL
- Mr. Jarrate P. Evans  
17 Cadillacs, Oak Park, MI
- Jarrate Pete Evans  
1 Cadillac, Oak Park West, MI
- Mr. Walter B. Evans, Jr.  
6 Cadillacs, Middletown, OH
- Mr. Freddie Everett  
6 Cadillacs, Miami, FL
- H. Laverne Everett  
1 Cadillac, Kempner, TX
- Mr. Thornton Everett  
1 Cadillac, Longview, TX
- Mr. Casiner K. Evrnski  
3 Cadillacs, Grand Blanc, MI
- Ms. Ann H. Eyringer  
3 Cadillacs, Galveston, TX
- Mr. Charles R. Ewert  
2 Cadillacs, Brookfield, WI
- Mr. Robert D. Ewell  
6 Cadillacs, Brentwood, TN
- Ms. Eileen M. Faber  
5 Cadillacs, Lannon, MI
- Kenneth L. Faber  
8 Cadillacs, Mount Morris, MI
- Mr. John Fader  
2 Cadillacs, Mollusk, VA
- Jerald Fagelbaum  
6 Cadillacs, Flushing, NY
- Mr. Ben W. Fagen  
2 Cadillacs, Littleton, CO
- Mr. Dwayne L. Fagler  
6 Cadillacs, Lincoln, NE
- Mr. Robert C. Fahl  
9 Cadillacs, Springfield, MO
- Mr. Theodore L. Fairbanks  
1 Cadillac, Manchester, CT
- Garold Fairhead  
4 Cadillacs, Merriman, NE
- Mr. Millard A. Fairley, Jr.  
3 Cadillacs, Spencerport, NY
- Ms. Theresa Falbo  
1 Cadillac, Hillside, NJ
- Mr. Stephen Falcione  
3 Cadillacs, Omroed Beach, FL
- Bernard N. Falkowski  
4 Cadillacs, West Seneca, NY
- Mrs. Helen N. Falter  
1 Cadillac, Erie, PA
- Gregory Fallon  
3 Cadillacs, Phoenix, AZ
- Mr. Willard G. Falls  
8 Cadillacs, Houston, TX
- Mr. & Mrs. Arthur E. Fanning  
6 Cadillacs, Norristown, PA
- Johanny & Dorothy Fant  
3 Cadillacs, Anderson, SC
- Kathryn S. Farina  
5 Cadillacs, Hawthorne, NJ
- Mr. Chauncey F. Farnach  
1 Cadillac, Canastota, NY
- Mr. Richard W. Farndale  
6 Cadillacs, Prophetstown, IL
- Mr. Lorimer D. Farrisworth  
5 Cadillacs, Shenandoah, VA
- Mr. Anthony Faro  
1 Cadillac, River Edge, NJ
- Richard Farrell  
3 Cadillacs, Edwardsville, IL
- Mrs. Evelyn E. Farver  
18 Cadillacs, Salt Lake City, UT
- Ms. Karen J. Farris  
1 Cadillac, Junction, AK
- Mr. Patrick A. Farsdale  
1 Cadillac, North Brunswick, NJ
- Mr. Bryan Faulkner  
1 Cadillac, Nappan, ON
- Mr. John Faulkner  
1 Cadillac, Longford Mills, ON
- Mr. Luther E. Faulkner  
3 Cadillacs, Alexandria, VA
- Mr. Michael Favet  
6 Cadillacs, Chicago, IL
- Mr. Larry D. Favours  
3 Cadillacs, Fort Worth, TX
- Mr. Edward Feldersen  
San Diego, CA
- Mr. John Fedor  
2 Cadillacs, Clairton, PA
- Mr. D.D. Fee  
2 Cadillacs, Long Beach, CA
- Mrs. K. Fee  
2 Cadillacs, Paterborough, ON
- Joseph C. Feldkircher, Sr.  
12 Cadillacs, Westlake, OH
- Mr. Allen Feldman  
3 Cadillacs, North York, ON
- Mr. Wallace H. Feldmeier  
10 Cadillacs, Ashtrubala, OH
- Mr. Emmanuel L. Fellouris  
9 Cadillacs, Largo, FL
- Mrs. Greer S. Fellows  
3 Cadillacs, San Antonio, TX
- Anne Felton  
4 Cadillacs, Tallahassee, FL
- Ms. Lois W. Fenton  
14 Cadillacs, Centralia, MO
- George Fenwick  
3 Cadillacs, Washington, DC
- Mrs. Helen G. Fenza  
5 Cadillacs, Lake Park, FL
- Mr. Howard J. Ferguson  
New Port Richey, FL
- Mr. Loy V. Ferguson  
6 Cadillacs, Birmingham, AL
- Ms. Margaret L. Ferguson  
3 Cadillacs, Walnut Creek, CA
- Mr. Richard B. Ferguson  
5 Cadillacs, Tacoma, WA
- Mr. Charles L. Ferko  
2 Cadillacs, Trent Woods, NC
- Ms. Betty Ferrante  
3 Cadillacs, Johnston, RI
- Mr. Joseph G. Ferrara  
6 Cadillacs, Mansfield Ctr., CT
- Dr. Roger & Malba Ferrer  
4 Cadillacs, Venice, FL
- Mr. Royce T. Ferrell  
1 Cadillac, Sweetwater, TX
- Mr. Raymond C. Ferris  
Mission Viejo, CA
- Commander David E. Ferruci  
2 Cadillacs, Palm Coast, FL
- Mr. Leo E. Ferry, Jr.  
9 Cadillacs, Adlington, MA
- Mr. Joseph Feyer  
4 Cadillacs, Pepper Pike, OH
- Thomas Fezkey  
4 Cadillacs, Allen Park, MI
- Mr. Felix Fezzuoglio  
6 Cadillacs, Voorhees, NJ
- Mr. Joe Fiedler  
1 Cadillac, Timpson, TX
- Mr. James P. Fields  
1 Cadillac, Shawnee Msn., KS
- Mr. Marlon T. Fields  
2 Cadillacs, Tucson, AZ
- Mrs. Virginia G. Fields  
1 Cadillac, Anderson, IN
- Mr. Louis J. Filardo  
Lyndhurst, NJ
- Ms. Luona E. Filkins  
1 Cadillac, Colorado Spgs., CO
- Mr. Tony W. Fillman  
2 Cadillacs, Sherman, TX
- Robert Fillmore  
1 Cadillac, Lakewood, OK
- Mr. Donald L. Finch  
5 Cadillacs, Arcadia, CA
- Mr. Robert C. Findley  
1 Cadillac, Arlington, TX
- 15 Cadillacs, Robertsdale, AL

**EXHIBIT E**

November 6, 2011

Re: Monty R. & Lisa K. Henderson

Claim # 70303


To whom it may concern,

I am writing this letter to inform the courts on our behalf that we are objecting to the omnibus claims that the claim filed #70303 on exhibit A was filed late.

This claim was filed before the deadline dates. The claim was originally filed in 2008; I have been trying to resolve this issue since this date. I have called, sent letters, photos, receipts each time requested. We have even sent information via e-mail to representatives.

We we're giving claim #674770 in 08/2009. This number was put on the last bar date proof of claim sent to the bankruptcy court sent in 2010 as proof that claim was filed early and that was the number giving originally. When this proof of claim was sent to us by motors liquidation I sent it right back in a timely matter. Not late.

Thank you,



Monty R. & Lisa k. Henderson

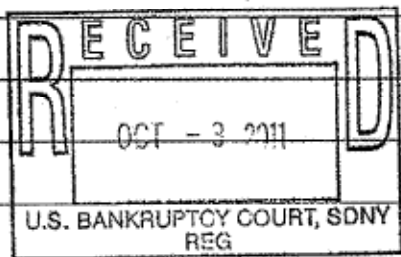
# **EXHIBIT F**

9-28-2011

Dear Honorable Robert L. Gerber.

My name is Anastaya Stelmach. I am writing to you on behalf of my deceased father, Michael Stelmach. He passed away in April 2008. I was preoccupied with a lot of legal matters, I set the papers aside and forgot about them. Also I could not understand why the courts send my father bankruptcy papers. When the second papers came, I called the Vectors Liquidation Co., and was advised to go on the internet and print, fill out, sign, and mail it in even though it was passed due date. I am asking your Honor if there is anything you can do to help me with this matter.

Thank You for your kind consideration.



Respectfully Yours  
Anastaya Stelmach  
5324 Bingham  
Dearborn, Mich., 48126

Home 313 581-3662

Work 313 383-8773

Cell 313 706-2342



# **EXHIBIT G**

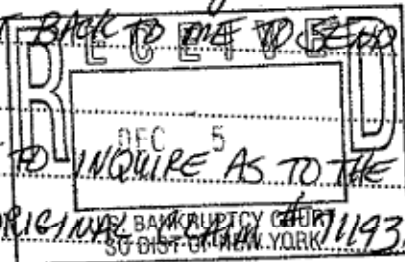
CLAIM # 71193 NOVEMBER 30, 2011  
TO WHOM IT MAY CONCERN,



THIS LETTER WAS SENT TO  
DICKSTEIN SHAPIRO LLP VIA FEDERAL  
EXPRESS ON OCTOBER 19, 2011, IT  
ARRIVED OCTOBER 20, 2011 @ 2:37 PM,  
COURT DATE SCHEDULED OCTOBER 21, 2011.

THE LAWYER SAID HE HAD TO "ASK  
PERMISSION" ABOUT SENDING THIS LETTER  
TO COURT BECAUSE HE IS NOT MY LAWYER.  
HE SAID HE'D SEND IT BACK TO ME TO SEND  
TO THE COURT.

THIS CAUSED ME TO INQUIRE AS TO THE  
DISPOSITION OF THE ORIGINAL LETTER #71193.  
HE STATED THAT THE CLAIM WAS SENT TO  
COURT.



THANK YOU IN ADVANCE FOR ALL THE  
COURT'S ASSISTANCE IN THIS MATTER,  
GOD BLESS, CHERYL L. TRUXALL



**DICKSTEINSHAPIRO**LLP

1633 Broadway | New York, NY 10019-6708  
TEL (212) 277-6500 | FAX (212) 277-6501 | dicksteinshapiro.com

November 22, 2011

**FEDERAL EXPRESS**

Cheryl L. Truxall  
1250 Alton Dr. SW  
Sherrodsville, OH 44675

Re: Motors Liquidation Company, et al. - Case No. 09-50026-reg

Dear Cheryl:

As discussed, please find enclosed your original letter that you sent in response to the 245th Omnibus Objection that was filed in the above-referenced matter. If you would like the Court to consider your letter when deciding the Objection, please send the letter to the Clerk of the Bankruptcy Court at:

United States Bankruptcy Court  
Southern District of New York Manhattan Office  
One Bowling Green, New York, NY 10004  
Attn: Clerk

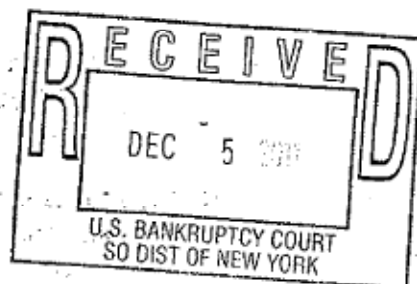
Also as discussed, we will notify you when a hearing is scheduled to consider the Objection to your claim.

As always, please do not hesitate to contact me should you have any questions.

Sincerely,



Shaya M. Berger  
bergers@dicksteinshapiro.com  
SMB/alk



OCTOBER 19, 2002011

CHERYL L. TRUXALL

1250 ALTON DR. SW.

SHERRODSVILLE, OH. 44675

TELE. (330) 681-4020 (NEW)

CLAIM # 71193

DICKSTEIN SHAPIRO LLP

1633 BROADWAY

NEW YORK, NEW YORK 10019-6708

ATTORNEYS FOR MOTORS LIQUIDATION CO. ET. AL, GENERAL MOTORS CORP.

TO WHOM IT MAY CONCERN,

I, CHERYL L. TRUXALL, WAS NOT PRIVY TO NOTICES RECEIVED IN THE MAIL REGARDING GENERAL MOTORS "CHAPTER 11" STATUS. MY HUSBAND, STEPHAN A. TRUXALL SR., DID NOT MENTION OR SHARE THE SAME. THERE WAS NO KNOWLEDGE OF COURT DATES, DUE DATES, BAR DATES ETC.

MY HUSBAND HAD A WORK RELATED INJURY ON 06-08-91. A PROP SHAFT, (SIZE OF A METAL FENCE POST), HIT HIM IN THE FACE AND DROVE HIS RT. EYE TOOTH UP INTO HIS GUM. SURROUNDING TEETH WERE AFFECTED REQUIRING A "PARTIAL" DENTAL PROSTHESIS. RT MAXILLA OR "CHEEK BONE" AFFECTED. A LACERATION OF THE LOWER LIP REQUIRED PLASTIC SURGERY BY DR. PANDRANGI AT PARMA HOSPITAL.

CLAIM # 71193

STEVE HAD MENTIONED ONE DAY  
THAT HE HOPED THAT HE WOULD HAVE RECEIVED  
MORE COMPENSATION FOR THE ABOVE.

FROM MAILINGS RECEIVED AFTER  
STEVE'S DEATH (08-25-10), I GOT INFORMATION FROM  
THE GARDEN CITY GROUP. THEY WERE ENCOURAGING  
AND GAVE A CLAIM NUMBER: # 71193 TO USE FOR THE  
PAPERWORK. TWO <sup>N.Y.C.</sup> LAWYERS CALLED MY HOME IN REGARDS  
TO THIS MATTER, SHAYA BERGER AND JONATHAN ZAKHEIM.

PLEASE CONSIDER AS MENTIONED  
IN PREVIOUS PAPERWORK THE PERSON BEHIND THE INJURY.

GOD'S BLESSINGS TO ALL

VERY SINCERELY,

Cheryl L Truxall

CHERYL L TRUXALL