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December 18, 2018

**By Hand, ECF and Email**

The Honorable Martin Glenn  
United States Bankruptcy Court  
Southern District of New York  
One Bowling Green  
New York, NY 10004-1408

Re: *Motors Liquidation Company Avoidance Action Trust v. JPMorgan Chase Bank, N.A., et al., No. 09-00504 (MG) (Bankr. S.D.N.Y.)*

Dear Judge Glenn:

We represent defendant JPMorgan Chase Bank, N.A. (“JPMorgan”) in the above-referenced adversary proceeding. Under the Court’s Scheduling Orders<sup>1</sup>, document discovery is scheduled to conclude on December 21, 2018 and fact discovery is scheduled to conclude on January 23, 2019. Given these approaching deadlines, we write to update the Court on the status of discovery from General Motors LLC (“New GM”). We have reached an agreement with New GM that is consistent with the deadlines in the existing Scheduling Orders, but want the Court to be aware of the commitments New GM has made in the course of our mutual effort to avoid judicial intervention.

As we previously stated in our letter of November 26, 2018 [Dkt. No. 1135] (“November Discovery Letter”), many of the documents most relevant to the Initial Trial and Discovery Issues (as defined in the Scheduling Orders) — including the eleven additional representative assets that were finalized by the Court’s October 16, 2018 Order [Dkt. No. 1112] — reside with New GM. Accordingly, promptly after the Initial Discovery and Trial Issues were set, and again promptly after the additional representative assets were finalized, JPMorgan and the plaintiff issued multiple subpoenas to New GM seeking documents relating to these issues.

<sup>1</sup> The Stipulation and Order Amending and Superseding Certain Prior Orders Regarding Discovery and Scheduling entered on September 14, 2018 [Dkt. No. 1080], the Stipulation and Order Amending the September 14, 2018 Scheduling Order (ECF No. 1080) entered on October 11, 2018 [Dkt. No. 1094], and the Stipulation and Order Amending the September 14, 2018 Scheduling Order (ECF No. 1080) and the October 11, 2018 Amended Scheduling Order (ECF No. 1094) entered on November 27, 2018 [Dkt. No. 1137] (collectively, the “Scheduling Orders”).

The Honorable Martin Glenn  
December 18, 2018  
Page Two

When we sent our November Discovery Letter requesting a short extension of the discovery deadlines, New GM had produced documents in response to some but not all of JPMorgan's document requests. New GM informed us that it anticipated completing a rolling production of the remainder of its documents regarding the Initial Trial and Discovery Issues around the middle of December because many of the relevant documents are located at plants and facilities throughout the United States. After various meet and confers where document discovery was discussed, on December 12, 2018, New GM informed us that it could not complete its productions in full by December 21 because, as New GM put it, "given the number and breadth of the requests, the collection and review of documents located at different plants around the country was taking longer than anticipated and could continue through January 21, 2019."

Upon receipt of that update, we explained to New GM that the January 21 date was problematic because JPMorgan and the other parties will need time to review and analyze New GM's productions to determine whether the productions are sufficient, to follow-up with requests for additional documents if they are not, to prepare for and take fact depositions and to draft expert reports. Following those discussions, New GM has continued to produce responsive documents on a rolling basis and committed to continue to work diligently and to produce many of the outstanding documents by December 21, and to produce substantially all remaining responsive documents, including *inter alia*, documents related to the additional representative assets, on a rolling basis, finishing on or before January 10, 2019.

JPMorgan believes that completion of document discovery from New GM in accordance with this adjusted schedule should allow the parties to timely complete discovery and should not impact the remainder of the current schedule. Therefore JPMorgan is not seeking the Court's intervention at this time. To the extent there are any issues that arise in connection with the discovery requests directed to New GM, JPMorgan will promptly raise those issues with this Court.

New GM has consented to proceeding before this Court in connection with any discovery issues in this regard, has reviewed this letter in advance of filing, and also reserves its right to raise promptly with this Court any issues in the future.

The Honorable Martin Glenn  
December 18, 2018  
Page Three

We are available at the Court's convenience to discuss any questions that Your Honor may have.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jm Callagy". The signature is fluid and cursive, with a large loop at the end.

John M. Callagy

CC: Counsel of Record (by ECF and email)  
David M. Fine, Esq. (by email)