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January 26, 2016

**VIA E-MAIL TRANSMISSION
AND ECF FILING**

The Honorable Martin Glenn
United States Bankruptcy Judge
United States Bankruptcy Court
Southern District of New York
Alexander Hamilton Custom House
One Bowling Green
New York, New York 10004

**Re: In re Motors Liquidation Company, et al.
Case No. 09-50026 (MG)**

Letter Regarding Update on Related Proceedings

Dear Judge Glenn:

King & Spalding LLP is co-counsel with Kirkland & Ellis LLP for General Motors LLC (“**New GM**”) in the above-referenced matter. Pursuant to Judge Gerber’s Endorsed Order dated May 5, 2015 [Dkt. No. 13131], we write to update the Court regarding developments in proceedings relating to New GM. Specifically:

1. On January 21, 2016, the Second Circuit Court of Appeals scheduled March 15, 2016 as the date for oral argument in connection with the appeal of the Bankruptcy Court’s April 15, 2015 *Decision on Motion to Enforce Sale Order* [Dkt. No. 13109] (“**April 15 Decision**”), and the Judgment, dated June 1, 2015 [Dkt. No. 13177] memorializing the rulings in the April 15 Decision.
2. On January 22, 2016, a *Stipulation of Dismissal Under Fed. R. Civ. P. 41* (“**Stipulation of Dismissal**”) was entered in MDL 2543 pending in the Southern District of New York with respect to the first personal injury Bellwether Trial (*Scheuer*). A copy of the Stipulation of Dismissal is attached hereto as Exhibit “A.”

Honorable Martin Glenn
January 26, 2016
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3. On January 22, 2016, a *Stipulation For Entry Of Order Staying Action Pending Ruling By Bankruptcy Court* ("**Stay Stipulation**") was entered in the *Pilgrim v. General Motors LLC* case (Case No.: 2:15-cv-08047-JFW-E) ("**Pilgrim Lawsuit**") pending in the United States District Court for the Central District of California ("**California District Court**"), and on January 25, 2016, the California District Court entered a *Stipulated Order Staying Action Pending Ruling By Bankruptcy Court* ("**Stipulated Order**"). These documents concern the motion to enforce the Sale Order and Injunction filed by New GM with this Court on January 19, 2016 with respect to the Pilgrim Lawsuit. Copies of the Stay Stipulation and Stipulated Order are annexed hereto as Exhibits "B" and "C" respectively.

Respectfully submitted,

/s/ Scott Davidson

Scott Davidson

SD/hs
Encl.

cc: Edward S. Weisfelner
Howard Steel
Sander L. Esserman
Jonathan L. Flaxer
S. Preston Ricardo
Matthew J. Williams
Lisa H. Rubin
Keith Martorana
Daniel Golden
Deborah J. Newman
Jamison Diehl
William Weintraub
Steve W. Berman
Elizabeth J. Cabraser
Robert C. Hilliard

Exhibit A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
IN RE:

GENERAL MOTORS LLC IGNITION SWITCH
LITIGATION

No. 14-MD-2543 (JMF)
No. 14-CV-8176

**STIPULATION OF DISMISSAL
UNDER FED. R. CIV. P. 41**

This Document Relates To Robert Scheuer
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Plaintiff Robert S. Scheuer and defendant General Motors LLC stipulate to a Voluntary Dismissal with Prejudice of plaintiff's claims. Plaintiff hereby voluntarily dismisses with prejudice all claims by plaintiff against defendant in this matter, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii). Pursuant to this stipulation, plaintiff takes nothing from defendant and the parties agree to bear their own fees and costs incurred in this matter.

DATED: January 22, 2016

HILLIARD MUÑOZ GONZALES L.L.P.

By: /s/ Robert Hilliard

Robert Hilliard
bobh@hmglawfirm.com
719 S Shoreline Blvd, Suite #500
Corpus Christi, TX 78401
Telephone: (361) 882-1612
Facsimile: (361) 882-3015

*Co-Lead Counsel with Primary Focus on Personal
Injury Cases*

DATED: January 22, 2016

KIRKLAND & ELLIS LLP

By: /s/ Richard C. Godfrey

Richard C. Godfrey, P.C.

Andrew B. Bloomer, P.C.

KIRKLAND & ELLIS LLP

300 North LaSalle

Chicago, Illinois 60654

Telephone: (312) 862-2482

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andrew.bloomer@kirkland.com

Counsel for General Motors LLC

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was emailed to the Orders and Judgment Clerk at judgments@nysd.uscourts.gov in accordance with the ECF Rules & Instructions and served upon the attorney of record for each other party via electronic mail on January 22, 2016.

s/ Steve W. Berman

Steve W. Berman

Exhibit B

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5 Attorneys for Defendant
6 General Motors LLC
7

8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
10 **WESTERN DIVISION**
11

12 WILLIAM D. PILGRIM, WALTER
13 GOETZMAN, JEROME E. PEDERSON,
14 MICHAEL FERNANDEZ, ROY
15 HALEEN, HOWARD KOPEL, ROBERT
16 C. MURPHY, MIKE PETERS,
17 CHRISTOPHER CONSTANTINE,
18 JOHN PARSONS, LYLE DUNAHOO,
19 AARON CLARK, EDWIN WILLIAM
20 KRAUSE, DAVID SHELDON, JARED
21 KILEY, JEFF KOLODZI, MORRIS
22 SMITH, ANDRES FREY, individuals, on
23 behalf of themselves and all others
24 similarly situated,

25 Plaintiffs,

26 vs.

27 GENERAL MOTORS COMPANY LLC
28 and DOES 1-50 inclusive,

Defendants.

Case No. 2:15-cv-08047 JFW (Ex)

**STIPULATION FOR ENTRY OF
ORDER STAYING ACTION
PENDING RULING BY
BANKRUPTCY COURT**

Complaint Served: Oct. 23, 2015

Current Response Date: Feb. 3, 2016

Hon. John F. Walter

WHEREAS, plaintiffs filed their First Amended Complaint on December
22, 2016 in accordance with the parties' prior stipulation and order of the Court;

1 WHEREAS, defendant General Motors LLC (“New GM”), sued erroneously
2 herein as “General Motors Company LLC,” came into existence shortly before
3 July 10, 2009, the date on which it purchased certain assets of the former General
4 Motors Corporation (“Old GM”) free and clear of all of Old GM’s liabilities (with
5 limited exceptions) pursuant to an agreement (“Sale Agreement”) approved by the
6 United States Bankruptcy Court for the Southern District of New York
7 (“Bankruptcy Court”) under Section 363 of the Bankruptcy Code (“363 Sale”) by
8 Order of the Bankruptcy Court dated July 5, 2009 (“Sale Order”);

9 WHEREAS, all of the model year 2006, 2007, and 2008 vehicles, and some
10 or all of the 2009 vehicles that are the subject of individual plaintiffs’ allegations
11 were manufactured by Old GM (“Old GM Vehicles”);

12 WHEREAS, New GM, the defendant in this case, contends that most of the
13 claims asserted in plaintiffs’ First Amended Complaint are Retained Liabilities of
14 Old GM (as defined in the Sale Agreement) for which New GM has no
15 responsibility or liability to plaintiffs and that the Sale Order prohibits and enjoins
16 the assertion of such claims against New GM;

17 WHEREAS, New GM has asserted this contention in its counsel’s letters to
18 plaintiffs’ counsel dated October 28, 2015, December 15, 2015, and December 24,
19 2015;

20 WHEREAS, plaintiffs dispute New GM’s contention and contend that as a
21 result of specific knowledge by Old GM of the specific defect alleged herein by
22 plaintiffs and the alleged safety concerns raised by that defect, plaintiffs are
23 permitted by the reasoning of Judge Gerber’s order of April 15, 2015 (“Decision
24 on Motion to Enforce Sale Order”) to pursue “Independent Claims” for economic
25 loss to Old GM vehicles based on New GM conduct.

26 WHEREAS, paragraph 71 of the Bankruptcy Court’s Sale Order approving
27 the 363 Sale retained exclusive jurisdiction in the Bankruptcy Court to interpret
28 and enforce the provisions of the Sale Order;

1 WHEREAS, New GM on January 19, 2016 filed a motion in the Bankruptcy
2 Court seeking an order from the Bankruptcy Court, among other things, enforcing
3 the Sale Order and specifically enjoining and precluding plaintiffs from asserting
4 or prosecuting in this action any and all claims regarding Old GM Vehicles (*In re*
5 *Motors Liquidation Co.*, Case No. 09-50026 (MG) (Bankr. S.D.N.Y.), ECF
6 #13584) (“Motion To Enforce”);

7 WHEREAS, the hearing on the Motion To Enforce has been set on the
8 Bankruptcy Court’s docket for February 17, 2017;

9 WHEREAS, without conceding the validity of New GM’s position,
10 plaintiffs’ counsel agrees that it would promote judicial economy to permit the
11 Bankruptcy Court to hear and rule on the Motion To Enforce prior to any further
12 activity in this case;

13 IT IS HEREBY STIPULATED, by and between plaintiffs and New GM, by
14 and through their undersigned counsel, that the Court may enter its order as
15 follows:

16 1. This action shall be stayed pending the Bankruptcy Court’s final order
17 on the Motion To Enforce filed on January 19, 2016 in Case No. 09-50026 (MG),
18 *In re Motors Liquidation Co.* (Bankr. S.D.N.Y.), and any final appellate ruling
19 sought by either side;

20 2. The Scheduling Conference currently set for March 7, 2016 is
21 vacated, subject to being re-set by further order of the Court;

22 3. The stay would delay, until a date later set by the Court, a response by
23 plaintiffs to the Court’s Order (Docket no. 21) that plaintiffs file a “RICO Case
24 Statement.”

25 4. Plaintiffs shall have thirty days from and after the final Bankruptcy
26 Court order or final appellate ruling on the Motion To Enforce to file a further
27 amended complaint or to inform New GM that it will not be filing a further
28

1 amended complaint, and New GM shall have thirty days thereafter to answer,
2 move or otherwise respond.

3 DATED: January 22, 2016 ANDRE E. JARDINI
4 K.L. MYLES
5 KNAPP PETERSEN & CLARKE

6 *[s] Andre E. Jardini*
7 Attorneys for Plaintiffs

8 DATED: January 22, 2016 GREGORY R. OXFORD
9 ISAACS CLOUSE CROSE & OXFORD LLP

10 *[s] Gregory R. Oxford*
11 Attorneys for Defendant

12 **Attestation per L.R. 5-4.3.4(a)(2)(i)**

13 The undersigned hereby attests that that all signatories listed above concur in
14 this filing's content and have authorized the filing.

15 *[s] Gregory R. Oxford*
16 Attorneys for Defendant

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Exhibit C

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goxford@icclawfirm.com

5 Attorneys for Defendant
6 General Motors LLC

NOTE: CHANGES MADE BY THE COURT

7
8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
10 **WESTERN DIVISION**

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22 SMITH, ANDRES FREY, individuals, on
23 behalf of themselves and all others
24 similarly situated,

Plaintiff,

vs.

23 GENERAL MOTORS COMPANY LLC
24 and DOES 1-50 inclusive,

Defendants.

Case No. 2:15-cv-08047 JFW (Ex)

**STIPULATED ORDER STAYING
ACTION PENDING RULING BY
BANKRUPTCY COUR**

Complaint Served: Oct. 23, 2015

Current Response Date: Feb. 3, 2015

Hon. John F. Walter

26
27 Based on the stipulation of counsel filed on January 22, 2016, and good
28 cause appearing therefor, IT IS HEREBY ORDERED as follows:

1 1. This action shall be stayed pending the Bankruptcy Court’s final order
2 on the Motion To Enforce filed on January 19, 2016 in Case No. 09-50026 (MG),
3 *In re Motors Liquidation Co.* (Bankr. S.D.N.Y.), and any final appellate ruling
4 sought by either side;

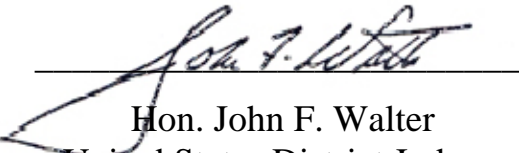
5 2. The Scheduling Conference currently set for March 7, 2016 is
6 vacated, subject to being re-set by further order of the Court;

7 3. The response by plaintiffs to the Court’s Order (Docket No. 21) that
8 plaintiffs file a “RICO Case Statement” will be reset by further order of the Court.

9 4. Plaintiffs shall have thirty days from and after the final Bankruptcy
10 Court order or final appellate ruling on the Motion To Enforce to file a further
11 amended complaint or to inform New GM that it will not be filing a further
12 amended complaint, and New GM shall have thirty days thereafter to answer,
13 move or otherwise respond.

14 5. The parties shall file a Joint Report every 90 days advising the Court
15 of the status of the proceedings pending in Bankruptcy Court case no. 09-50026.
16 The first Joint Report shall be filed on May 2, 2016.

17
18 Dated: January 25, 2016

19
20 
21 Hon. John F. Walter
22 United States District Judge