

# KING & SPALDING

King & Spalding LLP  
1185 Avenue of the Americas  
New York, NY 10036-4003

Tel: (212) 556-2100  
Fax: (212) 556-2222  
www.kslaw.com

Scott Davidson  
Direct Dial: 212-556-2164  
sdavidson@kslaw.com

October 3, 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. As noted previously, New GM filed a motion (“**Stay Motion**”) with the Second Circuit seeking a stay of the Mandate for the Second Circuit’s Opinion issued on July 13, 2016. On September 30, 2016, the Second Circuit denied the relief requested in the Stay Motion and issued the Mandate. Copies of the Second Circuit’s Order denying the Stay Motion and the Mandate are attached hereto as Exhibits “A” and “B” respectively.

If the Court has any questions or needs additional information, please let me know.

Respectfully submitted,

/s/ Scott Davidson

Scott Davidson

SD/hs  
Encl.

cc: Parties Set Forth On Schedule "1" Annexed Hereto.

**SCHEDULE 1**

<p>Edward S. Weisfelner, Esq. Howard Steel, Esq. BROWN RUDNICK LLP Seven Times Square New York, NY 10036 T: 212-209-4800 eweisfelner@brownrudnick.com hsteel@brownrudnick.com</p> <p><i>Designated Counsel for Ignition Switch Plaintiffs and certain Non-Ignition Switch Plaintiffs in the Bankruptcy Court</i></p>	<p>Sander L. Esserman, Esq. STUTZMAN, BROMBERG, ESSERMAN &amp; PLIFKA 2323 Bryan Street, Suite 2200 Dallas, TX 75201 T: 214-969-4900 esserman@sbep-law.com</p> <p><i>Designated Counsel for Ignition Switch Plaintiffs and certain Non-Ignition Switch Plaintiffs in the Bankruptcy Court</i></p>
<p>William Weintraub, Esq. Gregory Fox, Esq. GOODWIN PROCTER LLP 620 Eighth Avenue New York, NY 10018 T: 212-813-8800 wweintraub@goodwinprocter.com gfox@goodwinprocter.com</p> <p><i>Designated Counsel for Pre-Sale Accident Plaintiffs</i></p>	<p>Robert Hilliard, Esq. HILLIARD MUNOZ GONZALES LLP 719 South Shoreline Suite 500 Corpus Christi, TX 78401 T: 361-882-1612 bobh@hmglawfirm.com</p> <p><i>Lead Counsel in MDL 2543</i></p>
<p>Elizabeth J. Cabraser, Esq. LIEFF, CABRASER, HEIMANN &amp; BERNSTEIN, L.L.P. 275 Battery Street Embarcadero Center W. San Francisco, CA 94111 T: 415- 956-1000 ecabraser@lchb.com</p> <p><i>Lead Counsel in MDL 2543</i></p>	<p>Steve W. Berman, Esq. HAGENS BERMAN SOBOL SHAPIRO LLP 1918 Eighth Avenue, Suite 3300 Seattle, WN 98101 T: 206-623-7292 steve@hbsslaw.com</p> <p><i>Lead Counsel in MDL 2543</i></p>

<p>Matthew J. Williams, Esq. Keith R. Martorana, Esq. Lisa Rubin, Esq. Mitch Karlan, Esq. Gabriel Gillett, Esq. GIBSON, DUNN &amp; CRUTCHER LLP 200 Park Avenue New York, NY 10166 T: 212-351-3845 mjwilliams@gibsondunn.com kmartorana@gibsondunn.com lrubin@gibsondunn.com mkarlan@gibsondunn.com ggillett@gibsondunn.com</p> <p><i>Counsel for Wilmington Trust Company as GUC Trust Administrator</i></p>	<p>Gary Peller, Esq. GARY PELLER, ESQ. 600 New Jersey Avenue, NW Washington, DC 20001 T: 202-662-9122 peller@law.georgetown.edu</p> <p><i>Counsel for Bledsoe Plaintiffs, Elliott Plaintiffs and Sesay Plaintiffs</i></p>
<p>Daniel H. Golden, Esq. Deborah Newman, Esq. AKIN GUMP STRAUSS HAUER &amp; FELD LLP One Bryant Park New York, NY 10036 T: 212-872-1000 dgolden@akingump.com djnewman@akingump.com</p> <p><i>Counsel for Participating GUC Trust Unit Holders</i></p>	<p>Joshua P. Davis, Esq. JOSH DAVIS LAW FIRM 1010 Lamar, Suite 200 Houston, TX 77002 T: 713-337-4100 josh@thejdfirm.com</p> <p><i>Counsel for Doris Phillips</i></p>
<p>Jonathan L. Flaxer, Esq. Preston Ricardo, Esq. GOLENBOCK EISENMAN ASSOR BELL &amp; PESKOE LLP 437 Madison Avenue New York, NY 10022 T: 212-907-7300 jflaxer@golenbock.com pricardo@golenbock.com</p> <p><i>Counsel for Groman Plaintiffs</i></p>	<p>Alexander Schmidt, Esq. Malcolm T. Brown, Esq. WOLF HALDENSTEIN ADLER FREEMAN &amp; HERZ LLP 270 Madison Avenue New York, NY 10016 T: 212-545-4600 schmidt@whafh.com brown@whafh.com</p> <p><i>Counsel for ABC Flooring, Inc., et al.</i></p>

**Parties to the Motion to Enforce, filed by New GM on June 1, 2016 [Dkt. No. 13634]**

<p>Tab Turner, Esq. TURNER &amp; ASSOC. 4705 Somers Ave., S-100, North Little Rock, AR 72116 T: 501-791-2277 – Phone tab@tturner.com</p> <p><i>Counsel for Tibbetts and Chapman Plaintiffs</i></p>	<p>William Weintraub, Esq. Gregory Fox, Esq. GOODWIN PROCTER LLP The New York Times Building 620 Eighth Avenue New York, NY 10018 T: 212-813-8800 wweintraub@goodwinprocter.com gfox@goodwinprocter.com</p> <p><i>Designated Counsel for Certain Pre-Sale Accident Plaintiffs and Post-Sale Accident Plaintiffs</i></p>
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**Parties to the Motion to Enforce filed by New GM on June 24, 2016 [Dkt. No. 13655]**

<p>Laurence B. Springberg, Esq. THOMAS &amp; SPRINGBERG 844 East Sahara Ave. Las Vegas, NV 89104-3017 T: (702) 731-9222 lspringberg@thomasandspringberg.com</p> <p><i>Counsel for the Atanaw Plaintiff</i></p>	<p>Martin E. Regan, Esq. REGAN LAW PLC 2125 St Charles Ave. New Orleans, LA 70130 T: (504) 522-7260 mregan@reganlaw.net lrayon@reganlaw.net</p> <p><i>Counsel for the Barbot Plaintiffs</i></p>
<p>Rick Morrison, Esq. 7149 Mid Pines Dr, Montgomery, AL 36117 bluegrayton@me.com</p> <p>Keith Medley, Esq. JOHNSON, PASEUR &amp; MEDLEY, LLC 1847 North Wood Ave. Florence, AL 35630 T: (256) 766-3131 keith.medley@johnsonpaseur.com</p> <p><i>Counsel for the Black Plaintiff</i></p>	<p>Kenneth C. Anthony, Jr., Esq. K. Jay Anthony, Esq. ANTHONY LAW FIRM, P.A. P.O. Box 3565 250 Magnolia Street Spartanburg, S.C. 29306 T: (864) 582-2355 kanthony@anthonylaw.com janthony@anthonylaw.com</p> <p><i>Counsel for the Moore Plaintiffs</i></p>

<p>Joram Hirsch, Esq. ADELMAN HIRSCH &amp; CONNORS LLP 1000 Lafayette Blvd Bridgeport, CT 06604 T: 203-331-8888 jhirsch@ahctrilaw.com</p> <p><i>Counsel for the Pitterman Plaintiffs</i></p>	<p>Kris Ted Ledford, Esq. LEDFORD LAW FIRM Heritage Professional Plaza 425 East 22nd Street, Suite 101 Owasso, OK 74055 T: (918) 376-4610 kris@ledford-lawfirm.com</p> <p><i>Counsel for the Pope Plaintiffs</i></p>
<p>Steven J. Crowley, Esq. CROWLEY, BUNGER &amp; PRILL 3012 Division St. Burlington, IA 52601 T: (319) 753-1330 scrowley@cbp-lawyers.com</p> <p><i>Counsel for the Boker Plaintiffs</i></p>	<p>Michael Andrews, Esq. BEASLEY, ALLEN, CROW, METHVIN, PORTIS &amp; MILES, P.C. P.O. Box 4160 Montgomery, Alabama 36104 mike.andrews@beasleyallen.com</p> <p><i>Counsel for the Neal Plaintiffs</i></p>
<p>Paul Vernon Minix, Jr. Dewitt County Jail 208 E. Live Oak Cuero, TX 77954</p> <p><i>Minix – Pro Se Plaintiff</i></p>	<p>Paul Minix 2330 Quail Lane Longview, Texas 75602</p> <p><i>Minix – Pro Se Plaintiff</i></p>

**Parties Subject to the Pilgrim Motion to Enforce**

<p>André E. Jardini, Esq. K.L. Myles, Esq. KNAPP, PETERSEN &amp; CLARKE 550 North Brand Boulevard, Suite 1500 Glendale, CA 91203 T: (818) 547-5000 aej@kpclegal.com klm@kpclegal.com</p> <p><i>Counsel for the Pilgrim Plaintiffs</i></p>	
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# **EXHIBIT A**

**UNITED STATES COURT OF APPEALS  
FOR THE  
SECOND CIRCUIT**

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 30<sup>th</sup> day of September, two thousand and sixteen.

Before: Chester J. Straub,  
Denny Chin,  
Susan L. Carney,  
*Circuit Judges.*

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In the Matter of: Motors Liquidation Company,  
Debtor.

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Celestine Elliott, Lawrence Elliott, Berenice Summerville,

Creditors - Appellants - Cross-Appellees,

Sesay and Bledsoe Plaintiffs, Ignition Switch Plaintiffs,  
Ignition Switch Pre-Closing Accident Plaintiffs, Doris  
Powledge Phillips,

Appellants-Cross-Appellees,

Groman Plaintiffs,

Appellants,

v.

General Motors LLC,

Appellee - Cross-Appellant,

Wilmington Trust Company,

Trustee - Appellee - Cross-Appellant,

Participating Unitholders,

Creditors - Appellees - Cross - Appellants.

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**ORDER**

Docket Nos. 15-2844(L)  
15-2847(XAP)  
15-2848(XAP)





Appellee-Cross-Appellant General Motors LLC filed a motion to stay issuance of this Court's mandate pending the filing and disposition of a petition for writ of *certiorari* in the Supreme Court.

IT IS HEREBY ORDERED that the motion is DENIED.

For the Court:

Catherine O'Hagan Wolfe,  
Clerk of Court

# **EXHIBIT B**

# MANDATE

UNITED STATES COURT OF APPEALS  
FOR THE  
SECOND CIRCUIT

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 13th day of July, two thousand and sixteen.

Before: Chester J. Straub,  
Denny Chin,  
Susan L. Carney,  
*Circuit Judges,*

In the Matter of: Motors Liquidation Company,

Debtor.

\*\*\*\*\*

Celestine Elliott, Lawrence Elliott, Berenice  
Summerville,

Creditors - Appellants - Cross-Appellees,

Sesay and Bledsoe Plaintiffs, Ignition Switch Plaintiffs,  
Ignition Switch Pre-Closing Accident Plaintiffs, Doris  
Powledge Phillips,

Appellants-Cross-Appellees,

Groman Plaintiffs,

Appellants,

v.

General Motors LLC,

Appellee - Cross-Appellant,

Wilmington Trust Company,

Trustee - Appellee - Cross-Appellant,

Participating Unitholders,

JUDGMENT

Docket Nos. 15-2844(L)  
15-2847(XAP)  
15-2848(XAP)

Creditors - Appellees - Cross - Appellants.

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The appeals in the above captioned case from a judgment of the United States Bankruptcy Court for the Southern District of New York were argued on the district court's record and the parties' briefs. Upon consideration thereof,

IT IS HEREBY ORDERED, ADJUDGED and DECREED that with respect to the bankruptcy court's decision:

- (1) the decision not to enforce the Sale Order as to the independent claims is AFFIRMED;
- (2) the decision to enforce the Sale Order as to the Used Car Purchasers' claims and claims relating to the ignition switch defect, including pre-closing accident claims and economic loss claims, is REVERSED;
- (3) the decision to enforce the Sale Order as to claims relating to other defects is VACATED; and
- (4) the decision on equitable mootness as advisory is VACATED.

The case is REMANDED for further proceedings consistent with this Court's opinion.

For The Court:

Catherine O'Hagan Wolfe,  
Clerk of Court


A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit