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Arthur Steinberg, Esq.  
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*Attorneys for General Motors LLC*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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

**NOTICE OF FILING OF (I) LETTER BY ROBERT CARDEW,  
DATED APRIL 15, 2019, AND (II) RESPONSE LETTER  
BY GENERAL MOTORS LLC, DATED APRIL 22, 2019**

PLEASE TAKE NOTICE that Mr. Robert Cardew had previously written a letter that counsel for General Motors LLC ("**New GM**") responded to (*see* ECF Nos. 14478, 14479); and

PLEASE TAKE FURTHER NOTICE that on April 19, 2019, counsel for New GM received another letter from Mr. Cardew, this one dated April 15, 2019, a copy of which is attached hereto as **Exhibit "A,"** and counsel for New GM responded to that Letter by letter dated April 22, 2019, a copy of which is attached hereto as **Exhibit "B."**

Dated: New York, New York  
April 22, 2019

Respectfully submitted,

/s/ Scott Davidson  
Arthur Steinberg  
Scott Davidson  
KING & SPALDING LLP  
1185 Avenue of the Americas  
New York, New York 10036  
Telephone: (212) 556-2100  
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*Attorneys for General Motors LLC*

# **Exhibit A**

April 15, 2019

Mr. Arthur Steinberg  
Attorney at Law  
King & Spaulding LLP  
1185 Avenue of the Americas  
New York, New York 10036

Re: Motors Liquidation Company f/k/a General Motors Corporation  
S.D.N.Y. Bankruptcy Court No. 09-50026(MG)

Dear Mr. Steinberg:

A review of recent court decisions show that you represent the above-referenced company in its bankruptcy proceeding.

On May 1, 2017, I was severely injured in a 2008 Chevrolet 3500 van manufactured by GM and according to the bankruptcy the new company is liable for injury and death of individuals from products manufactured by General Motors.

What I would like to know is if the automatic stay relating to the bankruptcy proceeding is still in force under section 362 of the Bankruptcy Code and if so, does the automatic stay apply to personal injury lawsuits or not?


I would also like to know if I have to file a motion with the court for a waiver of the automatic stay, who is the attorney for the above that I serve it on since your office is not the only law office representing the company.

I would also like to know if the automatic stay provisions apply since the bankruptcy started in 2009 and my injuries occurred in 2017 and is there a way for me to file a claim in the bankruptcy for my injuries instead of a lawsuit?

I do not know anything about bankruptcy proceedings but it is on our computer system in our law library so I have been trying to find out how to do this without filing a motion in federal bankruptcy court.

Thank you for your time and consideration in this matter.

Sincerely,

  
\_\_\_\_\_  
Robert Cardew  
82-C-0739  
Five Points Correctional Facility  
6600 State Route 96, P.O. Box 119  
Romulus, New York 14541-0119

# **Exhibit B**

# KING & SPALDING

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April 22, 2019

Mr. Robert Cardew  
82-C-0739  
Five Points Correctional Facility  
6600 State Route 96  
P.O. Box 119  
Romulus, New York 14541-0119

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

**Response to Letter dated April 15, 2019**

Dear Mr. Cardew:

This letter is in response to your letter dated April 15, 2019 to my colleague Arthur Steinberg.

Please note that King & Spalding LLP is counsel for General Motors LLC ("**GM LLC**"), the entity that purchased assets and assumed certain liabilities of General Motors Corporation (also known as Motors Liquidation Company) in connection with a sale ("**Sale**") that was approved in the Motors Liquidation Company's bankruptcy case in July 2009. King & Spalding does not represent, and has never represented Motors Liquidation Company, f/k/a General Motors Corporation ("**Old GM**"), the entity you have sued. MLC dissolved in December 2011, whereupon its assets and liabilities were then transferred to the Motors Liquidation Company General Unsecured Creditor Trust. The contact information for counsel for the Motors Liquidation Company General Unsecured Creditors Trust ("**MLC GUC Trust**") is: Kristen Going, Esq., Drinker Biddle & Reath LLP, 1177 Avenue of the Americas, 41<sup>st</sup> Floor, New York, New York 10036-2714, (212) 248-3140.

Please also note that King & Spalding does not represent you and, therefore, it cannot give you legal advice. With that said, I can tell you that, in connection with the Sale, GM LLC did assume compensatory damages for Product Liabilities (as defined in the Sale Agreement) arising from accidents involving vehicles manufactured by Old GM that occurred after the closing of the Sale (*i.e.*, July 10, 2009). However, while GM LLC did assume Product

Mr. Robert Cardew  
April 22, 2019  
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Liabilities, that does not mean it is liable in connection with any Product Liabilities; GM LLC will defend against any Product Liabilities brought against it.

In addition, while GM LLC assumed compensatory damages for Product Liabilities (if ultimately proven), the Bankruptcy Court has found on a number of occasions that GM LLC did not assume punitive damages based on Old GM conduct. *See, e.g., In re Motors Liquidation Co.*, 571 B.R. 565, 580 (Bankr. S.D.N.Y. 2017) (“Post-Closing Accident Plaintiffs may not assert claims against New GM for punitive damages based on conduct of Old GM.”); *In re Motors Liquidation Co.*, 576 B.R. 313, 323-24 (Bankr. S.D.N.Y. 2017) (same). Accordingly, a plaintiff asserting Product Liabilities against GM LLC can only seek compensatory damages against GM LLC, and not punitive damages.

In your letter, you raise a number of questions regarding the Old GM bankruptcy case and the application of the automatic stay. Those questions are best directed to the MLC GUC Trust and Ms. Going.

Very truly yours,



Scott Davidson

SD/hs

cc: Kristen Going, Esq.