

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

-----X
In re:

MOTORS LIQUIDATION COMPANY, f/k/a
GENERAL MOTORS CORPORATION, *et al.*,

Chapter 11

Case No. 09-50026 (MG)
(Jointly Administered)

Debtors.

-----X
MOTORS LIQUIDATION COMPANY AVOIDANCE
ACTION TRUST, by and through the Wilmington Trust
Company, solely in its capacity as Trust Administrator and
Trustee,

Adversary Proceeding

Plaintiff,

Case No. 09-00504 (MG)

against

JPMORGAN CHASE BANK, N.A., *et al.*,

Defendants.

-----X

**STIPULATION AND ORDER DISMISSING
ADVERSARY PROCEEDING AGAINST HIGHLAND FLOATING RATE FUND**

WHEREAS, on May 20, 2015, Plaintiff filed a First Amended Adversary Complaint for (1) Avoidance of Unperfected Lien, (2) Avoidance and Recovery of the Postpetition Transfers, (3) Avoidance and Recovery of Preferential Payments, and (4) Disallowance of Claims by Defendants (“**Amended Complaint**”) [Adv. Dkt. No. 91] and thereafter served the Amended Complaint on, among others defendants, Highland Floating Rate Fund (“**Defendant**”);

WHEREAS, the claim asserted against Defendant in the Amended Complaint concerns a certain transfer to Defendant on June 30, 2009 in the amount of \$0.02, which Plaintiff asserts was made pursuant to a certain term loan agreement, dated as of November 29, 2006, as

amended by that certain first amendment dated as of March 4, 2009 (the “**Term Loan Agreement**”); and

WHEREAS, Defendant represents that it did not receive any other distributions under the Term Loan Agreement;

WHEREAS, on November 30, 2015, Defendant filed an Answer to the Amended Complaint [Adv. Dkt. No. 296];

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between counsel for the parties, as follows:

1. Defendant is dismissed from this adversary proceeding and any and all claims against Defendant arising out of the Term Loan Agreement are dismissed with prejudice.

Dated: New York, New York
May 5, 2016

New York, New York
May 5, 2016

BINDER & SCHWARTZ LLP

COLE SCHOTZ P.C.

/s/Eric B. Fisher
Eric B. Fisher
Neil S. Binder
Lindsay A. Bush
Lauren K. Handelsman
Binder & Schwartz LLP
366 Madison Avenue
New York, New York 10017
Tel: 212-513-7008
Fax: (212) 510-7299
Email: efisher@binderschwartz.com

/s/Jill B. Bienstock
Jill B. Bienstock
1325 Avenue of the Americas, 19th Floor
New York, New York 10019
Tel: (212) 752-8000
Fax: (212) 752-8393
Email: jbienstock@coleschotz.com

Attorneys for Plaintiff

Michael D. Warner
301 Commerce Street, Suite 1700
Fort Worth, Texas 76102
Tel: (817) 810-5250
Fax: (817) 810-5255
Email: mwarner@coleschotz.com

Gary H. Leibowitz
300 E. Lombard Street, Suite 1450
Baltimore, Maryland 21202
Tel: (410) 230-0660 Telephone
Fax: (410) 230-0667 Facsimile
Email: gleibowitz@coleschotz.com

*Attorneys for Defendant Highland
Floating Rate Fund*

SO ORDERED

Dated: New York, New York
May 6, 2016

/s/Martin Glenn
Martin Glenn
United States Bankruptcy Judge