

ORIGINAL
Pg 1 of 6
CIVIL COVER SHEET

16705829
Daniels
Cott

JS 44C/SDNY
REV. 07/08/16

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS
See addendum

DEFENDANTS
See addendum

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)
See addendum

ATTORNEYS (IF KNOWN)
See addendum

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

28 U.S.C. § 158 appeal from interlocutory order of the United States Bankruptcy Court for the Southern District of New York.

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No Yes Judge Previously Assigned

If yes, was this case Vol. Invol. Dismissed. No Yes If yes, give date _____ & Case No. _____

IS THIS AN INTERNATIONAL ARBITRATION CASE? No Yes

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

TORTS		ACTIONS UNDER STATUTES			
CONTRACT	PERSONAL INJURY	PERSONAL INJURY	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
[] 110 INSURANCE	[] 310 AIRPLANE	[] 367 HEALTHCARE/	[] 625 DRUG RELATED	[x] 422 APPEAL	[] 375 FALSE CLAIMS
[] 120 MARINE	[] 315 AIRPLANE PRODUCT LIABILITY	PHARMACEUTICAL PERSONAL INJURY/PRODUCT LIABILITY	[] SEIZURE OF PROPERTY	28 USC 158	[] 376 QUI TAM
[] 130 MILLER ACT	[] 320 ASSAULT, LIBEL & SLANDER	[] 365 PERSONAL INJURY PRODUCT LIABILITY	21 USC 881	[] 423 WITHDRAWAL	[] 400 STATE REAPPORTIONMENT
[] 140 NEGOTIABLE INSTRUMENT	[] 330 FEDERAL EMPLOYERS' LIABILITY	[] 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY	[] 690 OTHER	28 USC 157	[] 410 ANTI TRUST
[] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	[] 340 MARINE	PERSONAL PROPERTY			[] 430 BANKS & BANKING
[] 151 MEDICARE ACT	[] 345 MARINE PRODUCT LIABILITY	[] 370 OTHER FRAUD		PROPERTY RIGHTS	[] 450 COMMERCE
[] 152 RECOVERY OF DEFAULTED STUDENT LOANS (EXCL VETERANS)	[] 350 MOTOR VEHICLE	[] 371 TRUTH IN LENDING		[] 820 COPYRIGHTS	[] 460 DEPORTATION
[] 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS	[] 355 MOTOR VEHICLE PRODUCT LIABILITY			[] 830 PATENT	[] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)
[] 160 STOCKHOLDERS SUITS	[] 360 OTHER PERSONAL INJURY	[] 380 OTHER PERSONAL PROPERTY DAMAGE	LABOR	[] 840 TRADEMARK	[] 480 CONSUMER CREDIT
[] 190 OTHER CONTRACT	[] 362 PERSONAL INJURY - MED MALPRACTICE	[] 385 PROPERTY DAMAGE PRODUCT LIABILITY	[] 710 FAIR LABOR STANDARDS ACT		[] 490 CABLE/SATELLITE TV
[] 195 CONTRACT PRODUCT LIABILITY	ACTIONS UNDER STATUTES	PRISONER PETITIONS	[] 720 LABOR/MGMT RELATIONS	SOCIAL SECURITY	[] 850 SECURITIES/ COMMODITIES/ EXCHANGE
[] 196 FRANCHISE	CIVIL RIGHTS	[] 463 ALIEN DETAINEE	[] 740 RAILWAY LABOR ACT	[] 861 HIA (1395ff)	[] 890 OTHER STATUTORY ACTIONS
	[] 440 OTHER CIVIL RIGHTS (Non-Prisoner)	[] 510 MOTIONS TO VACATE SENTENCE	[] 751 FAMILY MEDICAL LEAVE ACT (FMLA)	[] 862 BLACK LUNG (923)	[] 891 AGRICULTURAL ACTS
	[] 441 VOTING	[] 530 HABEAS CORPUS	[] 790 OTHER LABOR LITIGATION	[] 863 DIWC/DIWW (405(g))	[] 893 ENVIRONMENTAL MATTERS
	[] 442 EMPLOYMENT	[] 535 DEATH PENALTY	[] 791 EMPL RET INC SECURITY ACT (ERISA)	[] 864 SSID TITLE XVI	[] 895 FREEDOM OF INFORMATION ACT
	[] 443 HOUSING/ ACCOMMODATIONS	[] 540 MANDAMUS & OTHER		[] 865 RSI (405(g))	[] 896 ARBITRATION
	[] 445 AMERICANS WITH DISABILITIES - EMPLOYMENT	PRISONER CIVIL RIGHTS	IMMIGRATION		[] 899 ADMINISTRATIVE PROCEDURE ACT/REVIEW OR APPEAL OF AGENCY DECISION
	[] 446 AMERICANS WITH DISABILITIES - OTHER	[] 550 CIVIL RIGHTS	[] 462 NATURALIZATION APPLICATION	FEDERAL TAX SUITS	[] 890 CONSTITUTIONALITY OF STATE STATUTES
	[] 448 EDUCATION	[] 555 PRISON CONDITION	[] 465 OTHER IMMIGRATION ACTIONS	[] 870 TAXES (U.S. Plaintiff or Defendant)	
		[] 560 CIVIL DETAINEE CONDITIONS OF CONFINEMENT		[] 871 IRS-THIRD PARTY	
REAL PROPERTY				26 USC 7609	
[] 210 LAND CONDEMNATION					
[] 220 FORECLOSURE					
[] 230 RENT LEASE & EJECTMENT					
[] 240 TORTS TO LAND					
[] 245 TORT PRODUCT LIABILITY					
[] 290 ALL OTHER REAL PROPERTY					

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y. AS DEFINED BY LOCAL RULE FOR DIVISION OF BUSINESS 13? IF SO, STATE:

DEMAND \$ _____ OTHER _____ JUDGE _____ DOCKET NUMBER _____

Check YES only if demanded in complaint
JURY DEMAND: YES NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

(PLACE AN x IN ONE BOX ONLY)

ORIGIN

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from (Specify District)
- 6 Multidistrict Litigation (Transferred)
- 7 Appeal to District Judge from Magistrate Judge
- 8 Multidistrict Litigation (Direct File)
- a. all parties represented
- b. At least one party is pro se.

(PLACE AN x IN ONE BOX ONLY)

BASIS OF JURISDICTION

IF DIVERSITY, INDICATE CITIZENSHIP BELOW.

- 1 U.S. PLAINTIFF
- 2 U.S. DEFENDANT
- 3 FEDERAL QUESTION (U.S. NOT A PARTY)
- 4 DIVERSITY

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF []1	DEF []1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF []3	DEF []3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF []5	DEF []5
CITIZEN OF ANOTHER STATE	[]2	[]2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[]4	[]4	FOREIGN NATION	[]6	[]6

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

c/o Binder & Schwartz LLP, 366 Madison Avenue, Sixth Floor, NY, NY 10017, NY County

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

c/o Kasowitz, Benson, Torres & Friedman LLP, 1633 Broadway, NY, NY 10019, NY County

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

COURTHOUSE ASSIGNMENT

I hereby certify that this case should be assigned to the courthouse indicated below pursuant to Local Rule for Division of Business 18, 20 or 21. DO NOT check either box if this is a PRISONER PETITION/PRISONER CIVIL RIGHTS COMPLAINT.

Check one: THIS ACTION SHOULD BE ASSIGNED TO: WHITE PLAINS MANHATTAN

DATE July 14, 2016 SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT [] NO [x] YES (DATE ADMITTED Mo August Yr. 1996) Attorney Bar Code # AG9934

RECEIPT #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)

ADDENDUM TO CIVIL COVER SHEET

Plaintiff:

Motors Liquidation Company Avoidance Action Trust, by and through the Wilmington Trust Company, solely in its capacity as Trust Administrator and Trustee.

Plaintiff's Counsel:

Eric B. Fisher, Esq.
Neil S. Binder, Esq.
Lindsay A. Bush, Esq.
Lauren K. Handelsman, Esq.
BINDER & SCHWARTZ LLP
366 Madison Avenue, Sixth Floor
New York, New York 10017
Telephone: (212) 510-7008
Facsimile: (212) 510-7299

Defendants:

Ad Hoc Group of Term Lenders, as identified in Appendix A to this Addendum.

Defendants' Counsel:

Marc E. Kasowitz, Esq.
Andrew K. Glenn, Esq.
Paul M. O'Connor III, Esq.
Joshua N. Paul, Esq.
Frank S. DiCarlo, Esq.
Isaac S. Sasson, Esq.
KASOWITZ, BENSON, TORRES
& FRIEDMAN LLP
1633 Broadway
New York, New York 10019
Telephone: (212) 506-1700
Facsimile: (212) 506-1800

Appendix A

*Fire and Police Employees' Retirement System of the City of Baltimore
BBT Fund, L.P.
SRI Fund, L.P.
BBT Master Fund, L.P. (f/k/a Cap Fund, L.P.)
BlackRock Corporate High Yield Fund, Inc.
BlackRock Debt Strategies Fund, Inc.
BlackRock Floating Rate Income Strategies Fund, Inc.
BlackRock Funds II - High Yield Bond Portfolio
BlackRock Global Investment Series: Income Strategies Portfolio
BlackRock Fixed Income Portable Alpha (Offshore) Fund
BlackRock Senior Income Series II
BlackRock Senior Income Series IV
R3 Capital Partners Master, L.P.
The Galaxite Master Unit Trust
BlackRock High Yield Bond Portfolio, a series of BlackRock Funds II
High Yield Bond Portfolio
California State Teachers' Retirement System
Delaware Diversified Income Fund, a series of Delaware Group Adviser Funds
Delaware Enhanced Global Dividend and Income Fund
Delaware Extended Duration Bond Fund, a series of Delaware Group Income Funds
Delaware Dividend Income Fund, a series of Delaware Group Equity Funds V
Delaware Core Plus Bond Fund, a series of Delaware Group Government Fund
Delaware Corporate Bond Fund, a series of Delaware Group Income Funds
Delaware High-Yield Opportunities Fund, a series of Delaware Group Income Funds
Delaware Investments Dividend and Income Fund, Inc.
The High-Yield Bond Portfolio, a series of Delaware Pooled Trust
Delaware VIP Diversified Income Series, a series of Delaware VIP Trust
Delaware VIP High Yield Series, a series of Delaware VIP Trust
The Core Plus Fixed Income Portfolio, a series of Delaware Pooled Trust
Optimum Fixed Income Fund, a series of Optimum Fund Trust
Drawbridge Special Opportunities Fund Ltd.
Drawbridge Special Opportunities Fund LP
Fortress Credit Investments I Ltd.
Fortress Credit Investments II Ltd.
FOUR CORNERS CLO II, LTD.
FOUR CORNERS CLO III, LTD.
Freescale Semiconductor Inc., 401(k) Retirement Savings Plan
GENESIS CLO 2007-1 LTD.
Guggenheim Portfolio X, LLC
Guggenheim High Yield Fund
Illinois Municipal Retirement Fund
John Hancock Variable Insurance Trust Floating Rate Income Trust
John Hancock Variable Insurance Trust High Yield Trust
John Hancock Funds II Floating Rate Income Fund*

John Hancock Funds II High Yield Bond Fund
The Lincoln National Life Insurance Company Separate Account 12
The Lincoln National Life Insurance Company Separate Account 20
LVIP Delaware Bond Fund, a series of Lincoln Variable Insurance Products Trust
LVIP Delaware Foundation® Conservative Allocation Fund, a series of Lincoln Variable
Insurance Products Trust (and the successor to LVIP Delaware Managed Fund as of June 15,
2009).
Golden Knight II CLO, Ltd.
Lord Abbett Investment Trust – Lord Abbett High Yield Fund
Lord Abbett Investment Trust – Lord Abbett Floating Rate Fund
Teachers’ Retirement System of Oklahoma
Houston Police Officers’ Pension System
Mason Capital, L.P.
Mason Capital, Ltd.
The Missouri State Employees’ Retirement System
Neuberger Berman High Income Bond Fund
Neuberger Berman High Yield Strategies Fund Inc.
MacKay New York Life Insurance Company (Guaranteed Products)
New York Life Insurance Company Guaranteed Products
New York Life Insurance Company (Guaranteed Products)
New York Life Insurance Company GP - Portable Alpha
MacKay Shields Core Plus Alpha Fund Ltd.
New York Life Insurance Company
North Dakota State Investment Board
Fairway Loan Funding Company
PIMCO Income Strategy Fund
PIMCO Income Strategy Fund II
Red River HYPi, L.P.
PIMCO Cayman Trust: PIMCO Cayman Bank Loan Fund
StocksPLUS, L.P. Fund B
PIMCO Funds: PIMCO Total Return Fund
PIMCO Funds: Private Account Portfolio Series High Yield Portfolio
PIMCO Funds: Global Investors Series plc, Global Investment Grade Credit Fund
Portola CLO, Ltd.
Mayport CLO, Ltd.
Plumbers & Pipefitters National Pension Fund
Putnam 29X-Funds Trust Floating Rate Income Fund
SHIPROCK FINANCE, SPC, on behalf of SF-3 Segregated Portfolio
Russell Investment Company plc on behalf of its sub-fund The Global Strategic Yield Fund, and
its successor funds, and Multi-Style, Multi-Manager Fund plc on behalf of its sub-fund, The
Global Strategic Yield Fund
Russell Institutional Funds LLC Russell Core Bond Fund
Russell Trust Company Russell Multi-Manager Bond Fund
Russell Investment Company Russell Strategic Bond Fund
Russell Investment Company plc Russell U.S. Bond Fund
Solus Core Opportunities Master Fund Ltd

Sola Ltd

Ultra Master Ltd

Taconic Capital Partners 1.5 L.P.

Taconic Market Dislocation Fund II L.P.

Taconic Market Dislocation Master Fund II L.P.

Taconic Opportunity Fund L.P.

Thrivent Financial for Lutherans

Thrivent High Yield Fund, a series of Thrivent Mutual Funds

Thrivent Income Fund, a series of Thrivent Mutual Funds

Thrivent High Yield Portfolio, a series of Thrivent Series Fund, Inc.

Thrivent Income Portfolio, a series of Thrivent Series Fund, Inc.

Virginia Retirement System