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Attorneys for Plaintiff

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

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In re:

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

Chapter 11

Case No. 09-50026 (REG)
(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 (REG)

against

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

Defendants.

-----X

**NOTICE OF PRESENTMENT OF
APPLICATION FOR ISSUANCE OF A LETTER ROGATORY
SEEKING SERVICE OF PROCESS IN A FOREIGN COUNTRY**

PLEASE TAKE NOTICE that the undersigned will present the attached application (“**Application**”) seeking entry of an order, in the form annexed to the Application as Exhibit A, issuing a letter rogatory pursuant to Fed. R. Civ. P. 4(f)(2)(B), addressed to the appropriate Austrian judicial authority, requesting that the Austrian court cause the Stipulation and Order [Dkt No. 90], First Amended Adversary Complaint [Dkt. No. 91] and Summons and Notice of Pretrial Conference in an Adversary Proceeding [Dkt. No. 92] to be served upon Defendant Oesterreichische Volksbanken AG, to the Honorable Judge Robert E. Gerber, United States Bankruptcy Judge for signature on **June 25, 2015 at 5:00 p.m. (Eastern Time)**.

PLEASE TAKE FURTHER NOTICE that any responses or objections to the Application must be in writing, shall conform to the Federal Rules of Bankruptcy Procedure and the Local Rules of the Court, and shall be filed with the Court (a) electronically in accordance with General Order M-399 (which can be found at www.nysb.uscourts.gov) by registered users of the Court’s CM/ECF filing system, and (b) by all other parties in interest, on a CD-ROM, in text-searchable portable document format (PDF), with a hard copy delivered directly to Chambers, in accordance with the customary practices of the Court and General Order M-399, to the extent applicable, and served in accordance with General Order M-399 and on Dickstein Shapiro LLP, attorneys for the Plaintiff, 1633 Broadway, New York, New York, 10019-6708 (Attn: Eric B. Fisher, Esq.), so as to be received no later than **June 25, 2015 at 4:00 p.m. (Eastern Time)**.

PLEASE TAKE FURTHER NOTICE that if no responses or objections are timely filed and served with respect to the Application, the Court may enter an order, substantially in the form annexed to the Application, without any further notice or opportunity to be heard.

PLEASE TAKE FURTHER NOTICE that if a written response or objection is timely filed, a hearing on the Application may be held before the Honorable Judge Robert E. Gerber, United States Bankruptcy Judge, on a date and at a time and place to be fixed by the Court.

Dated: New York, New York
June 15, 2015

DICKSTEIN SHAPIRO LLP

By: /s/ Eric B. Fisher
Barry N. Seidel
Eric B. Fisher
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Attorneys for Plaintiff

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Attorneys for Plaintiff

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

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Company, solely in its capacity as Trust Administrator and
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Plaintiff,

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

Defendants.

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**APPLICATION FOR ISSUANCE OF A LETTER ROGATORY
SEEKING SERVICE OF PROCESS IN A FOREIGN COUNTRY**

The Motors Liquidation Company Avoidance Action Trust (“**Plaintiff**”), by and through Wilmington Trust Company, solely in its capacity as the Trust Administrator and Trustee, through its attorneys Dickstein Shapiro LLP, respectfully submits this application for the entry of an order, in the form annexed hereto as Exhibit A, issuing a letter rogatory pursuant to Fed. R. Civ. P. 4(f)(2)(B), addressed to the appropriate Austrian judicial authority, requesting that the Austrian court cause the following documents, as filed in the present action (plus their Austrian court-certified German translations), to be served upon Defendant Oesterreichische Volksbanken AG:

- Summons and Notice of Pretrial Conference in an Adversary Proceeding;
- First Amended Adversary Complaint; and
- Stipulation and Order.

Plaintiff further requests that, after this Court has signed the original letter rogatory, and sealed it with the Stamp of the Court, the letter rogatory be returned to counsel for forwarding, along with the appropriate documentation, to the United States Department of State, Bureau of Consular Affairs, Office of American Citizen Services, at the following address:

Office of American Citizen Services
Bureau of Consular Affairs, European Division
US Department of State
SA-17A 10th Floor
2201 C Street, NW,
Washington, D.C. 20520-0001

The United States Department of State will oversee transmission of the letter rogatory to Austria through diplomatic channels as provided in 28 U.S.C. §1781(a)(2) and its presentation to the requested foreign court. The United States Department of State advises that service will be effected by the Austrian judicial authorities and proof returned through diplomatic pouch within four to six months of its receipt by those authorities.

Plaintiff stands ready to reimburse the United States Department of State for any expenses incurred in connection with the execution of this letter rogatory, and has deposited a cashier's check in the amount of \$2,275 with the Department of State to cover such expenses.

Dated: New York, New York
June 15, 2015

DICKSTEIN SHAPIRO LLP

By: /s/ Eric B. Fisher
Barry N. Seidel
Eric B. Fisher
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and

Jeffrey Rhodes (*admitted pro hac vice*)
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1825 Eye Street, NW
Washington, D.C. 20006
Telephone: (202) 420-3150

Attorneys for Plaintiff

Exhibit A

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

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In re:

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

Chapter 11

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Debtors.

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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 (REG)

against

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

Defendants.

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**ORDER GRANTING
APPLICATION FOR ISSUANCE OF A LETTER ROGATORY
SEEKING SERVICE OF PROCESS IN A FOREIGN COUNTRY**

Upon the application (the “**Application**”), dated June 15, 2015, of the Motors Liquidation Company Avoidance Action Trust seeking entry of an order issuing a letter rogatory to be transmitted to the appropriate Austrian judiciary authority requesting that the Austrian court cause the Stipulation and Order [Dkt No. 90], First Amended Adversary Complaint [Dkt. No. 91] and Summons and Notice of Pretrial Conference in an Adversary Proceeding [Dkt. No. 92] to be served upon Defendant Oesterreichische Volksbanken AG; and it appearing that due and sufficient notice of the Application has been given under the circumstances; and it further appearing that the relief sought in the Motion is appropriate based upon the information provided in the Application; and it further appearing that this Court has jurisdiction to consider the

Application and the relief requested therein; and after due deliberation and sufficient cause appearing therefor; it is hereby

ORDERED, that the Application is granted in its entirety; and it is further

ORDERED, that the letter rogatory forwarded to the Court shall not be docketed but shall be signed by the Court and stamped with the seal of the Court.

Dated: New York, New York

June [__], 2015

United States Bankruptcy Judge

CERTIFICATE OF SERVICE

I, Eric B. Fisher, hereby certify that on June 15, 2015, I caused a true and correct copy of the foregoing *Application for Issuance of a Letter Rogatory Seeking Service of Process in a Foreign Country* to be served via United States First Class Mail on the parties listed below:

John M. Callagy
Nicholas J. Panarella
Martin A. Krolewski
KELLEY DRYE & WARREN LLP
101 Park Avenue
New York, New York 10178

and

Harold S. Novikoff
Marc Wolinsky
Emil A. Kleinhaus
WACHTELL, LIPTON, ROSEN & KATZ
51 W. 52nd St.
New York, NY 10019

*Attorneys for Defendant
JPMorgan Chase Bank, N.A.*

Dated: New York, New York
June 15, 2015

/s/ Eric B. Fisher
Eric B. Fisher