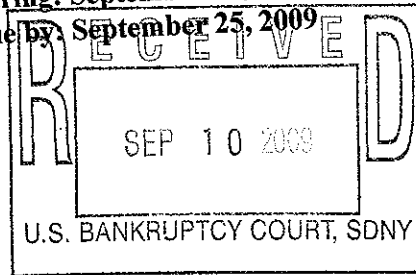


Clerk of the Court

Proposed Date of Hearing: **September 30, 2009**
Objections due by: **September 25, 2009**

United States Bankruptcy Court
Southern District of New York
One Bowling Green
New York, N.Y. 10004-1408



Lead Case # 09-50026

In Re:)	
)	Chapter 11
GENERAL MOTORS CORP., et. al.,)	Case # 09-0950026
Debtors)	(Gerber)
)	Jointly Administered

ADVERSARIAL COMPLAINT

Radha Ramana Murty Narumanchi ("Murty")	Plaintiff)	Adversarial Complaint
	<i>(Pro Se)</i>)	# 09-00501 (Reg)¹
)	
vs.)	
)	
General Motors Corporation (GM), et al.)	
	DEFENDANTS)	Date: September 8, 2009

MOTION TO DETERMINE THE "CORE" AND "NON-CORE" (MANDATORY AND/OR DISCRETIONARY) ISSUES INVOLVED IN THE INSTANT ADVERSARY COMPLAINT, AS A PRELUDE TO REQUEST U.S. DISTRICT COURT FOR SDNY TO WITHDRAW THE REFERENCE FROM THIS BANKRUPTCY COURT

PART ONE - BACKGROUND

Comes now the *pro se* plaintiff and requests this Court to make an initial determination of the "Core" and "Non-Core" issues involved, as well as all issues that involve a jury trial², in this adversarial complaint, so that he (plaintiff) could request the U.S. District Court for Southern District of New York to withdraw reference with regard to all non-core issues (and also issues that need a jury trial)³ and then

¹ Plaintiff's appeal against this court's 7-5-2009 363 Sale order is currently pending in the United States District Court for SDNY under # 09-CV-6852 (NRB).

²Please note that the Plaintiff had requested and demanded a jury trial in his adversarial complaint.

³ Three motions filed by three sets of defendants in this adversary complaint are coming up for a Hearing on 9-30-2009.

deal with them in the Article III Court (or alternatively refer the matter to the U.S. District Court to make the necessary determinations in conformity with the applicable law).

The facts in this case are well known. General Motors Corporation (GMC) now re-christened as Motors Liquidation Corporation (“MLC”) had filed for bankruptcy protection on 6-1-2009. An adversary complaint was filed by plaintiff on 6-16-2009 (see also footnote # 2 below). This court had issued a 363 Sale Order on 7-5-2009 (also see footnote # 1 below).

PART TWO – DISCUSSION

It is well known that even though the bankruptcy judges (of a non-Article III cadre) had received broad grant of jurisdiction, to deal with bankruptcy cases, see Northern Pipeline Construction Co. Vs. Marathon Pipe Line Company, et al., 458 U.S. 50, 102 S.Ct. 2858 (U.S. Supreme Court, 6-8-1982), judicial power of the United States must be exercised by judges who have the attributes of life tenure and protection against salary diminution specified by Article III, which attributes were incorporated into the Constitution to ensure the independence of the judiciary from the control of the Executive and Legislative Branches.

Later, in the case of Granfinanciera, S.A. vs. Nordberg, et al., 492 U.S. 33, 109 S. Ct. 2782 (U.S. Supreme Court, 6-13-1989) the U.S. Supreme Court also clarified that the phrase “suits at common law” in Seventh Amendment refers to suits in which legal rights are to be ascertained and determined, in contradistinction to those where equitable rights alone are recognized and equitable remedies are administered. The same court also determined that Seventh Amendment also applies to actions brought to enforce statutory rights that are analogous to common-law causes of action ordinarily decided in English law courts in late 18th century, as opposed to those customarily heard by courts of equity or admiralty. The court therein also held that the Seventh Amendment protects litigant’s right to jury trial only if cause of action is legal in nature and it involves matter of private right. Furthermore, the court also held that the nature of relief sought by bankruptcy trustee in Granfinanciera – recovery of money payments of ascertained and definite amounts – conclusively demonstrated that cause of action was properly characterized as legal rather equitable, such that transferees were *prima facie* entitled to jury trial under Seventh Amendment.

Later, in the case of In re CIS Corporation, et al. Vs. BancOhio National Bank, 172 B.R. 748, (S.D.N.Y. - 9-14-1994) the court held that mandatory withdrawal of reference was warranted when resolution of matter would require bankruptcy judge to engage in significant interpretation, as opposed to simple application, of federal non-bankruptcy statute. Also, the court held that the fact that adversary proceeding concerns non-core matters for which right to jury trial is available is sufficient cause for discretionary withdrawal of reference from bankruptcy court. The court also held that initial decision by federal district court, rather than by bankruptcy court, on whether adversary proceeding was core or non-core proceeding was necessary in interest of conserving judicial resources and preventing further delay; if district court ultimately determined that withdrawal of reference was necessary, decisions should be made sooner rather than later, and remanding would generate undue delay occasioned by unnecessary layer of judicial decision making, 28 U.S.C. § 157 (b)(3), (d)⁴.

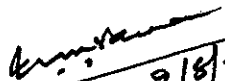
PART THREE – SUMMATION AND REQUEST

⁴ Please note here that plaintiff’s appeal against the 7-5-2009 363 Sale Order of this court is already pending in the U.S. District Court (SDNY) – See footnote # 1 hereinabove.

For the various reasons mentioned herein above, plaintiff requests this honorable Court to make determinations as requested.

Respectfully submitted.

Plaintiff (*Pro Se*)

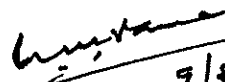

9/8/2009

(Radha R.M. Narumanchi)
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Certification

This is to certify that a copy of the aforementioned was mailed by first class mail, postage prepaid this 8th day of September, 2009 to:

- 1) Weil, Gotshal & Manges LLP, Attorneys for Debtors, 767 Fifth Avenue, New York, N.Y. 10153- Attn: Harvey R. Miller/Stephen Karotkin/Joseph H. Smolinsky;
- 2) Cadwalader, Wickersham & Taft LLP, Attorneys for the Purchaser, One World Financial Center, New York, N.Y. 10281 - Attn: John J. Rapisardi;
- 3) Kramer Levin Naftalis & Frankel LLP, Attorneys for the Creditors Committee, 1177 Avenue of the Americas, New York, N.Y. 10036, Attn: Kenneth H. Eckstein;
- 4) Cleary Gottlieb Steen & Hamilton LLP, Attorneys for the UAW, One Liberty Plaza, New York, N.Y. 10006 - Attn: James L. Bromley;
- 5) Cohen, Weiss and Simon LLP, Attorneys for the UAW, 330 West 42nd Street, New York, N.Y. 10036 - Attn: Babette Ceccotti;
- 6) Vedder Price, P.C., Attorneys for Export Development Canada, 1633 Broadway - 47th Floor, New York, N.Y. 10019 - Attn: Michael J. Edelman/Michael L. Schein;
- 7) Office of the United States Trustee for the Southern District of New York, 33 Whitehall Street, 21st floor, New York, N.Y. 10004 - Attn: Diana G. Adams;
- 8) U.S. Attorney's General Office, S.D.N.Y., 86 Chambers Street - Third Floor, New York, N.Y. 10007 - Attn: David S. Jones/Matthew L. Schwartz;
- 9) Cravath, Swaine & More LLP, 825 Eighth Avenue, New York, N.Y. 10019, Attn: Robert D. Joffe;
- 10) Gibson, Dunn & Crutcher, LLP, 200 Park Avenue, 47th Floor, New York, N.Y. 10166, Attn: Adam Offenhartz/David Feldman; and
- 11) Courtesy Copy to the Chambers of Honorable Judge Robert E. Gerber, United States Bankruptcy Court, Southern District of New York, One Bowling Green, New York, N.Y. 10004-1408


9/8/2009

(Radha R.M. Narumanchi)