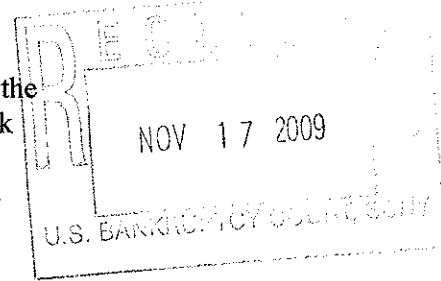


United States District Court for the  
Southern District of New York  
500 Pearl Street  
New York, N.Y. 10007-1312



**Appeal Docket # 09-cv-**

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In re: Motors Liquidation Company	Debtor	) Chapters 11 and 7 ) Case # 09-0950026 (Gerber) ) .Jointly Administered
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**ADVERSARIAL COMPLAINT # 09-00501 (Gerber)**

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Radha Ramana Murty Narumanchi ("Murty")	Plaintiff/ Appellant ( <i>Pro Se</i> )	) Appeal from the Judgment/ ) order/decree of the U.S. ) Bankruptcy Court for SDNY ) in Adversarial Complaint ) # 09-00501 (Reg.) (Gerber)
vs.		) Entered on 10-23-2009
General Motors Corporation nka Motors Liquidation Company, et al.	Defendants/ Appellees	)

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**STATEMENT OF ISSUES AND DESIGNATION OF DOCUMENTS  
AND  
REQUEST FOR CONSOLIDATION OF TWO APPEALS**

**PART ONE -- CONSOLIDATION OF APPEALS**

Appellant submits that there is already an appeal filed by him earlier, in the lead case, which is pending now after being docketed as case **# 09-CV-6852 (NRB)**. Appellant, therefore, humbly requests that this **instant appeal in his adversarial complaint be consolidated with the earlier Appeal** in the lead case. For ready information, a copy of the civil docket sheet in the prior appeal is attached. (**Attachment # 1**) Also attached is some correspondence with honorable U.S. District Court Judge, honorable Naomi Rice Buchwald, to give some prior history in the prior appeal (**Attachment # 2**).

**PART TWO --DESIGNATION OF DOCUMENTS<sup>1</sup>**

Appellant attaches herewith a copy of the docket sheet in case # 09-00501 (Gerber) of the U.S. Bankruptcy Court for SDNY – the adversarial complaint – which is now being appealed

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<sup>1</sup> The appellant hereby specifically reserves the right to designate, in due course, any other document(s) that are deemed relevant and/or essential for the appeal.

(**Attachment # 3**). The following documents from the said docket sheet in the adversarial complaint are being designated now, in the instant appeal:

**#s 1, 4, 6, 7, 8, 11, 12, 15, 16, 17, 18, 21, 22, 23, 24, 25, 26, 27, 29, 32, and 34.**

**PART THREE - STATEMENT OF ISSUES<sup>2</sup>**

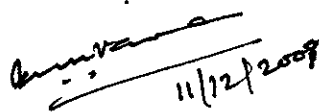
In the prior appeal docketed with Case # 1:09-cv-07011-GEL, a total of eleven (11) issues were submitted. By attaching the earlier submissions (as **Attachment # 4**), all those eleven (11) issues are hereby incorporated in this appeal as well.

**Issue # 12** - Dismissal of appellant's adversary complaint with prejudice, under whatever ground it is, as well as denial of appellant's request to permit filing an amended complaint, as per the transcript of the hearing on 9-30-2009 (# 29 on the docket sheet in the adversary case), is arbitrary, capricious, abuse of discretion, and in violation of the applicable law, rules, regulations, and against the dictates and guidance set by the United States Supreme Court and the Second Circuit of the Federal Court of Appeals in case law (*stare decisis*).

Respectfully submitted.

Dated this 12<sup>th</sup> day of November 2009 at New Haven, Connecticut 06513.

Appellant (*Pro se*)



(Radha R.M. Narumanchi)  
657 Middletown Avenue  
New Haven, Ct. 06513  
Phone: (203) 562-0536  
Email: [rrm\\_narumanchi@hotmail.com](mailto:rrm_narumanchi@hotmail.com)


**Certification**

This is to certify that a copy of the aforementioned was mailed by first class mail, postage prepaid, this 12<sup>th</sup> day of November, 2009 to:

---

<sup>2</sup> The appellant hereby specifically reserves the right to designate, in due course, any other issue(s) that are deemed relevant and/or essential for the appeal

- 1) Weil, Gotshal & Manges LLP, Attorneys for Debtors, 767 Fifth Avenue, New York, N.Y. 10153- Attn: Michele J. Meises/Irwin H. Warren/Nichole Hines;
- 2) U.S. Attorney for S.D.N.Y., 86 Chambers Street - Third Floor, New York, N.Y. 10007 - Attn: Joseph N. Cordaro/Matthew L. Schwartz;
- 3) Cravath, Swaine & More LLP, 825 Eighth Avenue, New York, N.Y. 10019, Attn: Robert D. Joffe/Francis P. Barron; and
- 4) Gibson, Dunn & Crutcher ILP, 200 Park Avenue (47<sup>th</sup> floor), New York, N.Y. 10166 - Attn: Adam H. Offenhardt/David J. Kerstein.

  
11/12/2009

(Radha R.M. Narumanchi)

**U.S. District Court**  
**United States District Court for the Southern District of New York (Foley Square)**  
**CIVIL DOCKET FOR CASE #: 1:09-cv-07011-GEL**  
**Internal Use Only**

In Re: Motor Liquidation Company  
Assigned to: Judge Gerard E. Lynch  
Case in other court: USBC-SDNY, 09-B-50026 (REG)  
Cause: 28:0158 Notice of Appeal re Bankruptcy Matter (BA

Date Filed: 08/07/2009  
Jury Demand: None  
Nature of Suit: 422 Bankruptcy Appeal  
(801)  
Jurisdiction: Federal Question

**In Re****Motors Liquidation Company****Debtor**

**Motor Liquidation Company**  
*formerly known as*  
General Motors Corporation

**Appellant****Radha R.M. Narumanchi**

represented by **Radha R.M. Narumanchi**  
657 Middletown Avenue  
New Haven, CT 06513  
PRO SE

V.

**Appellee**

**Motors Liquidation Company**  
*formerly known as*  
General Motors Corporation

represented by **Harvey R. Miller**  
Weil, Gotshal & Manges LLP (NYC)  
767 Fifth Avenue  
New York, NY 10153  
(212)-310-8500  
Fax: (212)-310-8007  
Email: harvey.miller@weil.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
08/07/2009	<u>1</u>	NOTICE OF APPEAL FROM THE BANKRUPTCY COURT TO THE S.D.N.Y. from the Order of Judge Robert E. Gerber dated July 5, 2009. Bankruptcy Court Case Numbers: 09-B-50026 (REG). Certified copies of file received.Document

		filed by Radha R.M. Narumanchi. Appellant Brief due by 8/25/2009.(bkar) (Entered: 08/07/2009)
08/07/2009	<u>2</u>	DESIGNATION OF BANKRUPTCY RECORD ON APPEAL re: <u>1</u> Bankruptcy Appeal,. Document filed by Appellant Radha R.M. Narumanchi. (bkar) (Entered: 08/07/2009)
08/07/2009	<u>3</u>	COUNTER DESIGNATION OF BANKRUPTCY RECORD ON APPEAL Document filed by Appellee Motors Liquidation Company. (bkar) (Entered: 08/07/2009)
08/07/2009		Magistrate Judge Gabriel W. Gorenstein is so designated. (bkar) (Entered: 08/07/2009)

Prof. Radha R.M. Narumanchi, CPA  
657 Middletown Avenue  
New Haven, Conn. 06513  
Phone: (203) 562-0536  
Email: [rrm\\_narumanchi@hotmail.com](mailto:rrm_narumanchi@hotmail.com)

August 26, 2009

Honorable Judge Naomi Rice Buchwald  
United States District Judge for SDNY  
500 Pearl Street  
New York, N.Y. 10007-1312

Dear Honorable Judge:

Re: *Campbell et al v. Motors Liquidation Co., et al.*, No. 09-CV-6818 (NRB); *IUE-CWA v. General Motors Corporation et al.* No. 09-CV-6852 (NRB); and *Narumanchi v. Motors Liquidation Company f/k/a General Motors Corporation, No. 09-CV-7011 (NRB)*.

Ref: Correspondence resting with Harvey Miller's (of Weil, Gotshal & Manges LLP) letter dated 8-25-2009 addressed to Mr. Michael O'Neill (with copies to others).

At the outset I want to introduce myself as a Creditor of General Motors Corporation (GM), where my wife and I were stiffed (as a result of judge Gerber's 7-5-2009 approval of 363 sale) out of our life savings of \$400,000 (cost basis) plus accrued interest, that we invested (almost five years ago) in GM's 8.375% Senior Debentures due 3-15-2033, and thus became a "party of interest" in the bankruptcy proceedings in the court of Judge Gerber on 6-1-2009, the date on which GM had ultimately admitted and declared<sup>1</sup> its insolvency and filed for bankruptcy.

Having read early on about the "equitable mootness" theory whereby some of the real actors and culprits in this or in any saga of bankruptcy could escape proper scrutiny and liability for **loss and damages caused literally to hundreds of thousands of creditors** (in the instant case it is to the tune of **\$27.5 billion dollars** to the so-called **172,000 "unsecured bondholders" alone**)<sup>2</sup>, I had to take the precaution early on, by way of filing an adversarial action against the real culprits and actors viz. The U.S. Treasury, President Obama's Auto Task Force, and of course, Directors of GM. This adversarial action was filed in Judge Gerber's court as back as **6-16-2009** under **docket # 09-00501** (Regular). This case is proceeding in that court on a separate track and is set for a hearing on 9-30-2009.

Then, of course, as anticipated by every one in the know of things, Judge Gerber had approved the 363 sale on **7-5-2009** in the main case, and *pronto* I filed my notice of appeal on **7-7-2009**. This case was thus initially assigned to honorable Judge Lynch, but from the caption indicated above, it appears

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<sup>1</sup>It would be more appropriate to say that GM was cornered and steered into this bankruptcy by U.S. Treasury and President Obama's Auto Task Force to indirectly nationalize (using bankruptcy court as a tool) that company as a political favor or pay off.

<sup>2</sup>I also have some serious doubts about the constitutionality of the **unlimited power given to any single non-Article III bankruptcy judge** (albeit with some limited appeal rights), and that issue will hopefully come before the District Court in due course.

that at least two other cases have been re-assigned to your court. And I must say here that I did not receive any such notice so far from the Clerk of your court.

**Contrary to the assertions of Mr. Miller, I do not believe that my appeal (now pending in your Court) has anything in common with the appeals by five other parties.<sup>3</sup> There are several issues unique pertaining to my appeal (this fact could be verified by comparing the statement of issues in all the appeals). Hence, I respectfully disagree that there should be a consolidation of all the appeals – of course they may be assigned to the same judge, but each case should be on its own track and have its own calendar.**

**It is too late in the day to reverse the 363 sale, and so my main interest now is to make all the crooks pay for the damages they caused. I do not want this main goal to be side tracked by other irrelevant issues in the appeal by consolidating all appeals into one calendar.**

Thanks for your kind attention and consideration.

Sincerely yours,

(Prof. Radha R.M. Narumanchi, CPA)

cc: The Clerk of the Court  
Mr. Michael O'Neill  
Mr. Steven R. Jakubowski  
Mr. Thomas M. Kennedy  
Mr. Thomas Moers Mayer  
Mr. David S. Jones  
Mr. Matthew L. Schwartz  
Mr. Michael L. Schein

---

<sup>3</sup> This file is now in your court. The adversarial complaint may not be in your court. In the interest of saving this planet and avoid cutting more and more trees, I am not attaching the adversarial complaint papers, since I trust that your secretary or law assistant can access and make them available to yo, if you so desire. Thanks.

WEIL, GOTSHAL & MANGES LLP

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FAX: (212) 310-8007

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SILICON VALLEY  
SINGAPORE  
WARSAW  
WASHINGTON, D.C.

HARVEY R. MILLER  
DIRECT LINE (212) 310-8500  
E-MAIL: harvey.miller@weil.com

August 25, 2009

**BY HAND**

Michael O'Neill, Esq.  
Chambers of The Honorable Naomi Reice Buchwald  
United States District Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007-1312

Re: ***Campbell et al. v. Motors Liquidation Co., et al.,  
No. 09 CV 6818 (NRB); IUE-CWA v. General  
Motors Corporation et al., No. 09 CV 6852  
(NRB); and Narumanchi v. Motors Liquidation  
Company f/k/a General Motors Corporation,  
No. 09 CV 7011 (NRB)***

Dear Mr. O'Neill:

This letter is in response to your request made during our telephone conversation of last evening. It also is intended to be responsive to Judge Buchwald's inquiry as to the circumstances surrounding our letter of August 12, 2009, addressed to the Court. In that connection, we believe it is appropriate to set forth the facts concerning the appeals from the order of the United States Bankruptcy Court for the Southern District of New York (the "Bankruptcy Court") dated July 5, 2009 (the "Order") and how it relates to Judge Buchwald's letter dated August 12, 2009 addressed to the undersigned and to Steven Jakubowski, attorney for Appellants Callan Campbell *et al.* ("Judge Buchwald's Letter"). The Order approved the sale of substantially all of the assets of

Michael O'Neill, Esq.  
August 25, 2009  
Page 2

General Motors Corporation (n/k/a Motors Liquidation Company) and its affiliated debtors (the "Debtors") pursuant to 11 U.S.C. § 363 and granted related relief.

On July 6, 2009, Callan Campbell, Kevin Chadwick, *et al.*, Edwin Agosto, Kevin Junso, *et al.*, and Joseph Berlingieri (collectively, "Campbell") filed a notice of appeal from the Order, together with a motion in the Bankruptcy Court to certify the Order for immediate appeal to the United States Court of Appeals for the Second Circuit pursuant to 28 U.S.C. § 158(d)(2). On the same day, an ad hoc committee of asbestos personal injury claimants (the "Ad Hoc Asbestos Committee") filed a notice of appeal from the Order, together with a motion in the Bankruptcy Court to certify the Order for immediate appeal to the Second Circuit pursuant to 28 U.S.C. § 158(d)(2) or, in the alternative, for a stay of the Order pending appeal. After a telephonic hearing on July 7, 2009, the Bankruptcy Court issued a Bench Opinion and Decision denying both motions. *In re Gen. Motors Corp.*, Ch. 11 Case No. 09-50026 (Bankr. S.D.N.Y. July 7, 2009) [Bankr. Docket No. 2996]. A copy of the Bench Opinion and Decision is enclosed.

Thereafter, on July 8, 2009, the Ad Hoc Asbestos Committee filed an emergency motion in the District Court for a stay of the Order and for an expedited appeal process (the "Emergency Motion"). The Emergency Motion was deemed a "miscellaneous action," *In re Gen. Motors Corp.*, M 47 (LAK) (S.D.N.Y.), and was assigned to Judge Lewis A. Kaplan. Judge Kaplan directed an immediate briefing schedule for the consideration of the Emergency Motion and set a hearing for 7:30 a.m. on July 9, 2009. After hearing the parties (Mr. Jakubowski appeared on the record, but did not participate in the oral argument or briefing), Judge Kaplan issued a Memorandum and Order denying the request for a stay pending appeal after noting that he recognized the possibility existed that the appeal would be mooted by the consummation of the sale. Nevertheless, Judge Kaplan directed that if the Ad Hoc Asbestos Committee elected to pursue its appeal, he would set an expedited appeal process and fix a briefing schedule. A copy of Judge Kaplan's Memorandum and Order is enclosed.

The Ad Hoc Asbestos Committee decided to withdraw its appeal. On July 14, 2009, the Ad Hoc Asbestos Committee filed a motion to dismiss its appeal. We believe the motion was directed to Judge Kaplan. No party has opposed the motion of the Ad Hoc Asbestos Committee to dismiss its appeal. As of August 24, 2009, it does not appear that any action has been taken with respect to that motion. There has been no briefing in accordance with Judge Kaplan's briefing schedule.

Currently there are six appeals that have been filed from the Order, other than the appeal filed by the Ad Hoc Asbestos Committee. On July 6, 2009, as stated, the Campbell appeal was filed. On July 7, 2009, Radha R.M. Narumanchi ("Narumanchi") *pro se* filed a notice of appeal from the Order. On July 9, 2009, Jin Ah Lee, Jungil Lee,

Michael O'Neill, Esq.  
August 25, 2009  
Page 3

Sang Chul Lee, and Dukson Lee (collectively, "Lee") filed a notice of appeal from the Order. On July 10, 2009, the IUE-CWA filed a notice of appeal from the Order, as did Albert L. Burdick ("Burdick") *pro se*. Finally, on July 14, 2009, Oliver Addison Parker ("Parker") *pro se*, filed a notice of appeal from the Order. To date, only Campbell, IUE-CWA and Narumanchi have perfected their appeals.

In the context of confusion as to whether Judge Kaplan had been assigned the Campbell appeal, we learned that it had been assigned to Judge Buchwald and, further, that the IUE-CWA appeal had been assigned to Judge Paul A. Crotty. In the belief that the appeals presented common issues and, at the least, were related, and pursuant to Local Civil Rule 1.6(a) and Rule 15 of the District Court's Rules for the Division of Business Among District Judges, we forwarded a letter to J. Michael McMahon, Clerk of the Court, dated August 5, 2009, to clarify the assignment of the appeals from the Order. In that letter we submitted that the appeals should be heard by one District Judge, for the reasons set forth in that letter. Copies of the letter were sent to all known Appellants, other than the Ad Hoc Asbestos Committee. A copy of the letter is enclosed.

Subsequently, we were advised that the Narumanchi appeal had been assigned to Judge Gerard E. Lynch. We forwarded a second letter to Mr. McMahon dated August 10, 2009, based upon the foregoing Rules. A copy of that letter is enclosed. Similarly, copies of that letter were forwarded to all known Appellants, other than the Ad Hoc Asbestos Committee.

In connection with our letter of August 12, 2009 responding to Judge Buchwald's Letter, we did confer with Mr. Jakubowski prior to forwarding that letter to Judge Buchwald, with a copy to Mr. Jakubowski. We did not confer with Kennedy, Jennik & Murray, PC, the attorneys for the IUE-CWA, prior to forwarding our letter, as Judge Buchwald's letter was addressed to the undersigned and Mr. Jakubowski. However, we do note that all of the Appellants were apprised of the Debtors' position that all appeals should be heard by a single District Judge, as evidenced by the letters of August 5 and 10, to Mr. McMahon.

It is our understanding of Judge Buchwald's ruling, endorsed on Mr. Jakubowski's letter of August 13, 2009, that the Campbell, IUE-CWA and Narumanchi appeals will be heard as related appeals by Judge Buchwald. If that is correct, we have suggested and communicated with Mr. Jakubowski and Kennedy, Jennik & Murray, PC as to a briefing schedule and process. We have suggested that the Debtors, as Appellees, should be permitted to file a single consolidated appellate brief responding to each appeal and the common issues, as well as any issues specific to a particular Appellant, such as

Michael O'Neill, Esq.  
August 25, 2009  
Page 4

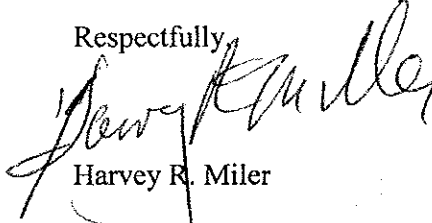
the IUE-CWA assertion that 11 U.S.C. § 1114 was implicated in connection with the sale. We have also suggested the following briefing schedule:

Appellants' Briefs – 30 days  
Appellees' Briefs – 40 days\*  
Appellants' Reply Briefs – 20 days

We also have suggested that the page limits for Appellees' briefs and Appellant's briefs be 40 and 30 pages, respectively. Mr. Jakubowski and Kennedy, Jennik & Murray, PC have each indicated their agreement to the above briefing schedule and suggested page limitations. We have not had any communications with Mr. Narumanchi. Further, there is no understanding as to the date of the start of the briefing schedule. Accordingly, if the foregoing is acceptable to Judge Buchwald, the Court should set the timing.

Hopefully this response clarifies what has become a confusing set of circumstances. Should you have any questions, please do not hesitate to communicate with the undersigned.

Respectfully,



Harvey R. Miler

cc: Steven R. Jakubowski, Esq., The Coleman Law Firm (Counsel for Appellants Callan Campbell, *et al.*)  
Thomas M. Kennedy, Esq., Kennedy, Jennik & Murray, P.C. (Counsel for Appellant IUE-CWA)  
Mr. Radha R.M. Narumanchi, Appellant  
Thomas Moers Mayer, Esq., Kramer Levin Naftalis & Frankel LLP (Counsel for the statutory committee of unsecured creditors)  
David S. Jones, Esq., U.S. Attorney's Office, S.D.N.Y.  
Matthew L. Schwartz, Esq., U.S. Attorney's Office, S.D.N.Y.  
Michael L. Schein, Esq., Vedder Price P.C. (Counsel to Export Development Canada)

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\* We believe that the statutory committee of unsecured creditors appointed in the Debtors' chapter 11 cases and the United States Department of the Treasury will wish to participate in the appeal process as Appellees.

# WEIL, GOTSHAL & MANGES LLP

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WASHINGTON, D.C.

August 5, 2009

HARVEY R. MILLER  
DIRECT LINE (212) 310-8500  
E-MAIL: harvey.miller@weil.com

## BY HAND

Mr. J. Michael McMahon  
Clerk of Court  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: *Campbell et al. v. Motors Liquidation Co., et al.*,  
No. 09 CV 6818 (NRB) and *IUE-CWA v. General*  
*Motors Corporation et al., No. 09 CV 6852 (PAC)*

Dear Mr. McMahon:

Pursuant to Local Civil Rule 1.6(a) and Rule 15 of this Court's Rules for the Division of Business Among District Judges ("Division of Business Rule 15"), we are writing to bring to your attention the above-captioned appeals (together, the "Campbell and IUE Appeals"), which have been assigned, respectively, to Judges Naomi Reice Buchwald and Paul A. Crotty. These are related appeals arising from the same order of the United States Bankruptcy Court for the Southern District of New York (the "Bankruptcy Court") and, therefore, should be assigned to and heard by the same District Judge.

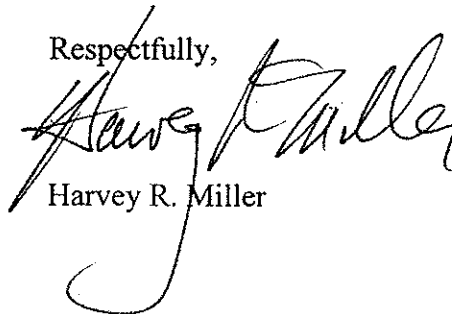
Specifically, the Campbell and IUE Appeals are from an order entered on July 5, 2009 (the "Order"), by the Bankruptcy Court. That Order authorized and approved the sale of assets of General Motors Corporation (n/k/a Motors Liquidation Company) and its affiliated debtors (the "Debtors") pursuant to the Amended and Restated Master Sale and Purchase Agreement with NGMCO, Inc., a U.S. Treasury-Sponsored Purchaser (the "Purchaser") and granted related relief.

Moreover, contrary to the incorrect representation on the Civil Cover Sheets for both the Campbell and IUE Appeals, "this or a similar case" indeed *has* been

Mr. J. Michael McMahon  
Aug. 5, 2009  
Page 3

In the circumstances, pursuant to Local Civil Rule 1.6(a) and Division of Business Rule 15(a) and/or 15(c) (if applicable), we are transmitting copies of this correspondence to Judges Kaplan, Buchwald, and Crotty, as necessary for their consideration of this request. We also request that you provide a copy of this letter to any other District Judge to whom any of the other Appeals referenced in footnote 1 may be or have been assigned.

Respectfully,



Harvey R. Miller

cc: Hon. Lewis A. Kaplan  
Hon. Naomi Reice Buchwald  
Hon. Paul A. Crotty  
Steven R. Jakubowski, Esq., The Coleman Law Firm (Counsel for Appellants Callan Campbell, *et al.*)  
Thomas M. Kennedy, Esq., Kennedy, Jennik & Murray, P.C. (Counsel for Appellant IUE-CWA)  
Michael S. Kimm, Esq., Kimm Law Firm (Counsel for Appellants Jin Ah Lee *et al.*)  
Mr. Albert L. Burdick, Appellant  
Mr. Oliver Addison Parker, Appellant  
Mr. Radha R.M. Narumanchi, Appellant  
Thomas Moers Mayer, Esq. Kramer Levin Naftalis & Frankel LLP (Counsel for the statutory committee of unsecured creditors)  
Diana G. Adams, Esq., Office of the United States Trustee for the Southern District of New York  
David S. Jones, Esq., U.S. Attorney's Office, S.D.N.Y.  
Matthew L. Schwartz, Esq., U.S. Attorney's Office, S.D.N.Y.  
John J. Rapisardi, Esq., Cadwalader, Wickersham & Taft LLP (Counsel for the United States Department of the Treasury)  
Michael L. Schein, Esq., Vedder Price P.C. (Counsel to Export Development Canada)

## Adversary Proceedings

Date	Court Docket Number	Description
10/29/09	34	Amended Notice of Appeal (related document(s) 30) filed by Radha R.M. Narumanchi. (Rouzeau, Anatin) (Entered: 11/04/2009)
10/26/09	33	Affidavit of Service of Laurie M. Thornton (related document(s) 32) filed by Jeffrey S. Stein on behalf of The Garden City Group, Inc. (Stein, Jeffrey) (Entered: 10/26/2009)
10/23/09	32	Order and Final Judgment Granting Motion to Dismiss Adversary Proceeding with Prejudice (related document(s) 4, 6, 15, 18) signed on 10/23/2009. (Blum, Helene) (Entered: 10/23/2009)
10/15/09	31	Affidavit of Service of Julia A. Bahner of Notice of Settlement and Order and Final Judgment Dismissing Adversary Complaint with Prejudice filed by Jeffrey S. Stein on behalf of The Garden City Group, Inc. (Stein, Jeffrey) (Entered: 10/15/2009)
10/14/09	30	Notice of Appeal/Provisional Notice of Appeal filed by Radha R.M. Narumanchi. (Rouzeau, Anatin) (Entered: 10/14/2009)
10/5/09	29	Transcript regarding Hearing Held on 9/30/09 11:04 AM Remote electronic access to the transcript is restricted until 1/4/2010. The transcript may be viewed at the Bankruptcy Court Clerks Office. [Transcription Service Agency: Veritext, LLC.] (See the Courts Website for contact information for the Transcription Service Agency.) Notice of Intent to Request Redaction Deadline Due By 10/13/2009. Statement of Redaction Request Due By 10/26/2009. Redacted Transcript Submission Due By 11/5/2009. Transcript access will be restricted through 1/4/2010. (Richards, Beverly) (Entered: 10/07/2009)
9/30/09	28	Affidavit of Service of Julia A. Bahner (related document(s) 25) filed by Jeffrey S. Stein on behalf of The Garden City Group, Inc. (Stein, Jeffrey) (Entered: 09/30/2009)
9/23/09	27	Supplemental Declaration of David J. Kerstein in Further Support of Defendant Wilmington Trust Company's Motion to Dismiss Plaintiff's Adversary Complaint (related document(s) 8 , 6) filed by David Michael Feldman on behalf of Wilmington Trust Company. (Attachments: #1 Exhibit 16 #2 Exhibit 17 #3 Exhibit 18 #4 Exhibit 19 #5 Exhibit 20 #6 Exhibit 21 #7 Exhibit 22 #8 Exhibit 23) (Feldman, David) (Entered: 09/23/2009)
9/23/09	26	Memorandum of Law Reply Memorandum of Law in Further Support of Defendant Wilmington Trust Company's Motion to Dismiss Plaintiff's Adversary Complaint (related document(s) 7, 6) filed by David Michael Feldman on behalf of Wilmington Trust Company. (Feldman, David) (Entered: 09/23/2009)
9/23/09	25	Reply Memorandum of Law in Further Support of GM Defendants' Motion to Dismiss (Hearing Date and Time: 09/30/2009 at 10:30 a.m.) filed by Stephen Karotkin on behalf of General Motors Corporation, et. al. (Karotkin, Stephen) (Entered: 09/23/2009)
9/23/09	24	Reply Memorandum of Law in Further Support of the United States of America's Motion to Dismiss the Claims Against the Federal Defendants

- (related document(s) 15) filed by Joseph N. Cordaro on behalf of United States Of America. (Cordaro, Joseph) (Entered: 09/23/2009)
- 9/10/09 23 Motion to Determine the "Core" and "Non-Core" (Mandatory and/or Discretionary) Issues Involved in the Instant Adversary Complaint, as a Prelude to Request US District Court For SDNY to Withdraw the Reference from this Bankruptcy Court filed by Radha R.M. Narumanchi (Ho, Amanda). (Entered: 09/14/2009)
- 9/2/09 22 Opposition to Both Wilmington Trust Company's ("WTC") 7-16-2009 Motion to Dismiss; and Also "General Motors" 7-16-2009 Motion to Dismiss filed by Radha R.M. Narumanchi. (Ho, Amanda) (Entered: 09/04/2009)
- 8/19/09 21 Opposition to Federal Defendants' 7-21-2009 Motion to Dismiss filed by Radha R.M. Narumanchi. (Ho, Amanda) (Entered: 08/25/2009)
- 7/27/09 20 Notice of Dismissal/Permission to withdraw as a Pro Se Plaintiff filed by Radha B.D. Narumanchi. (Ho, Amanda) (Entered: 08/03/2009)
- 7/28/09 19\* Endorsed Order signed on 7/28/2009 re: Letter Requesting Withdrawal of Plaintiff in this Adversary Proceeding is Granted. (Blum, Helene) (Entered: 07/28/2009)
- 7/22/09 18 Amended Motion to Dismiss Adversary Proceeding (related document(s) 1) filed by Joseph N. Cordaro on behalf of United States Of America with hearing to be held on 9/30/2009 at 10:30 AM at Courtroom 621 (REG) Responses due by 8/21/2009. (Cordaro, Joseph) (Entered: 07/22/2009)
- 7/21/09 17 Memorandum of Law filed by Joseph N. Cordaro on behalf of United States Of America. (Cordaro, Joseph) (Entered: 07/21/2009)
- 7/21/09 16 Declaration in Support of the United States of America's Motion to Dismiss filed by Joseph N. Cordaro on behalf of United States Of America. (Attachments: #1 Exhibit A) (Cordaro, Joseph) (Entered: 07/21/2009)
- 7/21/09 15 Motion to Dismiss Adversary Proceeding (related document(s) 1) filed by Joseph N. Cordaro on behalf of United States Of America with hearing to be held on 9/30/2009 at 10:30 AM at Courtroom 621 (REG) Responses due by 8/21/2009. (Cordaro, Joseph) (Entered: 07/21/2009)
- 7/21/09 14 Certificate of Service of Jennifer M. Contreras (related document(s) 8, 11, 10, 7, 9, 12, 6) filed by David Michael Feldman on behalf of Wilmington Trust Company. (Feldman, David) (Entered: 07/21/2009)
- 7/20/09 13 Certificate of Service of Laurie M. Thornton (related document(s) 4, 5) filed by Jeffrey S. Stein on behalf of The Garden City Group, Inc. (Stein, Jeffrey) (Entered: 07/20/2009)
- 7/17/09 12 Declaration - Exhibits 2 through 15 to Declaration of David J. Kerstein in Support of Defendant Wilmington Trust Company's Motion to Dismiss Plaintiffs' Adversary Complaint filed by David Kerstein on behalf of Wilmington Trust Company. (Attachments: #1 Exhibit 3 #2 Exhibit 4 #3 Exhibit 5 #4 Exhibit 6 #5 Exhibit 7 #6 Exhibit 8 #7 Exhibit 9 #8 Exhibit 10 #9 Exhibit 11 #10 Exhibit 12 #11 Exhibit 13 #12 Exhibit 14 #13 Exhibit 15) (Kerstein, David) (Entered: 07/17/2009)
- 7/17/09 11 Declaration - Exhibit 1 to Declaration of David J. Kerstein in Support of Defendant Wilmington Trust Company's Motion to Dismiss Plaintiffs' Adversary Complaint filed by David Kerstein on behalf of Wilmington Trust Company. (Attachments: #1 Exhibit 1 Part 2 #2 Exhibit 1 Part 3) (Kerstein, David) (Entered: 07/17/2009)

- 7/17/09 10 Notice of Appearance filed by David Kerstein on behalf of Wilmington Trust Company. (Kerstein, David) (Entered: 07/17/2009)
- 7/17/09 9 Corporate Ownership Statement Pursuant to FRBP 7007.1 filed by David Kerstein on behalf of Wilmington Trust Company. (Kerstein, David) (Entered: 07/17/2009)
- 7/16/09 8 Declaration of David J. Kerstein in Support of Defendant Wilmington Trust Company's Motion to Dismiss Plaintiffs' Adversary Complaint filed by David Kerstein on behalf of Wilmington Trust Company. (Attachments: #1 Exhibit 1 - 15) (Kerstein, David) (Entered: 07/16/2009)
- 7/16/09 7 Memorandum of Law in Support of Defendant Wilmington Trust Company's Motion to Dismiss Adversary Complaint (related document(s) 6) filed by David Kerstein on behalf of Wilmington Trust Company. (Kerstein, David) (Entered: 07/16/2009)
- 7/16/09 6 Motion to Dismiss Adversary Proceeding Defendant Wilmington Trust Company's Motion to Dismiss Plaintiffs' Adversary Complaint filed by David Kerstein on behalf of Wilmington Trust Company. Responses due by 8/26/2009. (Attachments: #1 Proposed Order) (Kerstein, David) (Entered: 07/16/2009)
- 7/16/09 5 Affidavit of Irwin H. Warren in Support of the GM Defendants' Motion to Dismiss the Complaint (Hearing Date and Time: 9/30/09 at 10:30 a.m./Objection Deadline: 8/21/09 at 4:00 pm) (related document(s) 4) filed by Stephen Karotkin on behalf of General Motors Corporation, et. al. (Karotkin, Stephen) (Entered: 07/16/2009)
- 7/16/09 4 Motion to Dismiss Adversary Proceeding/The GM Defendants' Motion to Dismiss the Complaint filed by Stephen Karotkin on behalf of General Motors Corporation, et. al. with hearing to be held on 9/30/2009 at 10:30 AM at Courtroom 621 (REG) Responses due by 8/21/2009. (Karotkin, Stephen) (Entered: 07/16/2009)
- 6/23/09 3 Certificate of Service of Complaint and Summons (related document(s) 1, 2) filed by Radha B.D. Narumanchi, Radha R.M. Narumanchi. (Ho, Amanda) (Entered: 06/24/2009)
- 6/16/09 2 Summons with Notice of Pre-Trial Conference issued by Clerk's Office with Pre-Trial Conference set for 7/22/2009 at 9:45 AM at Courtroom 621 (REG). Answer due by 7/16/2009. (Porter, Minnie) (Entered: 06/16/2009)
- 6/16/09 1 Adversary case 09-00501. Complaint against General Motors Corporation, et. al. Nature(s) of Suit: (14 (Recovery of money/property - other)), (21 (Validity, priority or extent of lien or other interest in property)), (31 (Approval of sale of property of estate and of a co-owner - 363(h))), (62 (Dischargeability - 523(a)(2), false pretenses, false representation, actual fraud)) Filed by Radha R.M. Narumanchi, Radha B.D. Narumanchi. (Attachments: #1 Adversary Cover Sheet) (Porter, Minnie) (Entered: 06/16/2009)

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United States District Court for the  
Southern District of New York  
500 Pearl Street  
New York, N.Y. 10007-1312

**Appeal Docket # 09-cv-7011**

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In re: Motors Liquidation Company	Appellee	) Appeal from the Sale Order ) dated 7-5-2009 of the U.S. ) Bankruptcy Court for ) SDNY in Lead Case # ) 09-50026-Reg of Honorable
vs.		) Judge E. Gerber
Radha R.M. Narumanchi	Appellant (Pro Se)	)

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**SUPPLEMENTAL**

**STATEMENT OF ISSUES RELATED TO 7-7-2009 APPEAL AGAINST THE  
7-5-2009 DECISION OF HONORABLE JUDGE ROBERT E. GERBER  
APPROVING THE SECTION 363 SALE OF ASSETS**

The appellant in the above captioned case now pending before the United States District Court for SDNY <sup>1</sup> submits as follows. On 7-16-2009, while reserving his right to add additional issues or modify the issues noticed therein, appellant did submit nine (9) Issues to be raised on appeal. Now, appellant would like to add two (2) more Issues – #s 10 and 11 – as follows in his appeal:

**ISSUE # 10:**

Is it constitutionally valid either for U.S. Congress or for this Article III referring Court to assign this case (or any such similar case) to a **single judge** of a non-Article III court according /vesting in/ empowering it to exercise overly broad, unfettered, and unlimited powers (albeit with a right to appeal still prevailing)?<sup>2</sup>

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<sup>1</sup> The appellant was informed in a letter dated 8-7-2009 from the Clerk of this Court that this case was assigned to Honorable Judge Gerard E. Lynch. However, it appears that this case was re-assigned at the behest of the insolvent debtor, to Honorable Judge Naomi Rice Buchwald. Appellant has not received any official communication in this regard from the Clerk of the Court. Hence, courtesy copies of this supplemental Statement of Issues is being sent to the chambers of both the Judges.

<sup>2</sup> As of 6-1-2009, the date of bankruptcy filing, debtor General Motors, on a consolidated basis (unaudited), has total assets of about \$82.290 billion; liabilities of about \$172.810 billion; 329,407 shareholders of record; about 192,526 so-called unsecured bond holders (with just only one creditor of unsecured bondholders allowed to participate in the evidentiary hearing); and to boot the non-Article III court approved a 363 sale of crown jewels worth approximately \$60.00 billions, just after an evidentiary hearing lasting less than 12 hours, under intensive pressure from the executive branch of the U.S. government. And then, two days later, the same non-Article III single judge court required some appellants to post a bond of more than \$30.00 billion dollars to stay the judgment.

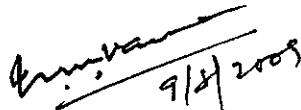
**ISSUE # 11:**

Did the single judge non-Article III court, in approving a 363 sale on 7-5-2009, decide any "non-core" or "triable by a jury in an Article III court" or other similar issues or claims, i.e. those issues which are strictly not within the purview and jurisdiction of that non-Article III court, and failed to have such decisions dealing with facts and law reserved and duly confirmed by an Article III court, to convert it into a final appealable judgment?

Respectfully submitted.

Dated this 8<sup>th</sup> day of September 2009 at New Haven, Connecticut 06513.

Appellant (*Pro se*)



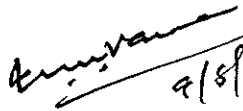
(Radha R.M. Narumanchi)  
657 Middletown Avenue  
New Haven, Ct. 06513  
Phone: (203) 562-0536  
Email: [rrm\\_narumanchi@hotmail.com](mailto:rrm_narumanchi@hotmail.com)

**Certification**

This is to certify that a copy of the aforementioned was mailed by first class mail, postage prepaid, this 8<sup>th</sup> 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 42<sup>nd</sup> Street, New York, N.Y. 10036 - Attn: Babette Ceccotti;

- 6) Vedder Price, P.C., Attorneys for Export Development Canada, 1633 Broadway - 47<sup>th</sup> 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, 21<sup>st</sup> 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) Courtesy Copy to the Chambers of Honorable Judge Naomi Rice Buchwald, United States District Judge for SDNY, 500 Pearl Street, New York, N.Y. 10007-1312; and
- 11) Courtesy Copy to the Chambers of Honorable Judge Gerard E. Lynch, United States District Judge for SDNY, 500 Pearl Street, New York, N.Y. 10007-1312.

  
9/8/2009

(Radha R.M. Narumanchi)