

**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 (MG)  
(Jointly Administered)

Debtors.

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

Plaintiff,

Adversary Proceeding

Case No. 09-00504 (MG)

against

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

Defendants.  
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**UPDATED JOINT STATUS REPORT**

Pursuant to the Court's April 26, 2018 "Order Directing the Parties to File a Joint Status Report With Respect to This Adversary Proceeding" (Dkt. No. 1052), and the June 15, 2018 Updated Joint Status Report (Dkt. No. 1054) in which the undersigned parties to the Adversary Proceeding (the "Parties") undertook to provide the Court with a further updated report on or before July 3, 2018, the Parties have conferred among themselves and jointly submit this further updated status report.

**I. STATUS OF PLAINTIFF'S MOTION FOR LEAVE TO APPEAL AND DEFENDANTS' OPPOSITION AND CONDITIONAL CROSS MOTION**

The status of plaintiff's motion for leave to appeal has not changed since the Parties' May 17, 2018 and June 15, 2018 Joint Status Reports. The Parties are awaiting a decision by Judge Nathan on plaintiff's motion for leave to appeal.

**II. STATUS OF MEDIATION EFFORTS**

Following recent settlement discussions with the Parties' mediator, David Geronemus, the Parties have jointly concluded that they do not believe they will be able to reach a global settlement of the Adversary Proceeding at this time.

The Parties have agreed to continue to engage in mediation sessions with Mr. Geronemus and/or his colleague at JAMS, Marc Isserles, on certain discrete disputed issues. These sessions, if successful, would reduce the scope of the litigation going forward. As noted in the prior Joint Status Reports, the Parties held the first discrete disputed issue mediation session with Mr. Isserles on June 19, 2018, and the Parties have scheduled follow-up sessions with Mr. Isserles for July 16, July 19, and August 7, 2018.

The Parties are also in the process of preparing a proposed joint pre-trial order that will map out a path for the litigation going forward. The Parties anticipate that the joint pre-trial order will include a timeline for both (a) motion practice on certain issues, following pre-motion letters and a pre-motion conference before the Court, and (b) additional discovery on certain issues. The Parties will endeavor to submit a proposed joint pre-trial order, flagging any disputed provisions, as well as pre-motion letters, on or before July 31, 2018.

Finally, the Parties have agreed to memorialize the agreements that they have been able to reach to date, applying the principles in the Court's Memorandum Opinion Regarding Fixture Classification and Valuation (576 B.R. 325), with respect to which assets they agree are fixtures

and which are not fixtures in a stipulation. The stipulation will also include the agreements the parties have reached with respect to valuation of these assets. The Parties are continuing to negotiate the stipulation and will also endeavor to submit it to the Court on or before July 31, 2018.

\* \* \*

The Parties are available to answer any questions that the Court may have.

Dated: New York, New York  
July 3, 2018

**BINDER & SCHWARTZ LLP**

By:     /s/ Eric B. Fisher      
Eric B. Fisher  
Neil S. Binder  
Lindsay A. Bush  
Lauren K. Handelsman  
366 Madison Avenue, 6th Floor  
New York, New York 10017  
Telephone: (212) 510-7008  
Facsimile: (212) 510-7299  
Email: efisher@binderschwartz.com

*Attorneys for Plaintiff Motors Liquidation  
Company Avoidance Action Trust*

New York, New York  
July 3, 2018

**WACHTELL, LIPTON, ROSEN & KATZ**

By:     /s/ Marc Wolinsky      
Harold S. Novikoff  
Marc Wolinsky  
Amy R. Wolf  
51 West 52nd Street  
New York, New York 10019  
Telephone: (212) 403-1000  
Email: MWolinsky@wlrk.com

**KELLEY DRYE & WARREN LLP**

By:     /s/ John M. Callagy      
John M. Callagy  
Nicholas J. Panarella  
Martin A. Krolewski  
101 Park Avenue  
New York, New York 10178  
Telephone: (212) 808-7800  
Email: jcallagy@kelleydrye.com

**JONES DAY**

By:     /s/ C. Lee Wilson      
C. Lee Wilson  
250 Vesey Street  
New York, New York 10281  
Telephone: (212) 326-3885  
Email: clwilson@jonesday.com

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

**JONES DAY**

By: /s/ Bruce Bennett

Bruce Bennett  
Erin L. Burke  
555 South Flower Street, 50th Floor  
Los Angeles, California 90071  
Telephone: (213) 489-3939  
Email: bbennett@jonesday.com  
Email: eburke@jonesday.com

Gregory M. Shumaker  
Christopher J. DiPompeo  
51 Louisiana Avenue, N.W.  
Washington, D.C. 20001  
Telephone: (202) 879-3939  
Email: gshumaker@jonesday.com  
Email: cdipompeo@jonesday.com

**MUNGER, TOLLES & OLSON LLP**

By: /s/ John W. Spiegel

John W. Spiegel  
Matthew A. Macdonald  
Bradley R. Schneider  
350 South Grand Avenue, 50th Floor  
Los Angeles, California 90071  
Telephone: (213) 683-9100  
Email: john.spiegel@mto.com  
Email: matthew.macdonald@mto.com  
Email: bradley.schneider@mto.com

Nicholas D. Fram  
560 Mission Street, 27th Floor  
San Francisco, California 94105  
Telephone: (415) 512-4000  
Email: nicholas.fram@mto.com

*Attorneys for the Term Loan Lenders Listed on  
Appendix A to Dkt. No. 241*

**KASOWITZ BENSON TORRES & FRIEDMAN  
LLP**

By:     /s/ Andrew K. Glenn      
Andrew K. Glenn  
Joshua N. Paul  
Michelle G. Bernstein  
Frank S. DiCarlo  
1633 Broadway  
New York, New York 10019  
(212) 506-1700  
Email: aglenn@kasowitz.com  
Email: jpaul@kasowitz.com  
Email: mgenet@kasowitz.com  
Email: fdicarlo@kasowitz.com

*Attorneys for the Ad Hoc Group of Term Lenders  
listed in Appendix A to Dkt. No. 670*

**HAHN & HESSEN LLP**

By:     /s/ Mark T. Power      
Mark T. Power  
Alison M. Ladd  
488 Madison Avenue  
New York, New York 10022  
Telephone: (212) 478-7200  
Email: mpower@hahn Hessen.com  
Email: aladd@hahn Hessen.com

*Attorneys for Certain Term Loan Investor Defendants  
identified on Exhibit 1 to Dkt. No. 788*

**DAVIS POLK & WARDWELL LLP**

By:     /s/ Elliot Moskowitz      
Elliot Moskowitz  
Marc J. Tobak  
M. Nick Sage  
450 Lexington Avenue  
New York, New York 10017  
Email: elliot.moskowitz@davispolk.com  
Email: marc.tobak@davispolk.com  
Email: m.nick.sage@davispolk.com

*Attorneys for Certain Term Loan Lender  
Defendants identified on Exhibit 1 to Dkt. No. 788*