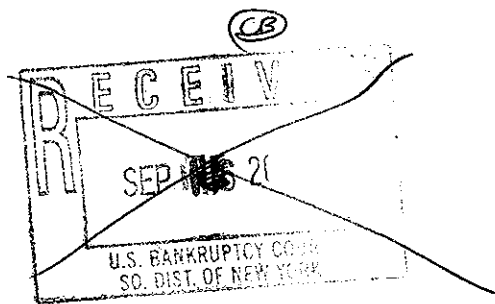


UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK



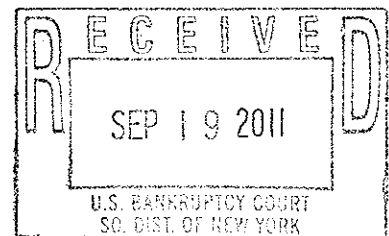
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In re : Chapter 11 Case No.  
: :  
MOTORS LIQUIDATION COMPANY, et al., : 09-50026 (REG)  
: f/k/a General Motors Corp., et al. :  
: :  
Debtors. : (Jointly Administered)  
: :  
-----X

**CLAIMANT DIANE VANWINKLE'S REPLY TO DEBTORS' OBJECTION TO  
CLAIM AND MOTION REQUESTING ENFORCEMENT OF BAR DATE  
ORDERS**

TO THE HONORABLE ROBERT E. GERBER,  
UNITED STATES BANKRUPTCY JUDGE:

The Claimant, Diane Vanwinkle (hereinafter "Claimant") moves this Honorable Court for an Order Denying Debtors' Objection to Claim and Motion Requesting Enforcement of Bar Date Orders. Claimant would show that Debtors have been on notice of her claim since March 9, 2007 when proof of claim and representation was sent by her attorney to the Debtors.

Furthermore, Claimant would show that negotiations concerning her claim were in place following notice of her claim. After a breakdown in the settlement negotiations, Plaintiff filed suit against the Debtors in her state of residence (Exhibit A). Following service of her suit, Plaintiff's counsel received notification from Debtors' attorneys (Exhibit B) with notification of the pending claim and orders of the Court concerning pending litigation. Plaintiff's counsel promptly filed a withdrawal of the suit *without prejudice* in accordance with the Court's Order (Exhibit C).



Subsequently, Claimant received notification from Debtor's attorneys concerning the ongoing matter in this Honorable Court (Exhibit D) Pursuant to the notification, Plaintiff submitted a Proof of Claim, sent via overnight service, to Debtors' attorneys (Exhibit E). Therefore, Claimant is informed and believes that the Debtors have been on notice of her claim for a period of longer than four (4) years and any objection to her claim at this juncture is unreasonable and unwarranted.

Based upon the foregoing, Claimant respectfully requests for this Honorable Court to Deny the Debtor's Objection to Claim and Motion Requesting Enforcement of Bar Date Orders dated August 24, 2011.

s/Ian D. Maguire  
Ian D. Maguire, Esquire  
SC Federal Bar No.: 6282  
**MAGUIRE LAW FIRM**  
607 Briarwood Drive, Suite 1  
Myrtle Beach, SC 29572  
Telephone: (843) 361-7549  
Facsimile: (843) 361-7048  
E-mail: [ian@maguirelawfirm.com](mailto:ian@maguirelawfirm.com)  
**ATTORNEY FOR CLAIMANT**  
**DIANE VANWINKLE**

Myrtle Beach, South Carolina  
September 16, 2011

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

Diane VanWinkle and Charles VanWinkle

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

vs.

Plaintiff(s)

IAN D. MAGUIRE LAW FIRM  
9/28/09  
07/11/05/PI  
A

09-CP - 26- 9336

General Motors Corporation

Defendant(s)

(Please Print)

Submitted By: Ian D. Maguire, Esquire  
Address: 607 Briarwood Drive, Suite 1;  
Myrtle Beach, SC 29572

SC Bar #: 66587  
Telephone #: 843. 361. 7549  
Fax #: 843. 361. 7048  
Other:  
E-mail: ian@maguirelawfirm.com

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this cover sheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

\*If Action is Judgment/Settlement do not complete

- JURY TRIAL demanded in complaint.
- NON-JURY TRIAL demanded in complaint.
- This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                              |                                                |                                                |                                                       |                                        |                                                         |                                      |                                                |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|------------------------------------------------|------------------------------------------------|-------------------------------------------------------|----------------------------------------|---------------------------------------------------------|--------------------------------------|------------------------------------------------|
| <p><b>Contracts</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Constructions (100)</li> <li><input type="checkbox"/> Debt Collection (110)</li> <li><input type="checkbox"/> Employment (120)</li> <li><input type="checkbox"/> General (130)</li> <li><input type="checkbox"/> Breach of Contract (140)</li> <li><input type="checkbox"/> Other (199)</li> </ul>                                                                                                                                                                               | <p><b>Torts - Professional Malpractice</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Dental Malpractice (200)</li> <li><input type="checkbox"/> Legal Malpractice (210)</li> <li><input type="checkbox"/> Medical Malpractice (220)</li> <li><input type="checkbox"/> Notice/ File Med Mal (230)</li> <li><input type="checkbox"/> Other (299)</li> </ul>                                        | <p><b>Torts - Personal Injury</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Assault/Slander/Libel (300)</li> <li><input type="checkbox"/> Conversion (310)</li> <li><input type="checkbox"/> Motor Vehicle Accident (320)</li> <li><input type="checkbox"/> Premises Liability (330)</li> <li><input checked="" type="checkbox"/> Products Liability (340)</li> <li><input type="checkbox"/> Personal Injury (350)</li> <li><input type="checkbox"/> Wrongful Death (360)</li> <li><input type="checkbox"/> Other (399)</li> </ul> | <p><b>Real Property</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Claim &amp; Delivery (400)</li> <li><input type="checkbox"/> Condemnation (410)</li> <li><input type="checkbox"/> Foreclosure (420)</li> <li><input type="checkbox"/> Mechanic's Lien (430)</li> <li><input type="checkbox"/> Partition (440)</li> <li><input type="checkbox"/> Possession (450)</li> <li><input type="checkbox"/> Building Code Violation (460)</li> <li><input type="checkbox"/> Other (499)</li> </ul>                                                                                                                                                                             |                                              |                                                |                                                |                                                       |                                        |                                                         |                                      |                                                |
| <p><b>Inmate Petitions</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> PCR (500)</li> <li><input type="checkbox"/> Mandamus (520)</li> <li><input type="checkbox"/> Habeas Corpus (530)</li> <li><input type="checkbox"/> Other (599)</li> </ul>                                                                                                                                                                                                                                                                                                 | <p><b>Judgments/Settlements</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Death Settlement (700)</li> <li><input type="checkbox"/> Magistrate's Judgment (720)</li> <li><input type="checkbox"/> Minor Settlement (730)</li> <li><input type="checkbox"/> Transcript Judgment (740)</li> <li><input type="checkbox"/> Lis Pendens (750)</li> <li><input type="checkbox"/> Other (799)</li> </ul> | <p><b>Administrative Law/Relief</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Reinstate Driver's License (800)</li> <li><input type="checkbox"/> Relief (820)</li> <li><input type="checkbox"/> Permanent Injunction (830)</li> <li><input type="checkbox"/> Forfeiture-Petition (840)</li> <li><input type="checkbox"/> Forfeiture-Consent Order (850)</li> <li><input type="checkbox"/> Other (899)</li> </ul>                                                                                                                   | <p><b>Appeals</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Arbitration (900)</li> <li><input type="checkbox"/> Magistrate-Criminal (920)</li> <li><input type="checkbox"/> Municipal (930)</li> <li><input type="checkbox"/> Probate Court (940)</li> <li><input type="checkbox"/> SCDOT (950)</li> <li><input type="checkbox"/> Worker's Comp (960)</li> <li><input type="checkbox"/> Zoning Board (970)</li> <li><input type="checkbox"/> Administrative Law Judge (980)</li> <li><input type="checkbox"/> Public Service Commission (990)</li> <li><input type="checkbox"/> Employment Security Comm (991)</li> <li><input type="checkbox"/> Other (999)</li> </ul> |                                              |                                                |                                                |                                                       |                                        |                                                         |                                      |                                                |
| <p><b>Special/Complex /Other</b></p> <table border="0"> <tr> <td><input type="checkbox"/> Environmental (600)</td> <td><input type="checkbox"/> Pharmaceuticals (630)</td> </tr> <tr> <td><input type="checkbox"/> Automobile Arb. (610)</td> <td><input type="checkbox"/> Unfair Trade Practices (640)</td> </tr> <tr> <td><input type="checkbox"/> Medical (620)</td> <td><input type="checkbox"/> Out-of State Depositions (650)</td> </tr> <tr> <td><input type="checkbox"/> Other (699)</td> <td><input type="checkbox"/> Sexual Predator (510)</td> </tr> </table> |                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <input type="checkbox"/> Environmental (600) | <input type="checkbox"/> Pharmaceuticals (630) | <input type="checkbox"/> Automobile Arb. (610) | <input type="checkbox"/> Unfair Trade Practices (640) | <input type="checkbox"/> Medical (620) | <input type="checkbox"/> Out-of State Depositions (650) | <input type="checkbox"/> Other (699) | <input type="checkbox"/> Sexual Predator (510) |
| <input type="checkbox"/> Environmental (600)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <input type="checkbox"/> Pharmaceuticals (630)                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                              |                                                |                                                |                                                       |                                        |                                                         |                                      |                                                |
| <input type="checkbox"/> Automobile Arb. (610)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <input type="checkbox"/> Unfair Trade Practices (640)                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                              |                                                |                                                |                                                       |                                        |                                                         |                                      |                                                |
| <input type="checkbox"/> Medical (620)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <input type="checkbox"/> Out-of State Depositions (650)                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                              |                                                |                                                |                                                       |                                        |                                                         |                                      |                                                |
| <input type="checkbox"/> Other (699)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <input type="checkbox"/> Sexual Predator (510)                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                              |                                                |                                                |                                                       |                                        |                                                         |                                      |                                                |

Submitting Party Signature:

Date: 9/22/09

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

**FOR MANDATED ADR COUNTIES ONLY**

Allendale, Anderson, Beaufort, Colleton, Florence, Greenville,  
Hampton, Horry, Jasper, Lexington, Pickens (Family Court Only), and Richland

SUPREME COURT RULES REQUIRE THE SUBMISSION OF ALL CIVIL CASES TO AN ALTERNATIVE DISPUTE RESOLUTION PROCESS, UNLESS OTHERWISE EXEMPT.

**You are required to take the following action(s):**

1. The parties shall select a neutral and file a "Proof of ADR" form on or by the 210<sup>th</sup> day of the filing of this action. If the parties have not selected a neutral within 210 days, the Clerk of Court shall then appoint a primary and secondary mediator from the current roster on a rotating basis from among those mediators agreeing to accept cases in the county in which the action has been filed.
2. The initial ADR conference must be held within 300 days after the filing of the action.
3. Pre-suit medical malpractice mediations required by S.C. Code §15-79-125 shall be held not later than 120 days after all defendants are served with the "Notice of Intent to File Suit" or as the court directs. (Medical malpractice mediation is mandatory statewide.)
4. Cases are exempt from ADR only upon the following grounds:
  - a. Special proceeding, or actions seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;
  - b. Requests for temporary relief;
  - c. Appeals
  - d. Post Conviction relief matters;
  - e. Contempt of Court proceedings;
  - f. Forfeiture proceedings brought by governmental entities;
  - g. Mortgage foreclosures; and
  - h. Cases that have been previously subjected to an ADR conference, unless otherwise required by Rule 3 or by statute.
5. In cases not subject to ADR, the Chief Judge for Administrative Purposes, upon the motion of the court or of any party, may order a case to mediation.
6. Motion of a party to be exempt from payment of neutral fees due to indigency should be filed with the Court within ten (10) days after the ADR conference has been concluded.

**Please Note:** You must comply with the Supreme Court Rules regarding ADR.  
Failure to do so may affect your case or may result in sanctions.

STATE OF SOUTH CAROLINA  
COUNTY OF HORRY  
Diane VanWinkle and Charles VanWinkle,  
Plaintiffs,  
vs.  
General Motor Corporation,  
Defendant.

IN THE COURT OF COMMON PLEAS  
FIFTEENTH JUDICIAL CIRCUIT

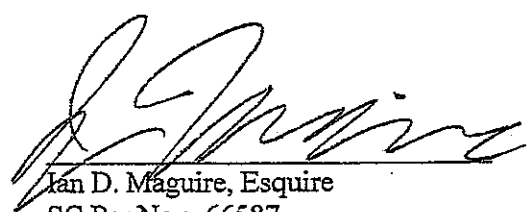
Docket No.: 09-CP-26-\_\_\_\_\_

**SUMMONS**

HORRY COUNTY  
CLERK OF COURT  
MELANIE HUGGINS  
SEP 24 AM 11:01

TO ABOVE NAMED DEFENDANT:

YOU ARE HEREBY SUMMONED and required to answer the complaint herein, a copy of which is herewith served upon you, and to serve a copy of your answer to this complaint upon the subscriber, at the address shown below, within thirty (30) days after service hereof, exclusive of the day of such service, and if you fail to answer the complaint, judgment by default will be rendered against you for the relief demanded in the complaint.



Ian D. Maguire, Esquire  
SC Bar No.: 66587  
**MAGUIRE LAW FIRM**  
607 Briarwood Drive, Suite 1  
Myrtle Beach, SC 29572  
Telephone: (843) 361-7549  
Facsimile: (843) 361-7048  
E-mail: [ian@maguirelawfirm.com](mailto:ian@maguirelawfirm.com)  
**ATTORNEY FOR PLAINTIFF**

Myrtle Beach, South Carolina  
September 22, 2009

STATE OF SOUTH CAROLINA  
COUNTY OF HORRY  
Diane VanWinkle and Charles VanWinkle,  
Plaintiffs,  
vs.  
General Motor Corporation,  
Defendant.

IN THE COURT OF COMMON PLEAS  
FIFTEENTH JUDICIAL CIRCUIT

Docket No.: 09-CP-26-\_\_\_\_\_

COMPLAINT  
(Jury Trial Requested)

HORRY COUNTY  
09 SEP 24 AM 11:00  
MELANIE HUGHINS  
CLERK OF COURT

TO ABOVE NAMED DEFENDANT:

**FACTS**

Plaintiffs complaining of Defendant would respectfully show unto this Honorable Court as follows:

1. Upon information and belief, Plaintiffs, Diane VanWinkle and Charles VanWinkle are citizens and residents of Horry County, South Carolina.
2. Upon information and belief, Defendant, General Motors Corporation, a corporation organized and existing under the laws of another state other than South Carolina, transacts business in the state of South Carolina, solicits business in the state of South Carolina, and derives a substantial revenue therefrom.
3. The incident, which is the subject matter of this action, occurred in Horry County, South Carolina. Therefore, this Honorable Court has jurisdiction over the parties and the subject matter hereto.
4. On or about March 1, 2007, at or around 4:00 p.m., Plaintiff got into her 1997 Cutlass Oldsmobile vehicle to start the ignition at 4944 Bass Drive, Conway, South Carolina.

5. When Plaintiff started the ignition of the 1997 Cutlass Oldsmobile, the airbag blew out without warning, causing the injuries which give rise to this suit.

FOR A FIRST THEORY OF LIABILITY

(NEGLIGENCE)

6. At the time and place mentioned, Defendant Corporation was negligent, grossly negligent, careless, willful, wanton, and reckless in the following particulars, to wit:
  - a. In failing to properly design the air bag;
  - b. In failing to properly manufacture the air bag;
  - c. In failing to properly install the air bag;
  - d. In failing to warn users of safety hazards associated with the design, manufacture and installation of the air bag.
7. The injuries of the Plaintiff were directly and proximately caused by the above negligent and reckless acts of the Corporation.

FOR A SECOND THEORY OF LIABILITY

(STRICT LIABILITY)

8. Plaintiff incorporates by reference all preceding paragraphs of this Complaint as if they were set forth in this paragraph in their entirety.
9. At the time of the Plaintiff's injuries, the air bag was in substantially the same condition as when manufactured and sold by the Defendant Corporation, undergoing no substantial subsequent modifications.

10. Due to its design and manufacturer, the air bag was in a defective condition and unreasonably dangerous when installed and sold by the Defendant Corporation.
11. The injuries of the Plaintiff were directly and proximately caused by the defective and unreasonably dangerous condition of the air bag.

FOR A THIRD THEORY OF LIABILITY

(IMPLIED WARRANTY)

12. Plaintiff incorporates by reference all preceding paragraphs of this Complaint as if they were set forth in this paragraph in their entirety.
13. By virtue of sale of the vehicle for use by an ultimate consumer, the Defendant Corporation impliedly warranted to Plaintiff that the air bag was merchantable and fit for the purpose intended.
14. The air bag, in fact, was not merchantable and fit for the ordinary purpose for which it was intended to be used, in that it was defective and unreasonably dangerous.
15. As a direct and proximate result of the breach of the implied warranty of merchantability by Defendant Corporation, Plaintiff was injured.
16. As a result of the above mentioned negligence, gross negligence, carelessness, recklessness, willfulness and wantonness of Defendant Corporation, Plaintiffs have suffered great physical harm which has and will cause them to undergo physical pain and suffering; has and will cause them to spend money for medical treatment and medication; has and will cause them to suffer permanent physical and mental injuries and disabilities which they must

bear for the rest of their lives. Plaintiffs have also suffered in the form of lost wages and property damage. Therefore, Plaintiffs are informed and believe that they are entitled to a judgment against Defendant Corporation for actual and punitive damages in a sum determined through this Honorable Court

WHEREFORE, Plaintiffs prays for judgment against Defendant for actual and punitive damages; for the costs of this action; and for such other relief as this Honorable Court may deem just and proper.



Ian D. Maguire, Esquire  
SC Bar No.: 66587  
**MAGUIRE LAW FIRM**  
607 Briarwood Drive, Suite 1  
Myrtle Beach, SC 29572  
Telephone: (843) 361-7549  
Facsimile: (843) 361-7048  
E-mail: [ian@maguirelawfirm.com](mailto:ian@maguirelawfirm.com)  
**ATTORNEY FOR PLAINTIFFS**

Myrtle Beach, South Carolina  
September 22, 2009

**WEIL, GOTSHAL & MANGES LLP**

1300 I STREET, N.W.  
SUITE 900  
WASHINGTON, D.C. 20005  
(202) 682-7000  
FAX: (202) 857-0940

AUSTIN  
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BUDAPEST  
DALLAS  
DUBAI  
FRANKFURT  
HONG KONG  
HOUSTON  
LONDON  
MIAMI  
MUNICH  
NEW YORK  
PARIS  
PRAGUE  
PROVIDENCE  
SHANGHAI  
SILICON VALLEY  
WARSAW

DIRECT LINE  
202-682-7206  
brianna.benfield@weil.com

October 20, 2009

SCANNED

**BY FEDEX**

Mr. Ian D. Maguire  
Maguire Law Firm  
607 Briarwood Drive, Suite 1  
Myrtle Beach, SC 29572

MAGUIRE LAW FIRM  
DATE RECD: 10/21/09  
FBI FILE # 07/17/03/181  
DOCKETED N  
INITIAL BA

**Re: Diane Van Winkle and Charles Van Winkle v. General  
Motors Corporation  
Case No. 09-CP-26-9336**

Dear Mr. Maguire:

I write to inform you that on June 1, 2009, (the "Commencement Date"), Motors Liquidation Company (f/k/a General Motors Corporation) and certain of its subsidiaries, (collectively, the "Debtors"), filed voluntary petitions seeking bankruptcy protection under chapter 11 of title 11 of the United States Code (the "Bankruptcy Code") in the United States Bankruptcy Court for the Southern District of New York (the "Bankruptcy Court"). The chapter 11 cases have been consolidated for procedural purposes and bear case no. 09-50026 (REG). Enclosed herewith is a copy of the Debtors' chapter 11 petition.

Your attention is directed to section 362(a) of the Bankruptcy Code, entitled "Automatic Stay." Pursuant to section 362(a) of the Bankruptcy Code, an automatic stay went into effect on the Commencement Date, prohibiting the commencement or continuation of any actions or proceedings against the Debtors. The automatic stay expressly prohibits the following:

October 20, 2009

Page 2

the commencement or continuation, including the issuance or employment of process, of a judicial, administrative, or other action or proceeding against the debtor that was or could have been commenced before the commencement of the case under [the Bankruptcy Code.]

11 U.S.C. § 362(a)(1).

Accordingly, the above-captioned action was filed in violation of the automatic stay. All actions taken in violation of the automatic stay are void and, pursuant to established case law, parties may be held in contempt of court for violating the automatic stay. See, e.g., Bartel v. Eastern Airlines, 133 F.3d 908 (2d cir. 1998); Fidelity Mortgage Investors v. Camelia Builders, Inc., 550 F.2d 47 (2d cir. 1976), cert. denied, 429 U.S. 1093 (1977). In light of the foregoing, Motors Liquidation Company requests that you withdraw the complaint filed against it and confirm that you have done so within five business days. Motors Liquidation Company reserves all rights and remedies.

If you have any questions with respect to this matter, please do not hesitate to contact me.

Sincerely,



Brianna Benfield

Enclosure

STATE OF SOUTH CAROLINA  
COUNTY OF HORRY  
Diane Van Winkle and Charles Van Winkle,  
Plaintiff,  
vs.  
General Motors Corporation,  
Defendant.

IN THE COURT OF COMMON PLEAS  
FIFTEENTH JUDICIAL CIRCUIT

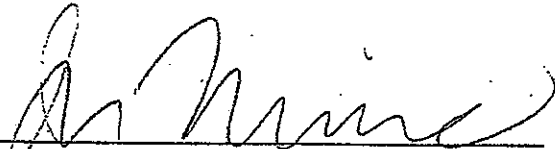
Docket No.: 2009-CP-26-9336

STIPULATION OF DISMISSAL *WITHOUT*  
PREJUDICE

**COPY**

It has been made to appear to the Court that the Defendant hereto, General Motors Corporation, has filed a voluntary petition seeking bankruptcy protection under Chapter 11 of Title 11 of the United States Code (the "Bankruptcy Code"). Pursuant to section 362(a) of the Bankruptcy Code, Defendant is entitled to an automatic stay prohibiting the commencement or continuation of any action or proceeding. Therefore, Plaintiffs represented by Ian D. Maguire come before this Court to stipulate to a dismissal *without prejudice* in this action pursuant to Rule 41(a)(1), SCRPC together with a tolling of any/all applicable statute of limitations.

**WE SO STIPULATE:**

  
Ian D. Maguire, Esquire  
607 Briarwood Drive, Suite 1  
Myrtle Beach, South Carolina 29572  
(843) 361-7549  
Attorney for Plaintiffs

FILED  
HORRY COUNTY  
2009 OCT 29 AM 10:29  
MELANIE HUGGINS-WARD  
CLERK OF COURT

MAQUIRE LAW FIRM  
DATE: 11/2/09  
FILE: 0711031.P1  
BY: [Signature]  
INITIALS: [Signature]

Harvey R. Miller  
Stephen Karotkin  
Joseph H. Smolinsky  
WEIL, GOTSHAL & MANGES LLP  
767 Fifth Avenue  
New York, New York 10153  
Telephone: (212) 310-8000  
Facsimile: (212) 310-8007

Attorneys for Debtors  
and Debtors in Possession

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

-----X  
In re : Chapter 11 Case No.  
: :  
MOTORS LIQUIDATION COMPANY, *et al.*, : 09-50026 (REG)  
f/k/a General Motors Corp., *et al.* :  
: :  
Debtors. : (Jointly Administered)  
: :  
-----X

**NOTICE OF (I) ENTRY OF ORDER  
CONFIRMING DEBTORS' SECOND AMENDED JOINT  
CHAPTER 11 PLAN AND (II) OCCURRENCE OF EFFECTIVE DATE**

**TO ALL CREDITORS, EQUITY INTEREST HOLDERS,  
AND OTHER PARTIES IN INTEREST:**

PLEASE TAKE NOTICE that an order (the "Confirmation Order") (ECF No. 9941) confirming the Debtors' Second Amended Joint Chapter 11 Plan, dated March 18, 2011 (ECF No. 9836) (the "Plan"), of Motors Liquidation Company and its affiliated debtors (collectively, the "Debtors"), was signed by the Honorable Robert E. Gerber, United States Bankruptcy Judge, and entered by the Clerk of the United States Bankruptcy Court for the Southern District of New York (the "Bankruptcy Court") on March 29, 2011.

PLEASE TAKE FURTHER NOTICE that the Confirmation Order is available for inspection during regular business hours in the office of the Clerk of the Bankruptcy Court, Alexander Hamilton Custom House, One Bowling Green, New York, New York 10004. The Confirmation Order is also available for registered users of the Bankruptcy Court's filing system by accessing the Bankruptcy Court's website ([www.nysb.uscourts.gov](http://www.nysb.uscourts.gov)) and for all parties at [www.motorsliquidationdocket.com](http://www.motorsliquidationdocket.com).

PLEASE TAKE FURTHER NOTICE that the Plan and its provisions are binding on the Debtors, Post-Effective Date Motors Liquidation Company, the GUC Trust Administrator,<sup>1</sup> the Asbestos Trust Administrator, the Environmental Response Trust Administrative Trustee, the Avoidance Action Trust Administrator, any entity acquiring or receiving property or a distribution under the Plan, and any holder of a claim against or equity interest in the Debtors, including all governmental entities, whether or not the claim or equity interest of such holder is impaired under the Plan and whether or not such holder or entity has accepted the Plan.

PLEASE TAKE FURTHER NOTICE that the Effective Date of the Plan (as defined in the Plan) occurred on March 31, 2011 and, as a result, the Plan has been substantially consummated.

PLEASE TAKE FURTHER NOTICE that all proofs of claim arising from the rejection of executory contracts or unexpired leases pursuant to the Plan must be filed with the Bankruptcy Court and served upon the Debtors, the GUC Trust Administrator, the Asbestos Trust Administrator, the Environmental Response Trust Administrative Trustee, and the Avoidance Action Trust Administrator, at the addresses set forth in the Confirmation Order, on or before May 30, 2011. Any claims arising from the rejection of an executory contract or unexpired lease for which a proof of claim has not been filed by such date shall be forever barred and shall not be enforceable against the Debtors, the GUC Trust Administrator, the Asbestos Trust Administrator, the Environmental Response Trust Administrative Trustee, and the Avoidance Action Trust Administrator, or any property to be distributed under the Plan, the GUC Trust, the Asbestos Trust, the Environmental Response Trust, and the Avoidance Action Trust, unless otherwise ordered by the Bankruptcy Court or provided in the Plan.

Dated: New York, New York  
April 11, 2011

WEIL, GOTSHAL & MANGES LLP  
Harvey R. Miller  
Stephen Karotkin  
Joseph H. Smolinsky  
767 Fifth Avenue  
New York, New York 10153  
Telephone: (212) 310-8000  
Facsimile: (212) 310-8007

Attorneys for Debtors  
and Debtors in Possession

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<sup>1</sup> Capitalized terms used herein but not otherwise defined shall have the meanings ascribed to such terms in the Plan.



IAN D. MAGUIRE, ESQUIRE  
www.maguirelawfirm.com

May 27, 2011

**VIA USPS OVERNIGHT DELIVERY**

The Garden City Group, Inc.  
Attn: Motors Liquidation Company Claims Processing  
5151 Blazer Parkway  
Suite A  
Dublin, OH 43017

RE: Our Client: Diane VanWinkle  
Date of Incident: March 1, 2007  
ML File No.: 07-IM-031-PI

Dear Sir or Madam:

Please find enclosed herewith the Proof of Claim, along with a clocked copy of the lawsuit in regards to the above referenced client. By copy of this letter, I am serving the debtors listed below with the same. Please contact my office if you have any questions or concerns regarding this matter.

With kind regards, I am,  
Sincerely,

Ian D. Maguire, Esquire

IDM/es  
Enclosure

cc: GUC Trust Administrator  
Wilmington Trust Company  
Rodney Square North  
1100 North Market Street  
Wilmington, Delaware 19890-1615

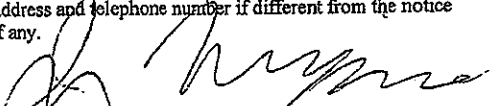
*Licensed in South and North Carolina*

Reply to Main Office: 607 Briarwood Drive, Suite 1 • Myrtle Beach, South Carolina 29572 T • (843) 361-7549 F • (843) 361-7048  
Market Common Office: 2922 B Howard Avenue • Myrtle Beach, South Carolina 29577  
www.maguirelawfirm.com

Asbestos Trust Administrator  
Kirk P. Watson, Esquire  
2301 Woodlawn Boulevard  
Austin, TX 78703

Environmental Response Trust Administrative Trustee  
Crowell & Moring LLP  
Attn: Michael V. Blumenthal  
590 Madison Avenue  
19<sup>th</sup> Floor  
New York, NY 10022-2524

Avoidance Action Trust Administrator  
Wilmington Trust Company  
Attn: Corporate Trust America  
Rodney Square North  
1100 North Market Street  
Wilmington, DE 19890-1615

<b>UNITED STATES BANKRUPTCY COURT</b> Southern District of New York		<b>PROOF OF CLAIM</b>
Name of Debtor: Motors Liquidation Company, et al., f/k/a General Motors Corp., et al.		Case Number: 09-50026 (REG)
<i>NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A request for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.</i>		
Name of Creditor (the person or other entity to whom the debtor owes money or property): Diane Van Winkle		<input type="checkbox"/> Check this box to indicate that this claim amends a previously filed claim.
Name and address where notices should be sent: Diane Van Winkle c/o Maguire Law Firm 607 Briarwood Drive, Suite 1; Myrtle Beach, SC 29572		Court Claim Number: _____ (if known)
Telephone number: (843) 361-7549		Filed on: _____
Name and address where payment should be sent (if different from above):		<input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.
Telephone number:		<input type="checkbox"/> Check this box if you are the debtor or trustee in this case.
1. Amount of Claim as of Date Case Filed:                    \$ <u>50,000.00</u>		5. Amount of Claim Entitled to Priority under 11 U.S.C. §507(a). If any portion of your claim falls in one of the following categories, check the box and state the amount.  Specify the priority of the claim.  <input type="checkbox"/> Domestic support obligations under 11 U.S.C. §507(a)(1)(A) or (a)(1)(B).  <input type="checkbox"/> Wages, salaries, or commissions (up to \$11,725*) earned within 180 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. §507 (a)(4).  <input type="checkbox"/> Contributions to an employee benefit plan - 11 U.S.C. §507 (a)(5).  <input type="checkbox"/> Up to \$2,600* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. §507 (a)(7).  <input type="checkbox"/> Taxes or penalties owed to governmental units - 11 U.S.C. §507 (a)(8).  <input type="checkbox"/> Other - Specify applicable paragraph of 11 U.S.C. §507 (a)( ).  Amount entitled to priority: \$ _____  <i>*Amounts are subject to adjustment on 4/1/13 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.</i>
If all or part of your claim is secured, complete item 4 below; however, if all of your claim is unsecured, do not complete item 4.  If all or part of your claim is entitled to priority, complete item 5.  <input type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of claim. Attach itemized statement of interest or charges.		
2. Basis for Claim: <u>Personal Injury</u> (See instruction #2 on reverse side.)		
3. Last four digits of any number by which creditor identifies debtor: _____  3a. Debtor may have scheduled account as: _____ (See instruction #3a on reverse side.)		
4. Secured Claim (See instruction #4 on reverse side.) Check the appropriate box if your claim is secured by a lien on property or a right of setoff and provide the requested information.  Nature of property or right of setoff: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other Describe:  Value of Property: \$ _____ Annual Interest Rate _____ %  Amount of arrearage and other charges as of time case filed included in secured claim, if any: \$ _____ Basis for perfection: _____  Amount of Secured Claim: \$ _____ Amount Unsecured: \$ <u>50,000.00</u>		
6. Credits: The amount of all payments on this claim has been credited for the purpose of making this proof of claim.		
7. Documents: Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. You may also attach a summary. Attach redacted copies of documents providing evidence of perfection of a security interest. You may also attach a summary. (See instruction 7 and definition of "redacted" on reverse side.)  DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.  If the documents are not available, please explain:		
Date: <u>05/27/2011</u>	Signature: The person filing this claim must sign it. Sign and print name and title, if any, of the creditor or other person authorized to file this claim and state address and telephone number if different from the notice address above. Attach copy of power of attorney, if any.  	<b>FOR COURT USE ONLY</b>