

PRESENTMENT DATE AND TIME: October 13, 2011 at 12:00 noon (Eastern Time)
OBJECTION DEADLINE: October 12, 2011 at 11:59 p.m. (Eastern Time)

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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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In re: : Chapter 11
:
MOTORS LIQUIDATION COMPANY, *et al.*, : Case No. 09-50026 (REG)
f/k/a GENERAL MOTORS CORP., *et al.*, :
:
Debtors. : (Jointly Administered)
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JOHN MORGENSTEIN, MICHAEL JACOB, :
as Executor of the Estate of Doris Jacob, :
and ALANTE CARPENTER individually :
and on behalf of all others similarly situated, :
:
Plaintiffs, :
:
: Adversary Proceeding
: No. 11-09409-reg

v.

MOTORS LIQUIDATION COMPANY :
f/k/a GENERAL MOTORS CORPORATION, :
a Delaware Corporation, :
:
Defendant. :
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Motion for Order Permitting Electronic Service to Master Service List in Specific Adversary Proceeding

Now comes Plaintiffs, John Morgenstein, Michael Jacob, as executor of the estate of Doris Jacob, and Alante Carpenter (“Movants”) and seek an order allowing service of papers on the Master Service List’s Notice Parties by electronic transmission, save and except service to the United States Trustee.

1. On May 5, 2011 this Court Ordered as an administrative and case management matter as follows:

d) Electronic Service

a. If service is effected by the Debtors, the Motors Liquidating Company GUC Trust, the Creditors’ Committee, the GUC Trust Administrator, the Avoidance Action Trust Administrator, the Asbestos Claimants’ Committee, the Future Claimants’ Representative, the Environmental Response Trust, or the Asbestos Trust Administrator via electronic transmission, the Debtors, the Motors Liquidation Company GUC Trust, the Creditors’ Committee, the GUC Trust Administrator, the Avoidance Action Trust Administrator, the Asbestos Claimants’ Committee, the Future Claimants’ Representative, the Environmental Response Trust, and the Asbestos Trust Administrator, as applicable, shall not be required to serve paper copies on interested parties; service by electronic transmission shall satisfy the Court’s rules for service and shall be effective as of the date the paper is electronically transmitted to the e-mail addresses listed on the Master Service List. Parties other than the Debtors, the Motors Liquidation Company GUC Trust, the Creditors’ Committee, the GUC Trust Administrator, the Avoidance Action Trust Administrator, the Asbestos Claimants’ Committee, the Future Claimants’ Representative, the Environmental Response Trust, and the Asbestos Trust Administrator shall not be authorized to effect service by electronic transmission.

2. Pursuant to the last detrital paragraph of the Order of May 5, 2011, this Court retained jurisdiction to hear and determine all matters arising from or related to said Order.

3. Plaintiffs have filed an adversary proceeding, above captioned, and will duly serve paper copies of the adversary complaint, together with this motion, pursuant to this Court's quoted language above, on all Notice Parties, by mailing paper copies to each Notice Party.

4. There are more than 500 Notice Parties. Ongoing service to Notice Parties will be unduly burdensome and costly in terms of supplies, manpower, and postage.

5. Plaintiffs have the capability to serve Notice Parties, as they do in many other contexts, via electronic transmission; and such service can be effectuated routinely and inexpensively but for the court's Order requiring individual mail to each Notice Party.

6. All Notice Parties on the Master Service List shall have notice of this motion and, to the extent that any such party does not have electronic transmission facilities and specifically requests paper copies from Plaintiffs, such paper copies shall be provided.

7. The Federal Rules of Bankruptcy procedure provide in Rule 1001 as follows:

The Bankruptcy Rules and Forms govern procedure in cases under title 11 of the United States Code. . . . These rules shall be construed to secure the just, speedy, and **inexpensive** determination of every case and proceeding.

The same rule was adopted in the Federal Rules of Civil Procedure and has guided the Federal Courts for many years.

8. Just as the entities that are permitted to give notice by electronic transmission under the Court's Order of May 5, 2011, Plaintiff's counsel can be relied upon to provide—and certify—due service of papers through electronic transmission.

9. Plaintiffs submit that the foregoing constitutes a sufficient and cost-effective way of providing notice to non-parties to the adversary proceeding. The foregoing notice procedures

satisfy due process in that the said notice is that of one who truly wishes to afford notice to Notice Parties and, moreover, it is reasonable notice under the circumstances.

WHEREFORE Plaintiffs request that the Court grant Movants relief from the above-quoted language and permit service by electronic transmission, save and except service to the United States Trustee and such other parties, without electronic transmission facilities, who may specifically demand paper copies of documents filed herein.

Dated: September 28, 2011

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