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November 26, 2018

**By Hand, ECF and Email**

The Honorable Martin Glenn  
United States Bankruptcy Court  
Southern District of New York  
One Bowling Green  
New York, NY 10004-1408

Re: *Motors Liquidation Company Avoidance Action Trust v. JPMorgan Chase Bank, N.A., et al., No. 09-00504 (MG) (Bankr. S.D.N.Y.)*

Dear Judge Glenn:

We represent defendant JPMorgan Chase Bank, N.A. (“JPMorgan”) in the above-captioned adversary proceeding. We write with the concurrence of both the Defendants’ Steering Committee and Plaintiff, the Motors Liquidation Company Avoidance Action Trust (“AAT”), to request a short extension of the discovery deadlines set forth in the Stipulation and Order Amending and Superseding Certain Prior Orders Regarding Discovery and Scheduling entered on September 14, 2018 [Dkt. No. 1080] and the Stipulation and Order Amending the September 14, 2018 Scheduling Order (ECF No. 1080) entered on October 11, 2018 [Dkt. No. 1094] (collectively, the “Scheduling Orders”).

The parties request this short extension in order to allow time for General Motors Company (“New GM”) to complete its document productions in response to the parties’ respective document subpoenas concerning the Initial Trial and Discovery Issues (as defined in the Scheduling Orders), including the new representative assets that the parties recently agreed upon pursuant to the Court’s Order dated October 16, 2018 [Dkt. No. 1112] (“Representative

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Assets Order”). The parties originally issued subpoenas to New GM on August 16, 27 and September 17 regarding the Initial Discovery and Trial Issues. Then, after the Court issued its Representative Assets Order, the parties promptly issued additional subpoenas to New GM on October 26 and 30 regarding the new representative assets.

As expected, much of the documentation relevant to the Initial Discovery and Trial Issues resides with New GM. Although New GM has already produced a number of documents in response to the parties’ respective requests and has engaged in the discovery process in a constructive manner to date, the parties have yet to receive any documents concerning several of the Initial Trial and Discovery Issues. In particular, the parties have not received any documentation concerning the new representative assets. New GM’s counsel has informed the parties that one of the reasons its productions are taking time to complete is that the relevant documentation resides at New GM’s individual plants and facilities, where it needs to be located and collected, and not at any centralized facility. In a discussion with New GM’s counsel last Tuesday, November 20, 2018, New GM’s counsel informed the parties that New GM would not be able to complete all of its productions by the current document discovery deadline of November 30, 2018, but was working diligently and believed it could complete its productions by the middle of December.

Once the parties receive New GM’s productions, they will need additional time to review and analyze them to determine whether the productions are sufficient and/or whether follow-up requests are necessary. Furthermore, these documents are necessary for the parties to prepare for and take fact depositions and draft expert reports.

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Given these circumstances, we believe that the current December 21, 2018 deadline for the completion of fact discovery and the expert discovery deadlines that flow from that date are no longer realistic and request that the Scheduling Orders be amended to adjourn the current deadlines a short time.

Accordingly, as reflected in the attached proposed Stipulation and Order amending the Scheduling Orders, the parties respectfully request the following proposed modifications to the deadlines for Initial Discovery and Trial Issues in the Scheduling Orders:

<b>Current Deadline</b>	<b>Proposed Modified Deadline</b>	
November 30, 2018	December 21, 2018	Deadline for document discovery related to Initial Discovery and Trial Issues; Deadline to disclose expert witnesses and topics that will be the subject of expert testimony
December 21, 2018	January 23, 2019	Deadline for fact discovery related to Initial Discovery and Trial Issues
January 11, 2019	February 12, 2019	Deadline for exchange of expert reports related to Initial Discovery and Trial Issues
February 1, 2019	March 5, 2019	Deadline for exchange of rebuttal expert reports related to Initial Discovery and Trial Issues
February 28, 2019	April 2, 2019	Deadline for expert discovery / close of discovery related to Initial Discovery and Trial Issues
TBD by the Court	TBD by the Court	Pre-trial conference; trial dates; pre- and post-trial briefing

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We appreciate Your Honor's consideration of the parties' joint request, and the parties are available at Your Honor's convenience to address any questions or concerns that Your Honor may have.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "J. Callagy". The signature is fluid and cursive, with a large loop at the beginning and a long tail.

John M. Callagy

Attachment

CC: Counsel of Record (by ECF and email w/ attachment)

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

----- x  
In re: Chapter 11  
MOTORS LIQUIDATION COMPANY, f/k/a Case No. 09-50026 (MG)  
GENERAL MOTORS CORPORATION, *et al.*, (Jointly Administered)

Debtors.

----- x  
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

against

No. 09-00504 (MG)

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

Defendants.  
----- x

**STIPULATION AND ORDER AMENDING THE  
SEPTEMBER 14, 2018 SCHEDULING ORDER (ECF NO. 1080)  
AND THE OCTOBER 11, 2018 AMENDED SCHEDULING ORDER (ECF NO. 1094)**

**WHEREAS**, on September 14, 2018, the Court entered a *Stipulation and Order Amending and Superseding Certain Prior Orders Regarding Discovery and Scheduling* (ECF No. 1080) (the “**September 14, 2018 Scheduling Order**”), setting forth the schedule for ongoing proceedings on Motion Issues, Initial Discovery and Trial Issues, and Final Discovery and Trial Issues (all capitalized terms not defined herein have the meanings defined in the September 14, 2018 Scheduling Order);

**WHEREAS**, on October 11, 2018, the Court entered a *Stipulation and Order Amending the September 14, 2018 Scheduling Order (ECF NO. 1080)* (ECF No. 1094) (the “**October 11, 2018 Amended Scheduling Order**”), that amended the September 14, 2018 Scheduling Order

with respect to the document and fact discovery deadlines and the expert witness disclosure deadline related to Initial Discovery and Trial Issues;

**WHEREAS**, pursuant to the September 14, 2018 Scheduling Order and the October 11, 2018 Amended Scheduling Order, the Plaintiff and the members of the Defendants' Steering Committee have been diligently working to obtain the necessary document discovery related to Initial Discovery and Trial Issues from third-parties but will not be able to complete document discovery on or before November 30, 2018, nor fact discovery on or before December 21, 2018, as set forth in the October 11, 2018 Amended Scheduling Order, because of delays in third-party productions, and in turn, will not be able to complete the expert discovery by the deadlines set forth in the September 14, 2018 Scheduling Order;

**WHEREAS**, good cause exists for amending the discovery deadlines related to Initial Discovery and Trial Issues because doing so will permit all parties opportunity to complete document, fact and expert discovery necessary for a trial;

**IT IS HEREBY STIPULATED AND AGREED**, by and among counsel for the undersigned parties, that the September 14, 2018 Scheduling Order and the October 11, 2018 Amended Scheduling order are amended, with respect to discovery deadlines related to Initial Discovery and Trial Issues, as follows:

<b>December 21, 2018</b>	Deadline for document discovery related to Initial Discovery and Trial Issues; Deadline to disclose expert witnesses and topics that will be the subject of expert testimony
<b>January 23, 2019</b>	Deadline for fact discovery related to Initial Discovery and Trial Issues
<b>February 12, 2019</b>	Deadline for exchange of expert reports related to Initial Discovery and Trial Issues



**JONES DAY**

By:  /s/ C. Lee Wilson

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

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