

Atul C. Shah, MD
2884 Manorwood Drive
Troy, Michigan 48085

July 4, 2012

Stefanie J. Greer, Esq.
Dickstein Shapiro, LLP
1633 Broadway
New York, New York 10019-6708

Ref: Telephone Conversation Tuesday morning on June 26, 2012.

Dear Ms Stefanie J. Greer:

We had a nice and friendly discussion by telephone on June 26, 2012 about 11.00 AM in morning regarding my email titled as "**Motion to vacate the Judgment**" to you and other attorneys forwarded on June 25, 2012.

I am forwarding the contents of our friendly discussion with this email for your information as follow:

- 1.** You (Stefanie J. Greer) mentioned that Honorable Judge Robert E. Gerber will deliver his "Final Judgment" as soon as possible.
- 2.** This final judgment can be delivered by Honorable Judge Robert E. Gerber may in few weeks, few months or even in few years from his first Judgment or conclusion delivered on May 15, 2012.
- 3.** You mentioned that "**First Judgment delivered on May 15, 2012**" at United States Bankruptcy Court and "**Second Final Judgment in Future**" that will be delivered soon in near future by the Honorable Robert E. Gerber will be the "**Same and Non-different**" from each other. This interpretation is unbelievable and unpalatable.
- 4.** You mentioned again that my claim has "**No Merits**" and you do not want to waste your time, money and energy for this case. Again, you offered \$ 25,000 (Twenty Five Thousand dollars) to settle this claim.
- 5.** Also, you mentioned that my letter titled as "Motion to vacate the Judgment" is too early to submit as final judgment is still pending by Honorable Judge Robert E. Gerber. I will be happy to submit a letter titled as "**Second Motion to vacate the Judgment**" in near future.
- 6.** Your last question was what is my goal and what I want from this claim. I will be very happy to reiterate that "**Justice is more important than the secondary monetary gain**". I mentioned this great point clearly in my Response Letter dated May 4, 2012. I am sure that you certainly know this intention.
- 7.** This is a summary of our telephone discussion conducted per your contact on Tuesday morning on June 25, 2012 per my knowledge and memory.

I had a nice telephone discussion with Clerk or Secretary of Honorable Robert E. Gerber Ms Meggy on Tuesday afternoon on July 3, 2012. I did not ask her last name. The Chamber clerk mentioned that she has not received any letter or document titled as "Motion to vacate the Judgment" yet from you that I forwarded earlier.

I am forwarding a hard copy of "Motion to vacate the Judgment" per request by Chamber Clerk to One Bowling Green, United States Bankruptcy Court, New York, New York.

This is the first time I have court experience in Law matter in my life. I have great respect for the Honorable Judge Robert E. Gerber. In very short time, I am greatly impressed with his gentle nature and his illustrious career for forty plus years as Honorable Judge and Law Practitioner in our greatest democratic country.

All I am requesting is a fair judgment and nothing else.

I strongly believe that Dr, Stanley Miller, D.O. et al at General Motors Corporation is a nice example of **Expressed or Overt** case of Discrimination, Injustice and Abuse of Power.

I strongly believe that other Medical Colleagues with prestigious post as Presidents, Chairmen, Directors and Supervisors at American Medical Association, American Psychiatric Association and Conferences as well as at Medical Organizations are the best examples of **Concealed and Silent or Covert** cases of Discrimination, Injustice and Abuse of Power in Subtle manner.

I have already explicitly described above-mentioned **"Two Categories of Expressed and Concealed"** discrimination, Injustice and abuse of Power in my Response letter with Exhibits dated May 4, 2012 to the Honorable Judge Robert E. Gerber at the United States Bankruptcy Court.

We will continue to keep our relationship and correspondence very friendly and cordial now and in the future.

Thank you very much for your time and consideration.

Sincerely,



Atul C. Shah, MD
Troy, Michigan
Independence Day
July 4, 2012

Print

09-50026-reg Doc 11923 Filed 07/10/12 Entered 07/10/12 16:26:23 Main Document Pg 3 of 9

Subject: Re: Appeal
From: Greer, Stefanie (GreerS@dicksteinshapiro.com)
To: atul99krishna@yahoo.com;
Cc: CarmelA@dicksteinshapiro.com; ONeilA@dicksteinshapiro.com;
Date: Tuesday, May 29, 2012 8:40 AM

Dr. Shah,

Thank you. I will inform the Court by phone today.

Stefanie

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Dickstein Shapiro LLP
www.DicksteinShapiro.com

From: Atul C. Shah, MD [<mailto:atul99krishna@yahoo.com>]
Sent: Tuesday, May 29, 2012 07:30 AM
To: Greer, Stefanie
Cc: Atul Shah MD <atul99krishna@yahoo.com>
Subject: Appeal

Atul C. Shah, MD
 2884 Manorwood Drive
 Troy, MI, 48085

May 29, 2012

Stefanie J. Greer
 Dickstein Shapiro, LLP
 1633 Broadway
 New York, New York, 10019-6708
dicksteinshapiro.com

Re: Motors Liquidation Company, et al. - Case No. 09-50026-reg
 Claim No. 28820.

Dear Ms. Greer:

It was my pleasure to see all of you in a friendly and cordial atmosphere at the United States Bankruptcy Court in New York on May 15, 2012.

Thank you for your letter and transcript dated May 22, 2012. I have reviewed the transcript.

Please respectfully inform the Honorable Judge Robert E. Gerber that I do wish to appeal the Court's decision. I understand that the Court will now enter more detailed decision on which the appeal be based.

Also, I am forwarding a hard copy of this letter by certified mail to your office.

Thank you for your time and consideration of this matter.

Respectfully,

<http://us.mg1.mail.yahoo.com/neo/launch?.rand=as3k2roogv1gv>

7/3/2012

Atul C. Shah, MD
Troy , Michigan

Subject: Motion to vacate the Judgment
From: Atul C. Shah, MD (atul99krishna@yahoo.com)
To: greers@dicksteinshapiro.com; KellyD@dicksteinshapiro.com; CarmelA@dicksteinshapiro.com; ONeilA@dicksteinshapiro.com; robertrollingstone@gmail.com; talatisa@yahoo.com;
Cc: atul99krishna@yahoo.com;
Date: Monday, June 25, 2012 6:37 AM

Dear Stefanie J. Greer:

It was my pleasure to see all of you on May 15, 2012 at the United States Bankruptcy Court in friendly and cordial atmosphere. I received the transcript and you agreed to forward Honorable Court for my desire to appeal the Judgment rendered on May 15, 2012 by Honorable Judge Robert E. Gerber.

I am forwarding this Brief titled as "Motion to Vacate the Judgment" to you and other attorneys as an **attachment** for further actions for my claim.

Please do the needful. We will keep our relationship friendly and cordial.

Thank you very much for your time and consideration.

Sincerely,

Atul C. Shah, MD
Troy, Michigan
June 25, 2012

June 25, 2012

Atul C. Shah, MD
2884 Manorwood Drive
Troy, Michigan 48085
Telephone (248) 879-0795 Home
Telephone (248) 835-5025 Cell Phone

Representing Himself (Atul Shah) for
MLC GUC Claim No. 28820 filed by Atul Shah

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re	Chapter 11 Case No.
MOTORS LIQUIDATION COMPNAY, et al., F/k/a General Motors Corp., et al.	09-50026 (REG)
Debtor	(Jointly Administered)

**MOTION TO VACATE JUDGMENT AND TO HOLD
EVIDENTIARY HEARING ON THE MERITS FOR
MLC GUC CLAIM NUMBER 28820**

Dr Atul C. Shah, MD, Plaintiff/Unsecured Creditor, hereby, moves this Honorable Court to vacate the judgment by Honorable Robert E. Gerber rendered at United Bankruptcy Court on May 15, 2012 for the above captioned case and to hold an evidentiary hearing on the merits.

In support of his motion, Dr Shah states as follows:

1. Hearing on objection for MLC GUC Claim Number 28820 was held before Honorable Judge Robert E. Gerber at United States Bankruptcy Court on May 15, 2012 in New York, New York.

2. Your Honor (Honorable Judge Robert E. Gerber) permitted an out of state attorney (Deborah Kelly) whose application for Pro hoc vice was pending and of which you had no information and did not ask me if I would agree or object.

3. She (Deborah Kelly) was a self-proclaimed expert in employment discrimination law.

4. She (Deborah Kelly) told you that I did not have a case.

5. Your Honor gave credence to her (Deborah Kelly) version of the applicable law and facts.

6. Your Honor agrees with Deborah Kelly's presentation without any evidentiary hearing.

7. Your Honor considered an evidentiary hearing but rejected it based upon my adversary's opinion of the applicable law and facts.

8. My adversary admitted in its pleading that they may not be entitled to a dismissal of all my claims.

9. They asked that punitive damages be dropped.

10. They asked that compensatory damages be capped at \$500,000. Your Honor reduce this Compensatory damages to \$300,000.

11. The defendant attorney (Stefanie Greer) went to your clerk and informed her that I had a plane to catch as if I wanted a decision in a hurry which was not true. I merely informed her that I may have to leave. I was entitled to proper consideration of my claims.

12. Your Honor then dismissed all my claims without a hearing and without any chance to brief the issues.

13. Your Honor entered a judgment but informed me that if I want to appeal to let your honor know and your honor will write a more detailed opinion.

14. That means that if I chose to appeal, this is not a final judgment.

15. Upon information and belief, the court rules do not permit two final judgments.

16. My appeal rights are in jeopardy because there are precise timelines from which to appeal.

17. I already have grounds for an appeal and I am still waiting more than a reasonable time for your honor's second final judgment. I informed defendant attorney Stefanie J. Greer that I wish to appeal for this judgment on May 29, 2012 by email and a letter by certified mail prior to deadline of June 5, 2012.

18. I was told that your honor will take quite some time before your honor get around to issuing this second final judgment.

19. This is extremely prejudicial to me and not authorized by the court rules.

20. The defendant attorney Stefanie Greer stated that my case was expunge or dismissed in court room after conclusion on May 15, 2012. That is not true. My case was disallowed and not expunged or dismissed per letter I received dated May 22, 2012 from defendant attorney Stefanie J. Greer.

21. Bashen Corporation is both a contractor for the EEOC and was the actual respondent "representing" GM. They were listed as the respondent by EEOC.

22. This court is unfamiliar with the intricacies of a discrimination case and listened only to my adversary for their guidance.

23. To deny this motion would be a miscarriage of justice and abuse of discretion.

24. It would be a denial of due process and of my equal protection rights.

Wherefore, I ask this Honorable Court to vacate the "Judgment" by Honorable Judge Robert E. Gerber and to hold an evidentiary hearing where I can testify, call witnesses and conduct cross examination.

Respectfully submitted,



Atul C. Shah, MD
Plaintiff/Unsecured Creditor
2884 Manorwood rive
Troy, Michigan 48085

June 25, 2012

Copy of this motion has been sent to the following Recipients who are affiliated with this case by email or letter via regular mail:

1. Dickstein Shapiro, LLP, attorneys for the GUC Trust, 1633 Broadway, New York, New York 10019-6708 (Attn: Barry N. Seidel, Esq., and Stefanie Birbrower Greer, Esq., Anamay Carmel, Esq., Alden O'Neil, Esq., Kenneth Griffith, Esq.)
2. Deborah Kelly, attorney as Employment Discrimination Specialist by Dickstein Shapiro, LLP
3. The Debtor, c/o Motor Liquidation Company, 401 South Old Woodward Avenue, Suite 370, Birmingham, Michigan 48009 (Attn: Thomas Morrow)
4. General Motors, LLC, 400 Renaissance Center, Detroit, Michigan 48265 (Attn: Lawrence S. Buonomo, Esq.)

5. Cadwalder, Wickersham & Taft LLP, attorneys for the United States Department of the Treasury, One World Financial Center, New York New York 10281 (Attn: John J. Rapisardi, Esq.)
6. The United States Department of the Treasury, 1500 Pennsylvania Avenue NW, Room 2312, Washington, D.C. 20220 (Attn: Joseph Samarias, Esq.)
7. Vedder Price, P.C., attorneys for Export Development Canada, 1633 Broadway, 47th Floor, New York, New York 10019 (Attn: Michael J. Edelman, Esq. and Michael L. Schein, Esq.)
8. Kramer Levin Naftalis & Frankel LLP, attorneys for the statutory committee of unsecured creditors, 1177 Avenue of the Americas, New York, New York 10036 (Attn: Thomas Moers Mayer, Esq., Robert Schmidt, Esq., Lauren Macksoud Esq., and Jennifer Sharret, Esq.)
9. The Office of the United States Trustee for the Southern District of New York, 33 Whitehall Street, 21st Floor, New York, New York 10004 (Attn: Tracy Hope Davis, Esq.)
10. The U.S. Attorney's Office, S.D.N.Y., 86 Chambers Street, Third Floor, New York, New York 10007 (Attn: David S. Jones, Esq. and Natalie Kuehler, Esq.)
11. Caplin & Drysdale, Chartered, attorneys for the official committee of unsecured creditors holding asbestos-related claims, 375 Park Avenue, 35th Floor, New York, New York 10152-3500 (Attn: Elihu Inselbuch, Esq. and Rita C. Tobin, Esq.) and one Thomas Circle, N.W., Suite 1100, Washington, DC 20005 (Attn: Trevor W. Swett III, Esq. and Kevin C. Maclay, ESq.)
12. Stutzman, Bromberg, Esserman & Plifka, A Professional Corporation, attorneys for Dean M. Trafelet in his capacity as the legal representative for future asbestos personal injury claimants, 2323 Bryan Street, Suite 2200, Dallas, Texas 75201 (Attn: Sander L. Esserman, Esq. and Robert T. Brousseau, Esq.)
13. Gibson, Dunn & Crutcher LLP, attorneys for Wilmington trust Company as GUC Trust Administrator and for Wilmington Trust Company as Avoidance Action Trust Administrator, 200 Park Avenue, 47th Floor, New York, New York 10166 (Attn: Keith Martorana, Esq.)
14. FTI Consulting. As the GUC Trust Monitor and as the Avoidance Action Trust Monitor, One Atlantic Center, 1201 West Peachtree Street, Suite 500, Atlanta, Georgia 30309 (Attn: Anna Phillips)
15. Crowell & Moring LLP, attorneys for the revitalizing Auto Communities Environmental Response Trut, 590 Madison Avenue, 19th Floor, New York, New York 10022-2524 (Attn: Michael V. Blumenthal, Esq.)
16. Kirk P. Watson, Esq. as the Asbestos Trust Administrator, 2301 Woodlawn Boulevard, Austin, Texas 78703.
17. Bob McQuade, Retired Lawyer, 8118 Center Line, MI 48015
18. Satyam Talati, Esq., Attorney, Troy, Michigan