

# KING & SPALDING

King & Spalding LLP  
1185 Avenue of the Americas  
New York, NY 10036-4003

Tel: (212) 556-2100  
Fax: (212) 556-2222  
www.kslaw.com

Arthur Steinberg  
Direct Dial: 212-556-2158  
asteinberg@kslaw.com

August 21, 2014

**VIA E-MAIL TRANSMISSION  
AND ECF FILING**

The Honorable Robert E. Gerber  
United States Bankruptcy Judge  
United States Bankruptcy Court  
Southern District of New York  
Alexander Hamilton Custom House  
One Bowling Green  
New York, New York 10004

*Endorsed Order:*  
*"Approved"*  
*s/ REG, USBJ*  
*8/22/14*

**Re: In re Motors Liquidation Company, et al.**  
**Case No. 09-50026 (REG)**

**Letter Regarding Briefing Schedule for Four Threshold Issues<sup>1</sup>**

Dear Judge Gerber:

King & Spalding LLP is co-counsel with Kirkland & Ellis LLP for General Motors LLC ("**New GM**") in the above-referenced matter. In connection with its pending Ignition Switch Motion to Enforce the Sale Order and Injunction, New GM, on behalf of itself and the other Counsel for the Identified Parties (each of whom is copied on this correspondence and each of whom consents to the matters addressed herein), submits this letter in connection with Your Honor's ruling at the Status Conference held on August 18, 2014 regarding a modification to the briefing schedule for the Four Threshold Issues and the Fraud on the Court Standard Briefing.

Counsel for the Identified Parties, having met and conferred on an appropriate briefing schedule for the Four Threshold Issues and the Fraud on the Court Standard Briefing, and taking into account that the current deadline for filing a master consolidated complaint in Multi-District Litigation 2543 is October 15, 2014, propose the following modifications to the briefing schedule set forth in the Supplemental Scheduling Order:

<sup>1</sup> Capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Court's Supplemental Scheduling Order, dated July 11, 2014 [Dkt. No. 12770] ("**Supplemental Scheduling Order**").

Honorable Robert E. Gerber  
August 21, 2014  
Page 2

- (i) on November 5, 2014, (i) New GM shall file and serve its opening brief ("**New GM Opening Brief**") respecting the Due Process Threshold Issue, the Remedies Threshold Issue, the Old GM Claim Threshold Issue, and the Fraud on the Court Standard Briefing, and (ii) the Unitholders and, if it deems it advisable, the GUC Trust, collectively ("**Unitholder/GUC Trust Opening Briefs**"), shall file and serve their opening brief respecting the Equitable Mootness Threshold Issue;
- (ii) on December 16, 2014, (i) Designated Counsel and the Groman Plaintiffs, collectively, and the GUC Trust and the Unitholders, collectively, shall file and serve their responses to the New GM Opening Brief, and (ii) Designated Counsel and the Groman Plaintiffs, collectively, and New GM shall file and serve their responses to the Unitholder/GUC Trust Opening Brief;
- (iii) on January 16, 2015, (i) New GM shall file and serve its reply brief to the responses filed in connection with the New GM Opening Brief, and (ii) the Unitholders and, if it deems it advisable, the GUC Trust, collectively, shall file and serve their replies to the responses to the Unitholder/GUC Trust Opening Brief; and
- (iv) The Court shall hold a hearing thereon on a date set by the Court after January 26, 2015.

As previously agreed, Designated Counsel, to the extent reasonably practicable, shall consult and coordinate with other counsel who have filed a notice of appearance on behalf of any Plaintiff(s) and solicit input and/or comments to Designated Counsel's proposed response to the New GM Opening Brief and proposed response to the Unitholder/GUC Trust Opening Brief (including providing counsel drafts of Designated Counsel's briefs no less than ten days prior to their submission deadline as set forth above).

The lengths of briefs shall remain as set forth in the Court's Endorsed Order, dated August 4, 2014 [Dkt. No. 12810]. Except as set forth herein, the Supplemental Scheduling Order and the May 16, 2014 Scheduling Order shall otherwise remain in full force and effect.

Counsel for the Identified Parties respectfully request that the foregoing modifications to the Supplemental Scheduling Order be approved and authorized by the Court.

Respectfully submitted,

*/s/ Arthur Steinberg*

Arthur Steinberg

AJS/sd

cc: Edward S. Weisfelner  
Howard Steel  
Elihu Inselbuch  
Peter Van N. Lockwood

Honorable Robert E. Gerber  
August 21, 2014  
Page 3

Sander L. Esserman  
Jonathan L. Flaxer  
S. Preston Ricardo  
Matthew J. Williams  
Lisa H. Rubin  
Keith Martorana  
Daniel Golden  
Deborah J. Newman  
Jamison Diehl