

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

In re:

Motors Liquidation Company, f/k/a General
Motors Corporation, *et al.*,

Debtors.

Chapter 11

Case No. 09-50026 (MG)
(Jointly Administered)

(This Order relates to the Motion to Enforce)

ORDER RULING ON OBJECTIONS TO DIRECT TRIAL TESTIMONY

With respect to the trial on the Motion to Enforce, the parties have submitted direct testimony in the form of declarations under oath. On December 12, 2017, counsel for the parties submitted written objections to certain portions of the testimony. On December 13, 2017, counsel for the parties filed written responses to the objections. Plaintiffs and Participating Unitholders object to portions of the testimony of Beth Andrews and Matthew Williams (ECF Doc. # 14198); the GUC Trust disputes the objections (ECF Doc. # 14200). The GUC Trust joined by New GM object to portions of the testimony of Edward Weisfelner and Daniel Golden (ECF Doc. # 14196); the Plaintiffs and Participating Unitholders dispute the objections (ECF Doc. # 14199). This Order rules on the objections, referenced below by witness and declaration paragraph number (only to the extent of the specific stated objections).

Declaration of Beth Andrews:

¶ 24 Overruled.

Declaration of Matthew J. Williams:

¶ 44 Sustained.

¶ 52 Sustained.

¶ 55 Sustained.

¶ 77 Sustained.

¶ 78 Sustained.

Declaration of Edward S. Weisfelner:

¶ 29 Overruled.

¶ 30 Overruled.

¶ 31 Overruled.

¶ 32 Overruled.

¶ 47 Assuming there is a transcript of the status conference, the objection is overruled.

¶ 55 Sustained.

Declaration of Daniel H. Golden:

¶ 29 Overruled—but not admitted for the truth, and subject to admission in evidence of the referenced exhibits.

¶ 32 Overruled, subject to reconsideration at the conclusion of trial. Based on the pretrial briefing, the reasons provided to the Plaintiffs and Participating Unitholders for not proceeding with the settlement (assuming it is otherwise enforceable) may have been pretextual, and relevant to whether there was a binding agreement.

¶ 33 Overruled to the same extent as ¶ 32.

¶ 34 Overruled to the same extent as ¶ 32.

IT IS SO ORDERED.

Dated: December 14, 2017
New York, New York

Martin Glenn

MARTIN GLENN
United States Bankruptcy Judge