

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

Docket No. 1891 17 June 2009

In Re:

Chapter 11 Case No.

GENERAL MOTORS CORP., et al.,

09-50026 (REG)

Debtors.

(Jointly Administered)

RESPONDENT BOND HOLDER:

7.20% Due 15 Jan 2011 (\$ 20,000)

Cusip/isin 370442BBO Claim # 1

FRANCES H. CATERINA and ALL

7.70% Due 15 Apr 2016 (\$ 6,000)

Others Similarly Situated, et al

Cusip/isin 370442AU9 Claim # 2

Objector/s.

(Frances H. Caterina)

REBUTTAL TO OMNIBUS RESPONSE REPLY

Frances H. Caterina, Bond Holder; and all others Similarly Situated, et al; do object, oppose and rebut the Omnibus Response Reply in opposition to the Motion and Terms of Sale Procedure Order (MPA) now before the Court as follows:

1) Trial By Jury is not a statutory right, but a Constitutional Right:

"Where rights secured by the Constitution are involved, there can be no rule making or legislation which abrogate them." (emphasis added) cite: Ernesto A. Miranda v State of Arizona, 348 US 433; 86 Sup Ct Rpt 1602; n73 p 1608

The Bankruptcy Code, legislative law of rules, cannot abrogate the Constitutional Right to trial by Jury or the assent-ion thereof.

2) The Omnibus Response Reply failed to address UCC 2-721 Remedies for Fraud and for non-fraudulent breach:

"...a decision produced by fraud on the court is not in essence a decision at all, and never becomes final." ---Kenner, et al vs Commissioner of Internal Revenue, U.S. Court of Appeals, 7C, Sep. Term 1967, Sep. Session 1967, No. 16008, Jan. 5, 1968. Before Hastings, Chief Judge, Castle and Fairchild, Circuit Judges.

See Respondent Bond Holder's REBUTTAL EXHIBIT 'A' Attached.

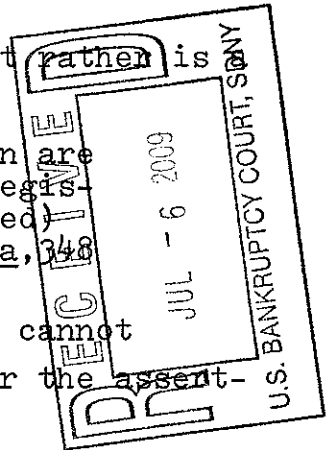
Frances H. Caterina, Bond Holder; and all others Similarly Situated, et al; submits the hereinabove Rebuttal to Omnibus Response Reply (see attached) respectfully to this Court.

Respondent Bond Holder Frances H. Caterina and All Others Similarly Situated

Frances H. Caterina
Frances H. Caterina, et al

Date: 30th June 2009
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Peckville, Pa. 18452
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Explicit., In Pro Se,
without prejudice"



"...a decision produced by fraud on the court is not in essence a decision at all, and never becomes final."
---Kenner, et al vs Commissioner of Internal Revenue,
U.S. Court of Appeals, 7C, Sep. Term 1967, Sep. Session
1967, No. 16008, Jan. 5, 1968. Before Hastings, Chief
Judge, Castle and Fairchild, Circuit Judges.

"No principle is better settled than the maxim that he who comes into equity must come with clean hands and keep them clean throughout the course of the litigation, and if he violates this rule, he must be denied all relief whatever may have been the merits of his claim.

---Hazel-Atlas Glass Co. vs Hartford Empire Co. (1944),
322 US 238, 250; 64 S. Ct. 997; 88 L ed 1250;
Root Refining Co. vs Universal Oil Products Co. (CCA 3d,
1948) 169 F2d 514, 534-535.

"And while less obvious, an abnegation by the judge of his judicial function, although no actual fraud was perpetrated, may well be a 'legal' fraud by him upon the judicial institution. But Hazel-Atlas goes much further. In this case the court was not corrupted; and the extent to which the concocted article influenced the court was problematical. But granted that if the concoction and use of the article constituted fraud upon the court and hence relief should be granted without a determination that the judgment was the product of this fraud....

"One point of difference, although not stressed by the Court in Hazel-Atlas, is that an attorney of Hartford was implicated in perpetrating the fraud. We believe that this is important, for an attorney is an officer of the court. While he should represent his client with singular loyalty that loyalty does not demand that he act dishonestly or fraudulently; on the contrary his loyalty to the court, as an officer thereof, demands integrity and honest dealing with the court. And when he departs from that standard in the conduct of a case he perpetrates a fraud upon the court."

---7 Moore's Fed. Prac., p. 510.

"The court will not shrink from putting respondents to their defense if it is shown that injustice or fraud resulted from the corruption of its officers."

---Chicago Title & Trust Co. vs Fox Theatres Corp.
182 F. Supp. 18 (SDNY).

"Indeed these facts not only justify the inquiry but impose upon us the duty to make it, even if no party to the original cause should be willing to cooperate, to the end that the records of the court might be purged of fraud..."

RESPONDENT BOND HOLDER'S
REBUTTAL EXHIBIT 'A'

Docket No.	Name of Objector	Summary of Objection	Response
1759	Radha R.M. Narumanchi	The Debtors did not provide adequate notice of the 363 Motion to its stakeholders. The 363 Motion should not be decided in an expedited manner.	See below response (to Docket No. 1969).
1891	Francis H. Caterina, et al	The MPA violates the U.C.C. and unfairly denies objectors the right to a trial by jury.	The 363 Transaction, as contemplated by the MPA, is allowed under the Bankruptcy Code. See below response (to Docket No. 1969). There is no right to a trial by jury in the context of an asset sale pursuant to section 363 of the Bankruptcy Code.
1893	Sandra Stevens Goodale	The 363 Transaction does not provide an equitable result to bondholders as compared to other GM stakeholders.	See below response (to Docket No. 1969).
1897	Charles and Mary Reckard	The 363 Transaction does not provide an equitable result to bondholders as compared to other GM stakeholders.	See below response (to Docket No. 1969).
1924	Lucile E. Cochran	The 363 Transaction does not provide an equitable result to bondholders as compared to other GM stakeholders.	See below response (to Docket No. 1969).

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Attorneys for Debtors
and Debtors in Possession

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

-----X
In re : Chapter 11 Case No.
: :
GENERAL MOTORS CORP., *et al.*, : 09-50026 (REG)
: :
Debtors. : (Jointly Administered)
: :
-----X

**OMNIBUS REPLY OF THE DEBTORS TO OBJECTIONS TO DEBTORS' MOTION
PURSUANT TO 11 U.S.C. §§ 105, 363(b), (f), (k), AND (m),
AND 365 AND FED. R. BANKR. P. 2002, 6004, AND 6006, TO APPROVE
(A) THE SALE PURSUANT TO THE MASTER SALE AND PURCHASE AGREEMENT
WITH VEHICLE ACQUISITION HOLDINGS LLC, A U.S. TREASURY-SPONSORED
PURCHASER, FREE AND CLEAR OF LIENS, CLAIMS, ENCUMBRANCES, AND
OTHER INTERESTS; (B) THE ASSUMPTION AND ASSIGNMENT OF CERTAIN
EXECUTORY CONTRACTS AND UNEXPIRED LEASES; AND (C) OTHER RELIEF**

UNITED STATES BANKRUPTCY COURT : Docket No. 1891 17 June 2009
SOUTHERN DISTRICT OF NEW YORK :
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. Objector/s : Cusip/isin 370442AU9 Claim # 2
. : (Frances H. Caterina)

CERTIFICATE OF SERVICE

OFFICE OF THE CLERK UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK ONE BOWLING GREEN NEW YORK, NEW YORK 10004-1408	WEIL, GOTSHAL & MANGES LLP 767 Fifth Avenue NEW YORK, NEW YORK 10153
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U.S. Attorney's OFFICE SDNY 86 Chambers Street, THIRD FLOOR NEW YORK, NEW YORK 10007	OFFICE OF THE UNITED STATES TRUSTEE FOR THE SOUTHERN DISTRICT OF NEW YORK 33 WHITEHALL STREET 21st. FLOOR NEW YORK, NEW YORK 1004
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Parties Served:

REBUTTAL TO OMNIBUS RESPONSE REPLY

I, Frances H. Caterina, so certify that all of the above listed parties were served the hereinabove indicated documents thru the United States Postal Service, First Class Mail, and the postage was prepaid on 30 June 2009 SO CERTIFIED:

Dated: 30 June 2009

Frances H. Caterina
Frances H. Caterina, Pro Se
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(570) 489-8741