

UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

In re: _____ :
: Chapter 11
MOTORS LIQUIDATION COMPANY, et: :
al., f/k/a General Motors Corp., et al. : Case No. 0950026 REG)
: :
Debtors :

**OBJECTION TO PROPOSED ORDER RULING ON
MOTION OF SARAJJAN GILVARY FOR RELIEF FROM THE AUTOMATIC
STAY (DOCUMENT NO. 4541)**

Pompey Dodge, Inc. ("Pompey Dodge"), by its undersigned attorney, hereby files this Objection to the proposed Order Ruling on Motion of Sarajuan Gilvary for Relief from the Automatic Stay (Document No. 4541).

Pompey requests the Court sustain Pompey's Objection and sign the alternative Order Proposed herein.

**I.
BACKGROUND**

1. At the hearing on March 2, 2010, this Honorable Court ruled from the bench granting the Motion for Relief from the Stay filed by Sarajuan Gilvary (Document No. 4541).

2. At the time of the hearing on March 2, 2010, the Court requested counsel for Ms. Gilvary to submit a proposed Order for signature by the Court based on the Court's ruling to be circulated to counsel before submission.

3. Counsel circulated the Proposed order on March 2, 2010 and through an exchange of email which is attached hereto as Exhibit A, all counsel agreed that what is

now paragraph 4 would be withdrawn from the proposed order. See Exhibit A, page 5.
("The third sentence I would agree to remove...")

4. Through the exchange of email which is attached hereto as Exhibit A, all counsel agreed that what is now paragraph # 3 would be changed and the language "to the extent they were any impediment to Movants proceeding against the dealerships, Pompey Dodge, Inc., and M&M Motors ("the dealerships") in the respective state court actions." See Exhibit A, page 4.

5. There was still a disagreement to the last words of paragraph 3 which as the time was "...any stay imposed is hereby LIFTED."

6. Defendant attaches hereto as Exhibit B the alternate proposed order which takes out paragraph 4 as all had previously agreed and with new proposed language for paragraph 3:

3. *Relief is GRANTED from any stay imposed by 11 U.S.C. Section 362 and/or other provisions of the Bankruptcy Code in the cases captioned Sara Gilvary v. Pompey Dodge, Inc. et al. Philadelphia County, Pennsylvania, Court of Common Pleas, March Term, 2007 No. 03736 and Soffer v.M&M Motors, Pennsylvania Superior Court, Eastern District, No. 2011 EDA 2008 (on appeal from the Court of Common Pleas, November Term, 2007 No. 02064)*

II
CONCLUSION

Pompey objects to the Proposed Order as submitted and requests this Court enter the alternative proposed Order attached hereto as Exhibit B.

Respectfully Submitted,
**KENNEDY, CAMPBELL, LIPSKI
& DOCHNEY**



NANCY E. CAMPBELL, ESQUIRE
Attorney for Defendant
Pompey Dodge, Inc.

CERTIFICATE OF SERVICE

I, Nancy E. Campbell, Esq., do hereby certify that a true and correct copy of the Foregoing Objection to Stipulation and Agreed Order Resolving Motion of Sarajuan Gilvary for Relief from the Automatic Stay to Continue a Separate Litigation was served via first-class mail postage prepaid and/or electronic mail, to counsel listed below:

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**KENNEDY, CAMPBELL, LIPSKI
& DOCHNEY**



NANCY E. CAMPBELL, ESQ.
Attorney for Pompey Dodge

Dated: March 8, 2010

UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

In re: _____ :
: Chapter 11
MOTORS LIQUIDATION COMPANY, et: :
al., f/k/a General Motors Corp., et al. : Case No. 0950026 REG)
: :
Debtors :

ORDER

FOR THE REASONS SET FORTH ON THE RECORD during a hearing
conducted on March 2, 2010:

1. The Motion for Relief from the Stay filed by Sarajuan Gilvary (Document No. 4541) is GRANTED;
2. The Motion for Relief from Stay filed by Marla Soffer, Esquire, Administratrix of the Estate of David Arenas, deceased (Document No. 4703) is GRANTED.
3. Relief is GRANTED from any stay imposed by 11 U.S.C. Section 362 and/or other provisions of the Bankruptcy Code in the cases captioned *Sara Gilvary v. Pompey Dodge, Inc. et al.* Philadelphia County, Pennsylvania, Court of Common Pleas, March Term, 2007 No. 03736 and *Soffer v. M&M Motors*, Pennsylvania Superior Court, Eastern District, No. 2011 EDA 2008 (on appeal from the Court of Common Pleas, November Term, 2007 No. 02064).
4. To the extent that any Party or interested person seeks further relief or clarification from the Bankruptcy Court with respect to any matter of federal law, this Court shall retain jurisdiction without prejudice to any party taking or opposing any position before this Court.
5. The dealerships have 15 business days from the date of entry of this Order to file protective proofs of claim for indemnification if they so choose.

Dated: New York, New York
March 2, 2010

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(Document 4541)*

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Attorneys for the United States Treasury

So Ordered this _____ day, March, 2010.

United States Bankruptcy Judge

EXHIBIT "A"



"Eric Zajac"
<Eric@Teamlawyers.com>
03/05/2010 04:30 PM

To "Nancy Campbell" <nancy.campbell@zurichna.com>
cc "Kawalec, Walter F." <WFKawalec@MDWCG.com>
bcc

Subject RE: In re Motors Liquidation; amended proposed order

Nancy: Unfortunately we were never able to reach an agreement on the wording of the Order. First you objected to the part of the Order that reflected the very essence of the ruling. Then, you subsequently and separately objected to any language that used the word "LIFTED" even though you did not originally object to the use of that word. I listened very carefully to the audio of the Court's ruling and even requested (and paid for) an expedited copy of the official transcript before submitting the proposed Order. If I am not accurately capturing the Court's ruling then I will "stand corrected" by the Court. I attempted to consider the comments of yours and Mr. Kawalec; however, I am pessimistic that you will ever agree to a proposed Order that does not capture why I filed these motions to begin with. I hope that if you truly find it necessary to burden the Court with our emails, that you will provide all of them include this one.

Thank you.

Eric

-----Original Message-----

From: Nancy Campbell [mailto:nancy.campbell@zurichna.com]
Sent: Friday, March 05, 2010 3:45 PM
To: Eric Zajac
Cc: Kawalec, Walter F.
Subject: RE: In re Motors Liquidation; amended proposed order

Eric:

I left you a voicemail on this too. I am confused as to why the order submitted to the Court was your first proposed order when you had agreed in writing to remove what is #4 in the proposed order and had changed; in writing, the language of what is #3 in the proposed order submitted. I really don't want to file objections but I will attaching your emails with your written agreement to change the above language.

Nancy E. Campbell
Managing Attorney - Phila & S. Jersey
Kennedy, Campbell, Lipski & Dochney
215-430-6385
610-212-9712 (cell)

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