

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

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In re:

MOTORS LIQUIDATION COMPANY, f/k/a  
GENERAL MOTORS CORPORATION, *et al.*,

Chapter 11

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

Debtors.

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MOTORS LIQUIDATION COMPANY AVOIDANCE  
ACTION TRUST, by and through the Wilmington Trust  
Company, solely in its capacity as Trust Administrator and  
Trustee,

Adversary Proceeding

Plaintiff,

Case No. 09-00504 (MG)

against

JPMORGAN CHASE BANK, N.A., *et al.*,

Defendants.  
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**NOTICE OF DISMISSAL OF  
ADVERSARY PROCEEDING AGAINST  
PHOENIX CLO II LTD. f/k/a AVENUE CLO V LTD.**

**WHEREAS**, on May 20, 2015, Plaintiff filed a First Amended Adversary Complaint for (1) Avoidance of Unperfected Lien, (2) Avoidance and Recovery of the Postpetition Transfers, (3) Avoidance and Recovery of Preferential Payments, and (4) Disallowance of Claims by Defendants (“**Amended Complaint**”) (Adv. Pro. Dkt. No. 91) and thereafter served the Amended Complaint on, among others, Defendant Avenue CLO V Ltd., n/k/a Phoenix CLO II Ltd. (“**Defendant**” as identified in the Amended Complaint ¶ 36); and

**WHEREAS**, the claims asserted against Defendant in the Amended Complaint concern a certain prepetition transfer made to them on or about May 27, 2009 in the amount of \$74,499.14 and a certain postpetition transfer made to them on or about June 30, 2009 in the amount of

\$3,897,052.11 (together, the “**Transfers**”) pursuant to a certain term loan agreement, dated as of November 29, 2006, as amended by that certain first amendment dated as of March 4, 2009 (the “**Term Loan Agreement**”); and

**WHEREAS**, the parties have amicably resolved all differences;

**PLEASE TAKE NOTICE** that, pursuant to Federal Rule of Civil Procedure 41(a), made applicable to this action by Rule 7041 of the Federal Rules of Bankruptcy Procedure, the claims against Defendant **Avenue CLO V Ltd., n/k/a Phoenix CLO II Ltd.** are dismissed from this adversary proceeding with prejudice.

Dated: New York, New York  
May 3, 2017

**BINDER & SCHWARTZ LLP**

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