

BINDER & SCHWARTZ LLP

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Company Avoidance Action Trust*

**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
Case No. 09-00504 (MG)

Plaintiff,

against

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

Defendants.

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**NOTICE OF PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT
DISMISSING THE NON-JPMORGAN TERM LENDERS' EFFECTIVENESS DEFENSE**

PLEASE TAKE NOTICE that upon (i) the accompanying Memorandum of Law in Support of Plaintiff Motors Liquidation Company Avoidance Action Trust's (the "**Avoidance Action Trust**") Motion for Partial Summary Judgment; (ii) the accompanying Rule 7056-1(b) Statement of Undisputed Material Facts; (iii) the Declaration of Eric B. Fisher in support of Plaintiff's Motion for Partial Summary Judgment, all filed herewith, together with the exhibits identified therein and annexed thereto, the Avoidance Action Trust hereby moves this Court, pursuant to Rule 56 of the Federal Rules of Civil Procedure, Rule 7056 of the Federal Rules of Bankruptcy Procedure, and Rule 7056-1 of the Local Rules of Bankruptcy Procedure for the United States Bankruptcy Court for the Southern District of New York for entry of an order granting partial summary judgment in favor of the Avoidance Action Trust dismissing the Non-JPMorgan Term Lenders' effectiveness defense.¹

PLEASE TAKE FURTHER NOTICE that a hearing will be held in connection with this Motion at a date and time to be determined before the Honorable Martin Glenn, United States Bankruptcy Judge, at the United States Bankruptcy Court for the Southern District of New York, Alexander Hamilton Court House, One Bowling Green, New York, New York 10004, Courtroom 523.

¹ Plaintiff seeks summary judgment as to any affirmative defense asserted in the following Answers, or any other Answers filed by Non-JPMorgan Term Lenders that in substance assert the effectiveness defense: Adv. Pro. Dkt. Nos. 217, 219, 222, 224, 225, 227, 228, 229, 230, 231, 232, 233, 234, 238, 241, 242, 280, 284, 292, 295, 334, 684.

PLEASE TAKE FURTHER NOTICE that responses or objections, if any, to the Motion,
must be filed and served on or before October 12, 2018.

Dated: September 14, 2018
New York, New York

Respectfully submitted,

BINDER & SCHWARTZ LLP

/s/ Eric B. Fisher

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