

BINDER & SCHWARTZ LLP

Eric B. Fisher
Neil S. Binder
Lindsay A. Bush
Lauren K. Handelsman
366 Madison Avenue, 6th Floor
New York, New York 10017
Telephone: (212) 510-7008
Facsimile: (212) 510-7299

*Attorneys for the Motors Liquidation
Company Avoidance Action Trust*

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

-----X
In re:

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

Debtors.

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

Plaintiff,

against

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

Defendants.
-----X

Chapter 11

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

Adversary Proceeding

Case No. 09-00504 (MG)

**NOTICE OF PLAINTIFF’S MOTION FOR PARTIAL SUMMARY JUDGMENT
DISMISSING THE TERM LENDERS’ CONSTRUCTIVE TRUST DEFENSE**

PLEASE TAKE NOTICE that upon (i) the accompanying Memorandum of Law in Support of Plaintiff Motors Liquidation Company Avoidance Action Trust's Motion for Partial Summary Judgment Dismissing the Term Lenders' Constructive Trust Defense; (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, Plaintiff 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 dismissing the Term Lenders' constructive trust defense.

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.

PLEASE TAKE FURTHER NOTICE that responses or objections, if any, to the Motion, must be filed and served on or before November 30, 2018.

Dated: New York, New York.
November 6, 2018

Respectfully submitted,

BINDER & SCHWARTZ LLP

/s/ Eric B. Fisher

Eric B. Fisher

Neil S. Binder

Lindsay A. Bush

Lauren K. Handelsman

366 Madison Avenue, 6th Floor

New York, New York 10017

Tel: (212) 510-7008

Facsimile: (212) 510-7299

*Attorneys for the Motors Liquidation Company
Avoidance Action Trust*