

**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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**ORDER SCHEDULING CASE MANAGEMENT CONFERENCE ON CROSS-
CLAIMS AGAINST JPMORGAN CHASE BANK N.A.**

The Court will hold a case management conference in this case on February 13, 2019 at 3:00 PM to discuss entering a scheduling order for the prosecution and defense of cross-claims by the Term Lenders against JPMorgan Chase Bank N.A. (“JPMorgan”). On November 16, 2015, certain of the Term Lenders filed an Answer and Cross-Claims of Term Loan Lenders. (ECF Doc. 241.) Eleven Claims for Relief were asserted against JPMorgan in the Cross-Claims. JPMorgan’s time to respond to the Cross-Claims has been extended and no responsive pleading has been filed.

In a series of Stipulations and Orders approved by the Court, the deadline for other Term Lenders to file cross-claims was extended; the current deadline is October 31, 2019. (*See* Sixth

Stipulation Extending the Deadline for the Undersigned Defendants to File Cross-Claims
Between and Among Themselves, ECF Doc. # 1153.)

Additionally, while some discovery has taken place concerning cross-claims, at least between and among parties to the currently asserted cross-claims, additional discovery relating to cross-claims has been subject to a stay.

The Court believes that considering the overall status of the case, it is time for the litigation regarding cross-claims to move forward on an expedited schedule. The Court expects to set a schedule for litigation of all cross-claims at or following the February 13, 2019 case management conference.

In advance of the February 13 conference, the Court directs that the following steps be taken: On or before 5:00 PM, February 6, 2019, counsel for JPMorgan and for the Term Lenders shall meet and confer to discuss a proposed litigation schedule that should include at least the following:

1. A new (shorter) deadline for all Term Lenders to file cross-claims against JPMorgan, or to file an amendment to the cross-claims currently on file.
2. A deadline for JPMorgan to respond to all cross-claims asserted by any Term Lenders.
3. If JPMorgan intends to file any motions addressed to the cross-claims, a proposed briefing schedule for such motions.
4. A schedule for all fact and expert discovery relating to cross-claims, and any stipulations, agreements or orders that should be entered regarding the use of discovery already taken that relates to cross-claims already or hereafter filed.
5. A schedule for any motions for summary judgment.

6. A date for submitting a joint pretrial conference order, motions in limine and trial briefs in the event a trial is required.
7. A schedule for trial if one is required.
8. Without delaying or altering the litigation schedule, whether the parties to the cross-claims agree or should be ordered by the Court to participate in mediation of the cross-claims, and, if so, when mediation should take place.

On or before 5:00 PM, February 11, 2019, the cross-claim parties shall file their proposed schedule for the conduct of the cross-claim litigation. If counsel can't agree on a proposed schedule, counsel may file separate proposals. Counsel should also raise any other issues concerning litigation of the cross-claims in their February 11 submissions.

On or before 5:00 PM, February 12, 2019, counsel for the AAT may file a pleading addressing any issues that any proposed schedule may have on the litigation of its claims asserted in the Adversary Proceeding.

For the avoidance of doubt, the Court expects that litigation of the AAT's claims and the defenses to those claims, and litigation of the cross-claims, will proceed in parallel.

IT IS SO ORDERED.

Dated: January 25, 2019
New York, New York

Martin Glenn

MARTIN GLENN
United States Bankruptcy Judge