

OBJECTION DEADLINE: February 5, 2016 at 5:00 p.m. (Eastern Time)
HEARING DATE AND TIME: February 17, 2016, at 2:00 p.m. (Eastern Time)

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

In re:

MOTORS LIQUIDATION COMPANY, *et al.*,
f/k/a General Motors Corp., *et al.*,

Debtors

Chapter 11

Case No.: 09-50026 (MG)

(Jointly Administered)

**REPLY OF PILGRIM PLAINTIFFS TO
MOTION OF GENERAL MOTORS LLC PURSUANT
TO 11 U.S.C. §§ 105 AND 363 TO ENFORCE THE BANKRUPTCY
COURT'S JULY 5, 2009 SALE ORDER AND INJUNCTION, AND THE
BANKRUPTCY COURT'S RULINGS IN CONNECTION THEREWITH**

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TO: THE HONORABLE MARTIN GLENN,
UNITED STATES BANKRUPTCY JUDGE

William D. Pilgrim, et al. (individually and collectively, as putative class representatives on behalf of all similarly situated persons, the "Pilgrim Plaintiffs"),¹ are plaintiffs in the lawsuit captioned *William D. Pilgrim, et al. v. General Motors LLC, et al.*, pending in the United States District Court for the Central District of California ("California District Court"), Case No. CV 15-8047-JFW (the "Pilgrim Class Action") and, by and through their undersigned counsel, respectively submit this reply (the "Reply") to the Motion of General Motors LLC Pursuant to 11 U.S.C. §§ 105 and 363 to Enforce the Bankruptcy Court's July 5, 2009 Sale Order and Injunction, and the Bankruptcy Court's Rulings in Connection Therewith (the "Motion").² In support of the Reply, Pilgrim Plaintiffs respectfully represent as follows:

PRELIMINARY STATEMENT

On October 14, 2015, the Pilgrim Plaintiffs filed the Pilgrim Class Action, which is further described below. The Pilgrim Class Action, as amended, includes claims from creditors related to vehicles manufactured and sold by both Old GM and New GM. The Pilgrim Plaintiffs are seeking the opportunity to establish their claims against Old GM consistent with the prior orders of this Court in these cases.

New GM inappropriately seeks to mischaracterize the Pilgrim Plaintiffs as "Non-Ignition Switch Plaintiffs" and force this square peg into a round hole to achieve their desired result,

¹ Plaintiffs are 40 owners of Corvette Z06 automobiles as follows: William D. Pilgrim, Walter Goetzman, Chad Reese, Jerome E. Pederson, Ahmed J. Cannon, Michael Fernandez, Roy Haleen, Howard Kopel, Robert C. Murphy, Mike Peters, Marc Adams, Kaleb Isley, Kai Qian, Mark Rowe, Dallas Wicker, Miguel Quezada, Christopher Constantine, Bradley Grant, John Parsons, Robert L. Briggs, Robert Edgar, Roger L. Browning, Lyle Dunahoo, Aaron Clark, Alan Pelletier, Edwin William Krause, Frank Juzswik, S. Garrett Beck, David Sheldon, Jan Engwis, Adam Balducci, Alan Ferrer, Jared Kiley, Jeff Kolodzi, Derek Van Den Top, Morris Smith, Andres Frey, Shawn Bain, Jeffrey M. Millslagle, Robert Geiss.

² All capitalized terms used but not defined herein shall have the meanings provided in the Motion.

dismissal of the Pilgrim Class Action. As a procedural matter, the Motion is inappropriate as it seeks injunctive relief by motion, as opposed to an adversary proceeding.

Even if the Court is inclined to permit New GM to proceed with the Motion, as a contested matter, the Pilgrim Plaintiffs request the opportunity to engage in preliminary discovery to establish facts that support their arguments set forth herein that they should be categorized similarly to the Ignition Switch Plaintiffs. In light of the appellate posture of the April Decision, June Judgment, November Decision and December Judgment, permitting some preliminary discovery would not prejudice New GM or Old GM. Similarly, given the potential outcomes of the appellate process, the Pilgrim Plaintiffs respectfully suggest that it is inappropriate to grant the proposed relief in the Motion at this time and it should be adjourned pending such appellate rulings.

The Pilgrim Class Action has been effectively stayed since the Motion was filed. The Pilgrim Plaintiffs respectfully suggest to this Court that they have not had their day in court and are entitled the opportunity to investigate whether the claims are entitled to similar treatment to the Ignition Switch Plaintiffs.

BACKGROUND RELATED TO THE PILGRIM CLASS ACTION

1. The Pilgrim Class Action was filed on behalf of a class of vehicle owners who own a high performance Corvette Z06 model automobile with a LS7 or 427 cubic inch engine manufactured and sold by both Old GM and New GM during model years 2006 to 2013. The Corvette Z06 engine suffers from a dangerous valve manufacturing defect that first results in excessive engine valve noise, and then, in catastrophic engine failure, even on cars with very few miles on the odometer.³

³ See Declaration of Chad Reese ("Reese Decl.") ¶ 4, attached as Exhibit A; Declaration of William D. Pilgrim ("Pilgrim Decl.") ¶ 12, attached as Exhibit B; Declaration of David Marcarian ("Marcarian Decl.") ¶¶ 4, 7, attached

2. Most Corvette Z06 vehicles manufactured by Old GM and New GM from 2006 to 2013 have this defect.⁴

3. The catastrophic engine failure which results from this defect⁵ results in a mechanical breakdown within the engine which can blow a hole in the engine up to six inches in diameter.⁶ This sudden explosive event results in an immediate loss of power and compromises the steering and braking of the vehicle.⁷ Also, the engine oil immediately gushes out of the engine and under the rear tires resulting in potential loss of traction and control of the vehicle.⁸ In one instance, caught on video, the discharged oil caught fire, engulfing the automobile.⁹ This sequence of events caused by this engine defect has caused injury to at least one driver.¹⁰

4. Old GM knew of this defect.¹¹ In 2008, Old GM directed its dealers to make certain repairs to Z06 vehicles, but only if a customer complained of catastrophic engine failure.¹² Discovery is expected to further show that this defect was known to Old GM before its Bankruptcy.

as Exhibit C; Declaration of Richard Reyman (“Reyman Decl.”) ¶ 9, attached as Exhibit D; Declaration of André E. Jardini (“Jardini Decl.”) ¶ 5(a), attached as Exhibit E.

⁴ Reyman Decl. ¶¶ 6, 11; Pilgrim Decl. ¶ 12, Ex. 9.

⁵ 13 of the 40 *Pilgrim* plaintiffs have suffered a catastrophic engine failure. Reese Decl. ¶¶ 5, 6, Ex. 10; Jardini Decl. ¶ 11.

⁶ Reese Decl. ¶¶ 5, 6; Ex. 10.

⁷ Marcarian Decl. ¶¶ 4, 5.

⁸ Videos of such engine failures exist. Jardini Decl. ¶ 13.

⁹ A video of this event can be found at <https://www.youtube.com/watch?v=ZLT7DjnKvnY>. Jardini Decl. ¶ 13.

¹⁰ Marcarian Decl. ¶ 5,

¹¹ Marcarian Decl. ¶¶ 6, 7.

¹² Jardini Decl. ¶¶ 5(b), 6 – 10, Exs. 1, 2.

5. Discovery will also aid the Pilgrim Plaintiff's in determining that New GM also knew of this defect prior to this lawsuit.¹³

6. The Pilgrim Plaintiffs believe they will be able to show that they did not get the required due process notice of known claims and they should be able to pursue New GM for its own acts and conduct, even as to Old GM vehicles and parts.

7. Despite the knowledge by Old GM and New GM about the defect, and its danger to Corvette Z06 drivers, no recall of these vehicles for this defect has occurred.

8. New GM retained the obligation to recall vehicles with dangerous defects under the assumed liabilities accepted by it on purchase under the Sale Order, specifically listing under those assumed liabilities recalls under the National Highway Traffic Safety Administration Act ("Safety Act") and compliance with the Transportation Recall Enhancement, Accountability, and Documentation Act ("TREAD Act").

9. Other lesser defects in these vehicles have resulted in recalls by New GM for Corvette Z06 models, even those before the 2009 model year.¹⁴

10. Both Old GM and New GM had complete information concerning the identity and location of owners of Corvette Z06 automobiles from 2006 to 2013. The recalls which have been made for other defects on these Z06 vehicles clearly demonstrate this fact.

11. Despite the existence of this Corvette Z06 engine defect, and knowledge by Old GM of the defect, and the fact that Old GM knew the names and addresses of all Corvette Z06 owners, no actual notice was provided concerning the potential for a claim based on this defect in this bankruptcy proceeding before the Sale Order.¹⁵

¹³ Reyman Decl. ¶ 8; Pilgrim Decl. ¶¶ 5-10, Exs. 3-8.

¹⁴ Jardini Decl. ¶ 12.

¹⁵ Jardini Decl. ¶ 5.

12. The required remedy for this Corvette Z06 defect is a substantial rebuild of the subject engine, with a cost upwards of \$15,000.¹⁶

13. There are 30,546 Corvette Z06 or 427 vehicles which have been manufactured between 2006 and 2013. This limited number of vehicles makes actual notice readily practicable.

14. Since filing the complaint initiating the Pilgrim Class Action, the Pilgrim Plaintiffs have had no opportunity to conduct any discovery in the California District Court pending this Court's consideration of the Motion.¹⁷

OBJECTION

15. By the Motion, New GM is attempting to deprive the Pilgrim Plaintiffs, and the class they represent, of their due process rights, as afforded to similarly-situated parties before this Court in previous cases.

16. The Pilgrim Plaintiffs are not similar to this Court's described Non-Ignition Switch Plaintiffs. The Non-Ignition Switch Plaintiffs sought recovery for diminution in value caused by an ignition switch defect in other GM vehicles, causing harm to the overall brand.¹⁸ The Pilgrim Plaintiffs allege a specific dangerous endemic defect, not economic harm due to damage to the GM brand. The Pilgrim Plaintiffs cannot fairly be considered to be, and treated as, Non-Ignition Switch Plaintiffs. Instead, the Pilgrim Plaintiffs are directly akin to and should be treated as the Economic Loss Plaintiffs described in the April Decision.¹⁹

17. Because the circumstances of the claims of the *Pilgrim* Plaintiffs are substantially similar to the claims and circumstances of the Economic Loss Plaintiffs as described in the April

¹⁶ Reyman Decl. ¶ 10; Reese Decl. ¶ 7.

¹⁷ Jardini Decl. ¶ 14.

¹⁸ Decision, at p. 522.

¹⁹ Decision, at p. 521.

Decision, the same ruling should apply. Accordingly, the Court should conclude that the due process rights of the Pilgrim Plaintiffs were violated, that they suffered prejudice thereby, that the Sale Order as to them is overbroad and that they should be permitted to bring "Independent Claims" as described in the April Decision.²⁰

18. If the Pilgrim Plaintiffs are afforded the same rights as the Economic Loss Plaintiffs, as described in the April Decision, then claims should be permitted as to Old GM manufactured parts and vehicles against New GM, for the conduct of New GM.²¹

19. For the purposes of preserving their rights, pending the appeal presently pending in the Second Circuit brought by the Ignition Switch Plaintiffs, the Pilgrim Plaintiffs contend that the denial of due process which they suffered should result in the Sale Order not being enforceable against them.

20. The Pilgrim Plaintiffs alternatively request that the determination on this Motion be certified for direct review by the Second Circuit.²² This will permit these parties to participate in presently pending proceedings there raising the same issues discussed here.

21. Consistent with this Court's previous rulings, the Pilgrim Plaintiffs should be permitted to bring claims against New GM on the same terms as permitted to the Economic Loss Plaintiffs. The Court is asked to independently assess the Pilgrim Plaintiffs' claims and not simply to categorize them as Non-Ignition Switch Plaintiffs, as requested by New GM.

22. As stated, the Pilgrim Plaintiffs have not had an opportunity to do discovery; nor, as occurred in the Ignition Switch cases is there a set of stipulated facts. If the Court determines that additional facts are necessary to decide the defect, due process and prejudice issues raised

²⁰ Decision, at p. 526-527.

²¹ Decision, at p. 598.

²² 28 U.S.C. § 18(d)(2)(A).

herein, the Pilgrim Plaintiffs request the opportunity to solicit stipulated facts from New GM and/or to conduct discovery.

23. If the Court believes it has a sufficient record to rule on the motion, the Pilgrim Plaintiffs request that they be permitted to bring Independent Claims,²³ that is, claims or causes of action asserted by them against New GM (whether or not involving Old GM vehicles or parts) that are based solely on New GM's own, independent, post-Closing acts or conduct.

**OLD GM DEPRIVED THE PILGRIM
PLAINTIFFS OF CONSTITUTIONAL DUE PROCESS**

24. “As courts have long recognized, the requirement of notice is the cornerstone underpinning Bankruptcy Code procedure.”²⁴ Notice requirements of bankruptcy are “founded in the fundamental notions of procedural due process.”²⁵ “The statutory command for notice embodies a basic principle of justice -- that a reasonable opportunity to be heard must precede judicial denial of a party's claimed rights.”²⁶ Failure to give proper notice violates “the most rudimentary demands of due process law.”²⁷ Consequently, “a party that did not receive

²³ June 4, 2015 Judgment (June Judgment) ¶ 4.

²⁴ See *Morgan Olson LLC v. Frederico (In re Grumman Olson Industries, Inc.)*, 467 B.R. 694, 706 (S.D.N.Y. 2012) (internal quotations and citation omitted).

²⁵ See *ID.* (quoting *Western Auto Supply Company v. Savage Arms, Inc. (In re Savage Industries, Inc.)*, 43 Fed.3d 714, 721 (First Circuit. 1994); *Evergreen Solar, Inc. v. Barclays BLC, et al., (In re Lehman Bros. Holdings, Inc.)*, No. 08-13555 JMP, 2011 WL 722582, *5 (Bankr. S.D.N.Y. Feb. 22, 2011) (Peck, J.).

²⁶ See *City of New York v. New York, New Haven & Hartford R.R. Co.*, 344 U.S. 293, 297 (1953) (holding that where creditor was not listed as a known creditor and did not receive notice of the debtors' bankruptcy filing or bar order, the creditor's liens on the debtors' real estate were not discharged); *Reliable Electro Co., Inc. v. Olson Construction Company*, 726 F.2d 620, 623 (10th Cir. 1984) (“A fundamental right guaranteed by the constitution is the opportunity to be heard when a property interest is at stake. Specifically, the reorganization process depends upon all creditors and interested parties being properly notified of all vital steps in the proceeding so they may have the opportunity to protect their interests”).

²⁷ See *Armstrong v. Manzo*, 380 U.S. 545, 550 (1965) “A fundamental requirement of due process is ‘the opportunity to be heard.’ It is an opportunity which must be granted at a meaningful time and in a meaningful manner.” (quoting *Grannis v. Ordean* 234 U.S. 385, 394 (1914)).

adequate notice of bankruptcy proceedings [cannot] be bound by orders issued during those proceedings.”²⁸

25. It has been long held that creditors must be afforded notice “reasonably calculated, under all the circumstances, to apprise” them of the pendency of any proceeding that may affect their rights.²⁹ Whether a creditor was provided with notice sufficient to satisfy due process requirements “often turns on what the debtor or the claimant knew about the claim or, with reasonable diligence, should have known.”³⁰

26. For known creditors, due process requires actual notice.³¹

27. As detailed above, Old GM had ample knowledge to “reasonably ascertain” that the *Pilgrim* Plaintiffs are known creditors with claims arising from defects in their Corvette Z06 vehicles. In 2008, prior to the Sale Order, Old GM had directed its dealers to provide certain repairs to those Corvette Z06 owners who had suffered an engine failure. GM had the clear ability to provide notice to all Corvette Z6 owners. That ability is established conclusively by

²⁸ See *In re Johns-Manville Corp.*, 600 F.3d 135, 158 (2d Cir. 2010) (“We hold that [the creditor] was not adequately represented in the proceedings that led to the bankruptcy court’s approval of [the settlement agreement and plan], and that it did not receive adequate notice of the [orders approving the same]... [The creditor] is therefore not bound by the terms of the [orders].”); *In re Arch Wireless, Inc.*, 534 F.3d 76 (1st Cir. 2008) (holding that known creditor who did not receive notice of plan was not bound by plan injunction precluding creditors from asserting pre-confirmation claims against the debtor); *In re Trans World Airlines, Inc.*, 96 F.3d 687 (3d Cir. 1996) (holding that requirements of due process dictate that if a potential claimant lacks sufficient notice of a bankruptcy proceeding, his or her claim cannot be discharged by an order confirming a plan of reorganization); *Grumman*, 467 B.R. at 706 (“Enforcing the sale order against the [plaintiffs] to take away their right to seek redress under a state law theory of successor liability when they did not have notice or an opportunity to participate in the proceedings that resulted in that order would deprive them of due process.”); see also 8 COLLIER ON BANKRUPTCY ¶1141.02[4][a] (Alan N. Resnick & Henry J. Sommer eds., 16th ed. rev. 2011) (“If the debtor knows the identity of the creditor, the confirmation order and any third party release will be binding on the creditor only if the creditor was given proper notice of the case.”).

²⁹ See *Mullane v. Cent. Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950).

³⁰ See *DPWN Holdings (USA), Incorporated v. United Air Lines, Inc.*, 747 F.3d 145 (2d Cir. 2014).

³¹ A “known” creditor is a creditor whose identity is actually known or “reasonably ascertainable” to the debtor. See *Chemetron Corp. v. Jones*, 72 F.3d 341, 346 (3d Cir. 1995), cert. denied *Jones v. Chemetron Corp.*, 517 U.S. 1137 (1997); *In re XO Commc’ns, Inc.*, 301 B.R. 782, 793 (Bankr. S.D.N.Y. 2003) (known creditors include “both a claimant whose identity is actually known to the debtor or a claimant whose identity is ‘reasonably ascertainable’ by the debtor.”)

the fact that New GM actually sent recall notices to Corvette Z06 owners (for several other lesser problems) directly by mail as part of the recall process.

28. This Court held in its April Decision that knowledge by Old GM of a defect in GM vehicles that created a safety hazard, along with knowledge of names and addresses of owners of the defective cars, serves to make the owners of these vehicles “known creditors” to whom the debtor-manufacturer had a due process obligation to provide actual notice.³²

29. If New GM disputes this knowledge requiring actual notice, discovery should be permitted. In the Court’s Decision concerning Ignition Switch Claims, New GM did not dispute that Old GM personnel knew as of the time of the bankruptcy filing that Old GM would have been obligated under the Safety Act to conduct a recall of those vehicles. The facts here support a similar conclusion.

30. New GM made the same or similar arguments against the Ignition Switch cases as are made in the present motion. The Court in its Decision states in this regard: “New GM here seeks to enforce the Sale Order’s provisions, quoted below, blocking economic loss lawsuits against New GM on claims involving vehicles and parts manufactured by Old GM.” See April Decision p 521.

31. This is the crux of GM’s position here. The Court described the issue before it as limited “only to economic losses allegedly sustained with respect to Old GM vehicles or parts.” See April Decision, footnote 4. In the Judgment issued pursuant to the Court’s April Decision, claims by Ignition Switch Plaintiffs (Economic Loss claims) were permitted against New GM for its conduct, even relating to Old GM vehicles.³³

³² Decision, at p. 525.

³³ June Judgment, ¶ 4.

32. The Court in the April Decision discussed the only other category of non-injury claims before it at that time as follows:

The other category of Plaintiffs later coming into the picture (“Non-Ignition Switch Plaintiffs”) brought actions asserting Economic Loss claims as to GM branded cars that *did not have* Ignition Switch Defects, including cars made by New GM and Old GM alike. In fact, most of their cars did not have defects, and/or were not the subject of recalls, at all. But they contend, in substance, that the Ignition Switch Defect caused damage to “the brand”, resulting in Economic Loss to them. (At p. 522; emphasis added.)³⁴

33. The Pilgrim Plaintiffs do not base their case on damage to the “GM brand” created by the Ignition Switch Defect. Rather, a completely different, substantial, dangerous, known defect is alleged which causes catastrophic engine failure in Corvette Z06 vehicles, with attendant safety concerns.

34. It is a false dichotomy to limit the universe of claims for potentially dangerous defects in GM cars to “Ignition-Switch Plaintiffs” and “Non-Ignition Switch Plaintiffs.” Plainly, this Court could not have been precluding all future defect claims regardless of the circumstances, by these defined categories. The categories were the only ones before the Court. Corvette Z06 Plaintiffs’ claims were not considered or defined at the time the April Decision was published and the Judgment handed down.

35. The demarcation between Ignition Switch Plaintiffs and Non-Ignition Switch Plaintiffs in the Court’s April Decision is not an important distinction concerning new cases for known defects based on economic loss caused by the defect.

36. The Court discussed its conclusion in the April Decision as to the notice required to those whose claims involved defects known by Old GM, as follows:

Notice must be provided in bankruptcy cases, as in plenary litigation, that is “reasonably calculated, under all the circumstances” to apprise people of the pendency of any proceeding that may result in their being deprived of any

³⁴ See also, Decision, at footnote 6, discussing these claims as alleging damage to “the GM brand.”

property, and to “afford them an opportunity to present their objections.” (Footnote omitted.) The Second Circuit, like many other courts, has held that “the Due Process Clause requires the best notice practicable under the circumstances” (footnote omitted). But “actual” (i.e. personalized) notice is required for “known” creditors – those whose names and addresses are “reasonably ascertainable.” (footnote omitted.) (At p. 523-524.)

37. There, as here, Old GM had enough knowledge of the defect to be required under the Safety Act to send out mailed recall notices to all owners of affected Old GM vehicles. In fact, here, far fewer vehicles are involved; 30,546 vehicles, not 24,000,000 vehicles, nor 10,000,000 vehicles.

38. The Court concluded in the April Decision that the publication notice given was insufficient, “because from Old GM’s perspective, the facts that gave rise to its recall obligation resulted in ‘known’ claims as that expression is used in due process jurisprudence.” (At p. 525.) There, because owners of cars with the defect received neither the notice required under the Safety Act nor any reasonable substitute, they were found to have been denied the notice that due process requires.

39. The failure to give actual notice resulted in prejudice. The Court in its April Decision stated in this regard:

But the Economic Loss plaintiffs were prejudiced in one respect. Nobody else had argued a point that they argue now that the proposed Sale Order was overly broad, and that it should have allowed them to assert claims involving Old GM vehicles and parts so long as they were basing their claims *solely on New GM conduct*, and not based on any kind of successor liability or any other act by Old GM. (At p. 526-527.)

40. The Economic Loss plaintiffs subject to the Court’s April Decision are in the same position as the *Pilgrim* Plaintiffs, as neither group were furnished the opportunity to make the overbreadth argument back in 2009, and in that respect they were prejudiced.

41. Principles of fairness require that creditors with identical claims be treated uniformly.³⁵

42. The prejudice, described by the Court in the April Decision, led the Court to adopt certain remedies.

43. The Court carefully fashioned effective, but limited, relief. The Court did not allow the Economic Loss Plaintiffs to be exempted from the Sales Order's Free and Clear Provisions barring the assertion of claims for successor liability. However, Economic Loss Plaintiffs were permitted to assert otherwise viable claims against New GM for any causes of action that might exist solely out of New GM's own, independent, post-Closing acts, so long as those Plaintiffs' claims did not in any way rely on acts or conduct by Old GM.³⁶

44. These determinations were certified for early decision by the Second Circuit Court of Appeals.³⁷

CONCLUSION

45. The Pilgrim Plaintiffs request that this Court deny the Motion and permit the Pilgrim Plaintiffs to pursue discovery with respect to their claims.

46. Alternatively, the Court is requested to permit the Pilgrim Plaintiffs to pursue their claims against New GM, based on parts and vehicles manufactured by Old GM, limited to New GM conduct, as was permitted in the April Decision for Economic Loss Plaintiffs.

³⁵ See, e.g., *In re Emons Indus., Inc.*, 220 B.R. 182, 194 (Bankr. S.D.N.Y. 1998) (approving distributions to subsequent claimants to achieve "the uniform treatment of creditors of the Debtor who assert identical claims").

³⁶ Decision, at p. 598.

³⁷ Decision, at pps. 597-598.

47. These Plaintiffs preserve their argument that the Sales Order should be set aside for violation of due process, but recognize that the Court has already carefully considered this issue and it is on appeal. This issue is raised here simply to preserve it as to these Plaintiffs.

48. Plaintiffs request certification for direct review by the Second Circuit of the Court's ruling on the Motion.

Dated: February 5, 2016
New York, New York

Respectfully submitted,

/s/ Jeremy Johnson

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EXHIBIT A

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al.

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

In re:

MOTORS LIQUIDATION COMPANY, et al.,
f/k/a General Motors Corp., et al.

Debtors.

Chapter 11

Case No. 09-50026 (MG)

**DECLARATION OF CHAD REESE IN SUPPORT OF REPLY TO MOTION
OF GENERAL MOTORS LLC PURSUANT TO 11 U.S.C. §§ 105 AND 363
TO ENFORCE THE BANKRUPTCY COURT'S JULY 5, 2009 SALE
ORDER AND INJUNCTION**

I, Chad Reese, declare as follows:

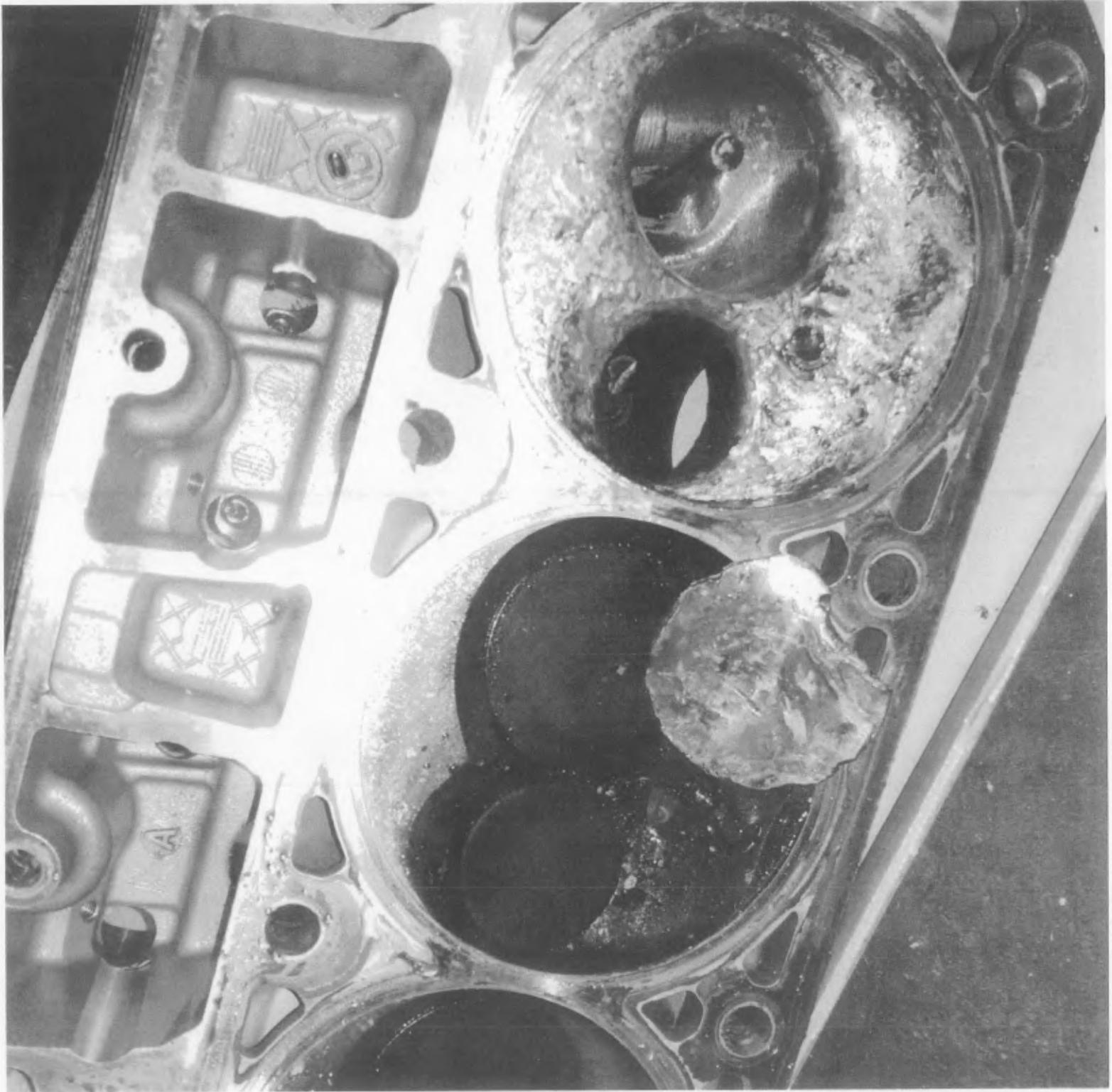
1. If called as witness I could and would testify as follows.
2. I am a resident of Montgomery, Alabama.
3. I purchased a Z06 Corvette (2006) in October 2014.
4. Shortly after I purchased my Z06, a valve dropped on a piston causing the engine to blow-up while I was driving. The mileage on the odometer at the time of this catastrophic engine failure was approximately 50,000 miles.
5. The piston was destroyed causing pieces of the piston to go through the engine and come out the passenger side of the block. Pieces of piston were in my intake.
6. A true and correct copy of pictures I took on or around June 17, 2015 of the damage to my engine are attached as Exhibit 10.
7. The cost to repair the engine has been \$10,600 so far and I estimate that the total will come to approximately \$15,000.

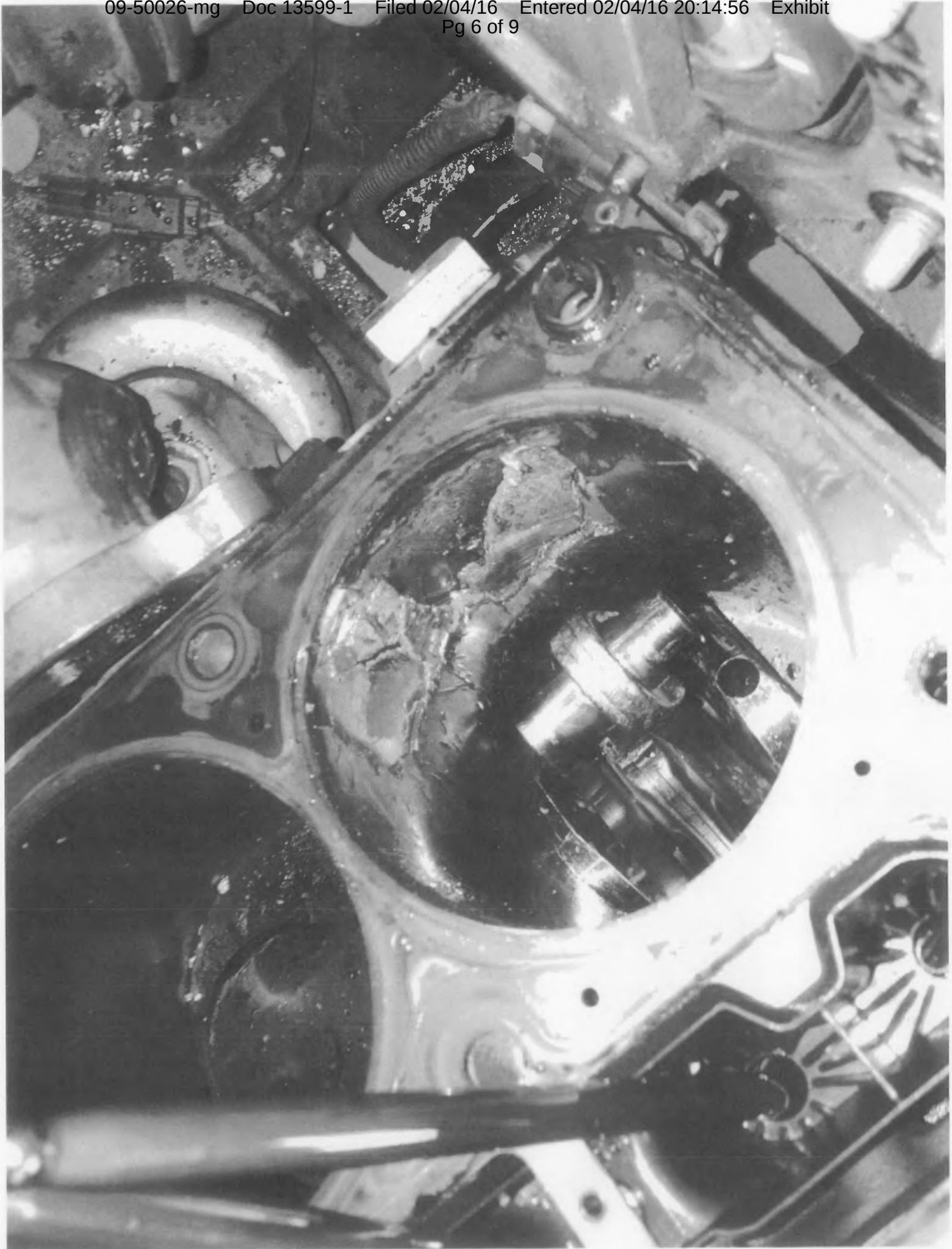
Executed on February 3, 2016, at Montgomery, Alabama.

I declare under penalty of perjury that the foregoing is true and correct.



Chad Reese









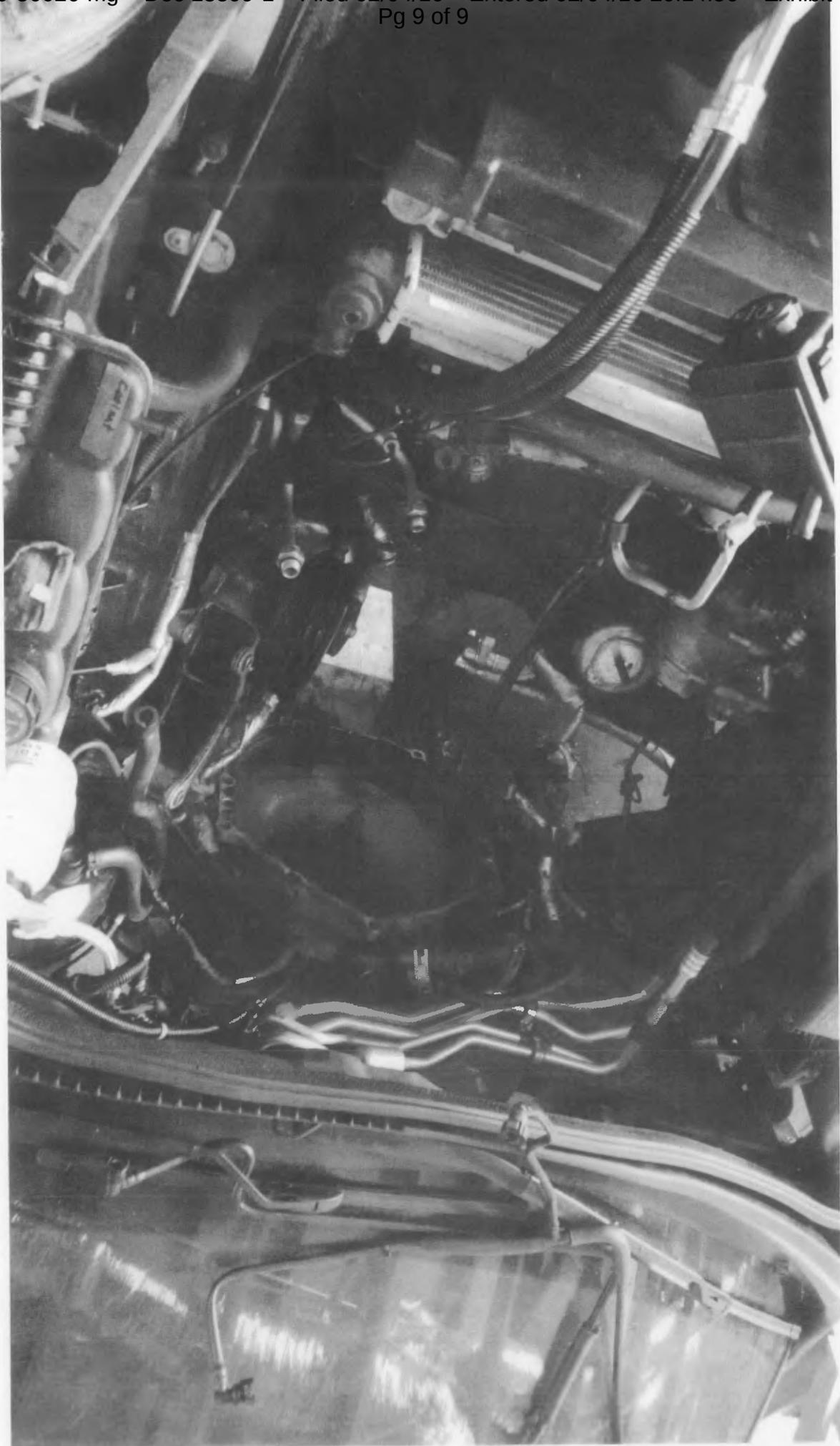


EXHIBIT B

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al.

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

In re:

MOTORS LIQUIDATION COMPANY, et al.,
fka General Motors Corp., et al.

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Chapter 11
Case No. 09-50026 (MG)

**DECLARATION OF WILLIAM DANIEL PILGRIM IN SUPPORT OF REPLY
TO MOTION OF GENERAL MOTORS LLC PURSUANT TO 11 U.S.C.
§§ 105 AND 363 TO ENFORCE THE BANKRUPTCY COURT'S JULY 5,
2009 SALE ORDER AND INJUNCTION**

1. I, William D. Pilgrim, declare as follows:

2. I am a plaintiff in the action entitled *William D. Pilgrim, etc., et al. v. General Motors LLC*, bearing United States District Court, Central District case number CV 15-8047-JFW (Ex). If called as witness I could and would testify as follows.

3. I purchased a Corvette Z06 (2008) on January 29, 2014 with 20,530 miles.

4. On or about January 15, 2015, at 27,028 miles, the car demonstrated excessive valve train noise. I took my Z06 to American Heritage Performance. Kohle Heimlich from American Heritage performed a "wiggle test." The test showed that a majority of the valve guides were out of spec. The repairs cost \$3,586.16.

5. The wiggle test was created and used by General Motors as a method to measure valve specs without having to remove the valve. A true and correct copy of the General Motors' Corvette Service Manual (2011) is attached as Exhibit 3.

6. As a member of the Corvette Forum, I saw a post from journalist Hib Halverson dated March 29, 2015, which reported a meeting of various engineers at General Motors that took place the week before the post. According to the forum post by Hib Halverson, General Motors acknowledged the valve issues but rejected the formerly General Motors utilized wiggle test. A true and correct copy of Hib Halverson's Corvette Forum post is attached as Exhibit 4.

7. On February 18, 2015, General Motors' Chief Engineer, Tadge Jeuchter responded to a question I had posted on the Corvette Forum regarding the LS7 engine failures that myself and other Z06 owners were experiencing. Tadge Jeuchter and Jordan Lee, General Motors' Small Block Chief Engineer, stated that the valve guide issue was limited to a short period of production. A true and correct copy of Tadge Jeuchter's Corvette Forum post on February 18, 2015 is attached as Exhibit 5.

8. On February 23, 2015, Tadge Jeuchter added another post on the Corvette Forum stating that General Motors' internal data source did not match the experience of

the Forum members. Tadge Jeuchter stated that General Motors would contact several shops and consult with them about the issue. A true and correct copy of Tadge Jeuchter's Corvette Forum post on February 23, 2015 is attached as Exhibit 6.

9. General Motors' Chevrolet Customer Service posted an LS7 Valve Guide Issue Summary on the Corvette Forum acknowledging that excessive valve train noise could result in engine failure. The summary claimed, however, that the issue was the result of a machining error done by General Motors' supplier. A true and correct copy of the Chevrolet Customer Service post is attached as Exhibit 7.

10. General Motors posted a Bulletin No: 13-06-01-001 to provide dealerships with guidelines to address concern over valve guide wear. The Bulletin is dated January 14, 2013. A true and correct copy of the General Motors Bulletin No: 13-06-01-001 is attached as Exhibit 8.

11. I have personally been issued a recall notice from General Motors for my Z06 Corvette to replace the low beam headlights on my Z06 Corvette. I believe that there has been at least one other recall issued by General Motors for the Z06 Corvettes.

12. Members of the Corvette Forum participated in a survey which showed that approximately 89% of the valve guides tested and reported to the forum are out of spec. A true and correct copy of the Corvette Forum survey is attached as Exhibit 9.

Executed on February 3rd 2016, at Prescott Valley, Arizona.

I declare under penalty of perjury that the foregoing is true and correct.


William Daniel Pilgrim

9-572 Engine Mechanical - 4.8L, 5.3L, 6.0L, 6.2L, or 7.0L

Engine Mechanical Specifications (7.0L) (cont'd)

Application	Specification	
	Metric	English
Valve Seat - Angle	45 degrees	
Valve Seat - Runout	0.05 mm	0.002 in
Valve Seat - Width - Exhaust	1.7-2.0 mm	0.067-0.079 in
Valve Seat - Width - Intake	1.25-1.55 mm	0.049-0.061 in
Valves - Stem Diameter - Intake	7.958-7.9735 mm	0.313-0.314 in
Valves - Stem Diameter - Exhaust	7.958-7.976 mm	0.313-0.314 in
Valves - Stem-to-Guide Clearance - Production - Intake	0.028-0.063 mm	0.001-0.0024 in
Valves - Stem-to-Guide Clearance - Service - Intake	0.093 mm	0.0037 in
Valves - Stem-to-Guide Clearance - Production - Exhaust	0.025-0.066 mm	0.001-0.0026 in
Valves - Stem-to-Guide Clearance - Service - Exhaust	0.093 mm	0.0037 in
Rocker Arms - Rocker Arm Ratio	1.80:1	
Valve Springs - Free Length	58.8 mm	2.313 in
Valve Springs - Installed Height	49.75 mm	1.959 in
Valve Springs - Load - Closed	450 N at 49.75 mm	101 lb at 1.96 in
Valve Springs - Load - Open	1380 N at 34.75 mm	310 lb at 1.37 in

Adhesives, Fluids, Lubricants, and Sealers

Application	Type of Material	GM Part Number	
		United States	Canada
Coolant Temperature Sensor Threads	Sealant	12346004	10953480
Cylinder Head Core Hole Plug	Threadlock	12345382	10953489
Cylinder Head Plug	Threadlock	12345382	10953489
Engine Block Coolant Drain Hole Plug Sealing Washer	Sealant	12346004	10953480
Engine Block Front Oil Gallery Plug	Threadlock	12345382	10953489
Engine Block Oil Gallery Plug Sealing Washers	Sealant	12346004	10953480
Engine Oil	5W-30 SAE Engine Oil	12345610	993193
Engine Oil	5W-30 Dexos1 Engine Oil	19293000	19386321
Engine Oil Pressure Sensor Threads	Sealant	12346004	10953480
Engine Oil Supplement	Fluorescent Dye	88862586	10953470
Exhaust Manifold Bolts	Threadlock	89021297	10953488
Flywheel/Flex Plate Bolts	Threadlock	12345382	10953489
Fuel Injection Fuel Rail Bolts	Threadlock	12345382	10953489
Ignition Coil Bracket-to-Valve Cover Studs	Threadlock	12345382	10953489
Ignition Coil-to-Bracket Bolts	Threadlock	12345382	10953489
Intake Manifold Bolts	Threadlock	12345382	10953489
Oil Pan Oil Gallery Plug Threads	Sealant	12346004	10953480
Oil Pan Surface at Front Cover and Rear Housing	Sealant	12378521	88901148
Thread Repair Component Cleaner	Cleaner	12346139	88901247
Thread Repair Component Cleaner	Cleaner	12377981	88901247
Thread Repair Cutting Oil	Lubricant	1052864	992881

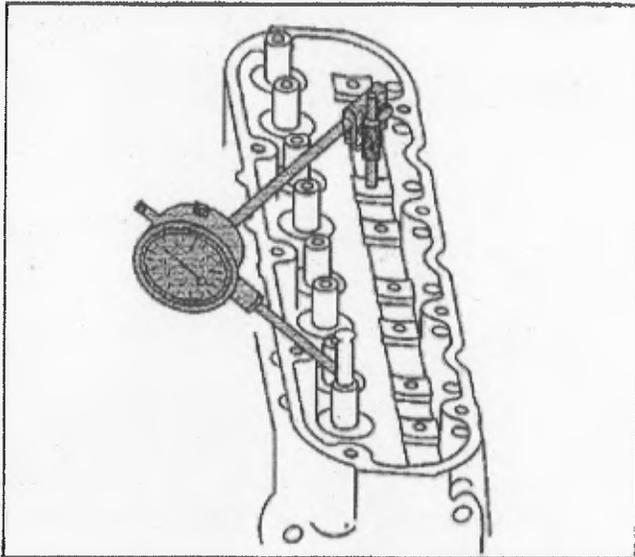
Valve Guide Reaming, and Valve and Seat Grinding (7.0L)

Special Tools

J 8001 Dial Indicator Set

For equivalent regional tools, refer to *Special Tools* on page 9-1050.

Valve Guide Reaming



95822

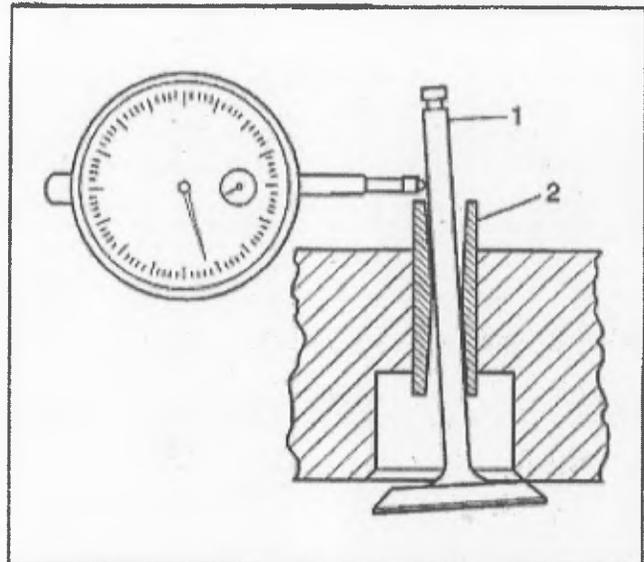
Caution: Do not clean titanium components with chlorinated solvents. Brake parts, and similar cleaning solvents, safety solvents, or refrigerant that contains chlorofluorocarbons (CFCs) should not be used. Using chlorinated solvents to clean titanium components can result in component damage, leading to stress corrosion cracking that may be undetected with normal visual inspection. Acceptable materials for cleaning titanium components include non-chlorinated solvents, alcohol, acetone, and methanol.

Caution: Excessive valve stem-to-guide clearance may cause a noisy valve train, premature valve stem oil seal wear, component damage, and/or excessive engine oil consumption.

Caution: Insufficient valve stem-to-guide clearance will result in noisy or sticking valves. Valves that are too tight may disturb engine smoothness or lead to component damage.

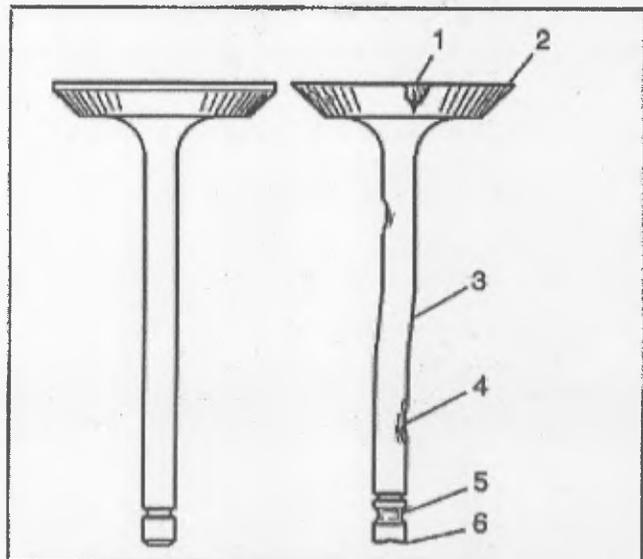
1. Using the J 8001 dial indicator, measure the valve stem-to-guide clearance. Position the tip of the dial indicator at the top of the valve guide.

Valve stem-to-guide clearance may also be obtained by using a micrometer to measure the valve stem diameter and a ball type measuring gauge to measure the guide bore.



156172

2. If the clearance measurement between the valve stem (1) and guide (2) is not within specification, the valve and/or the cylinder head must be replaced. Refer to *Engine Mechanical Specifications (6.2L LS9)* on page 9-563 or *Engine Mechanical Specifications (6.2L LS9)* on page 9-566 or *Engine Mechanical Specifications (7.0L)* on page 9-569.



158174

3. Inspect the valve stems for excessive scoring, wear, or warpage.
 - A valve stem that has excessive scoring (3 or 4) or wear (4 or 6) must be replaced.
 - If a valve guide is worn or has excessive stem-to-guide clearance, the cylinder head should be replaced.



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↳ **LS7 valve guide news.**



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C6 Z06 Discussion

General Z06 Corvette Discussion, LS7 Corvette Technical Info, Performance Upgrades, Suspension Setup for Street or Track

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LS7 valve guide news.

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Hib Halverson
CF Senior Member

[My Corvette Photos](#)
Member Since: Oct 1999
Location: Goleta CA

LS7 valve guide news.

Last week I was in Michigan for a day of meetings with various engineers at the General Motors Powertrain Division. Two of the meetings were about GM's two new premium V6 engines, the LGW and the LGX. The third concerned the LS7 valve guide wear problem.

Present for the LS7 meeting on the afternoon of 24 March at GM Powertrain Headquarters in Pontiac, were: Jordan Lee, Chief Engineer and Program Manger for the Small-Block V8, John Rydzewski, Assistant Chief Engineer for Small-Block V8 Passenger Car Engines, Chris Cogan, Cylinder Head Design Release Engineer for the LT1, LT4 and LS7 and Yoon Lee, LS7 Design System Engineer. Also present was Tom Read, Director of Communications for GM Powertrain. In attendance for part of this meeting were representatives from GMPT's Inspection Department, from Zeiss U.S. and the GM entity which complies service information.

This meeting included a visit to the Inspection Department at GM Powertrain HQ where I observed a Coordinate Measuring Machine (CMM) session with the passenger side cylinder head which was removed from my engine in July of 2014 during a warranty replacement. A CMM captures measurements used to create an extremely precise, three-dimensional, digital model of an object, such as an LS7 head. The GMPT Inspection Department uses Zeiss "Prismo Navigator" CMMs which are accurate to two microns over a distance of 300-mm (.00008-in over one foot).

What I learned from LS7 Team at Powertrain will be incorporated into revisions to my series of LS7 articles which are posted on another web site. These revisions will take some time to produce. There is no posting date for them at this time.

There are some open issues remaining after this meeting and they will be explored via a follow-up exchange of emails I will be having with Tom Read and the LS7 Team in the next week or so.

At this point, I can reveal some news items which came out of that meeting. I'll cover them briefly, here, and will expand upon them, later, in my revisions to the LS7 article series.

- 1) "Wiggle Testing" at best is inaccurate and in many cases is completely unreliable. Observing one of my heads being measured by one of GM's Zeiss CMMs proved to me conclusively that even the complicated and careful procedure I covered in my Wiggle Test article produces data which is inaccurate and inconsistent such that, unless the clearance measured is significantly greater than the Service Limit of .0037-in., the measurements are useless for determining if a head needs repair or replacement due to valve guide wear.
- 2) It is possible that heads which had Wiggle Test results of more than .0024 (intake) or .0026 (exhaust) but less than .007-in. stem-to-guide clearances had actual clearances below GM's .0037-in Service Limit, regardless of how the Wiggle Test was done. That possibility becomes greater as Wiggle Test measurements get closer to .0037-in. Once they approach .005-in., guides

are likely in spec even though they Wiggle Test as bad.

3) Some, but not all, heads which failed "Wiggle Tests" and were repaired or replaced, either under warranty or not, actually did not have faulty valve guides and did not need replacement.

4) Wiggle Testing is "out" at GM. In early March, GM released to its dealers an update to ESI mandating a new procedure for measuring stem-to-guide clearance for warranty purposes in all high-performance engines. It requires a hole gauge to measure guides and a micrometer to measure valve stems or a valve guide bore gauge, such as a Sunnun P310, and must be done with the heads removed and disassembled.

5) The demise of Wiggle Testing as a way to determine if guides are worn was a result of the LS7 Engineering Team's review of the LS7 article series, three CMM inspections of the heads removed from my engine in July of 2014 along with the Team's need for more accurate information from the field about warranty replacements of LS7 heads. Additionally, the LS7 Team's review of selected content on the CF, on another web site which also has a C6 Z06 forum and on additional web sites besides those two, may have influenced the decision.

5) According to Jordan Lee, the "machining error" stated [here on the CF by Chevrolet Customer Service](#) in October of 2012, was a failure of the supplier to properly deploy statistical process controls and, as a result, the diameters of valve guides in some, but not all, heads made during that period were machined too large.

6) The "suspect period" for this machining error, [previously stated here on the CF and on other web sites by Chevrolet Customer Service](#) to be 2008 to Feb 2011, is not correct. According to Chris Cogan, and confirmed by Jordan Lee, the suspect period was July, 2008 to March, 2009.

7) Only LS7 heads are manufactured by Linamar. LS9 cylinder heads were never manufactured by Linamar. LS9 heads were made in GM's engine plant in Silao, Mexico. I am partially responsible for that long-standing piece of misinformation. I apologize for any confusion it has caused.

8) The LS7 is currently manufactured at the Performance Build Center in Bowling Green and will remain so until the 5th Gen Camaro Z28 goes out of production.

I may post additional information concerning my 24 March visit to GM Powertrain as conditions warrant.

Thanks to the LS7 Engineering Team along with Tom Read, GMPT Director of Communications, for the time and resources they devoted to my visit with them in Michigan last week. I'd also like to thank the LS7 Team for their willingness to show me all the information they had available at the time of the meeting and their willingness to consider sharing additional information going forward. Finally, I appreciate the LS7 Team's interest in working with me to get as much information on LS7 valve guides as possible into the public domain.

Hib Halverson
 technical writer

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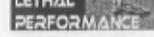
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My Corvette Photos
 Member Since: Sep 2009
 Location: Jupiter Florida

thanks Hib - good info, as always. Is there a marking on the car to show when your build date occurred?

Last edited by Geared; 03-29-2015 at 02:53 AM.

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[ANSWERED] C6 Z06 Question for Tadge Juechter

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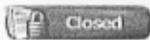
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Ask Tadge Post your questions here for Corvette's Chief Engineer Tadge Juechter and then discuss the questions and his answers.

[ANSWERED] C6 Z06 Question for Tadge Juechter



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02-18-2015, 05:35 PM

#1

jvp

Tech Contributor
"Ask Tadge" Facilitator



Lifetime Gold Member



Member Since: Mar 1999

Posts: 7,109

Location: Oak Hill VA

15 years member

Thanks: 13

Thanked 43 Times in 22

Posts



[ANSWERED] C6 Z06 Question for Tadge Juechter

[Original question is here.](#)

Quote:

AZDANZ06 asked:

I am writing to you on behalf of all C6 Z06 Owners here at the Corvette Forum. There has been way too many C6 Z06 owners that have suffered LS7 engine failures due to dropped valves. GM claims that there was a manufacturing problem that was subsequently corrected, yet engines and off the shelf replacement cylinder heads produced after that date are also failing at an alarming rate. Loyal owners of even extremely low mileage vehicles are continuing to measure valve-to-guide clearances far beyond service limits and have had their heads reworked at a significant cost. This is evidenced by a cross section of Corvette Forum Members who have had their valve-to-guide clearances measured, 88% of the 208 member cars checked have had out of spec valve guides on C6 Z06's built from 2006 through 2013. With the apparent widespread incidence of excessive valve guide wear among LS7's, does GM know anything regarding the root cause of the issue and/or potential mitigation actions in order for LS7 owners to regain confidence in the platform and to retain loyal GM Customers?

Quote:

Tadge answered:

First of all, let me explain why it is taking longer to answer this question than the usual week. It is my intention to use this part of the forum to get the best, most accurate information to the Corvette community I can. Some questions, like this one, require a number of internal experts be consulted for a complete answer and so it takes longer for everyone to weigh in.

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C6 Parts & Accessories

I purchased a 2006 Z06 myself. It was my pride and joy. I sold it a couple years ago in anticipation of buying a C7. I sold it to Damian Zink, who works in Bowling Green and is continuing to use it on road and track. I'm very happy it is still in the Corvette team family. I tell you this to counter a prevailing assumption on the forum and elsewhere that we on the Corvette team only care about selling new cars. Nothing could be farther from the truth. Many of us are customers ourselves, our friends and families own a lot of cars from many generations and we have long term relationships with many of our customers. The long term ownership experience is very important to us - even well beyond the warranty period.

Engine reliability is a huge focus for us and we have been monitoring the LS7 since it was introduced. We will continue to do so for the foreseeable future. I can promise any learning we have will be incorporated into our future designs and we will make every attempt to treat customers fairly.

The description of the LS7 experience below is being provided by my counterpart on the engine side, **Jordan Lee, the Small block Chief Engineer:**

The LS7 engine is a high performance engine, our highest output naturally aspirated engine in production today. It achieves its power output by incorporating very large titanium intake valves and a very aggressive camshaft profile. As a result, the LS7 does exhibit more valve train noise than our other Small Block variants. The large valves and the rapid open and closing events of the valves will result in valve train tick. All LS7 engines exhibit this valve train noise. The cylinder head is also quite unique compared to our other Small Block variants. The head is CNC machined, including the ports, by one of our reputable suppliers. They fully machine the cylinder head, including the valve guide ID, then they assemble the head with valves and springs and deliver the fully assembled cylinder head to our engine assembly plant.

Like all manufacturers, we have specifications and tolerances for all critical dimensions including the valve guide ID. Unfortunately for a 9 month period of time, from July 2008 to March 2009 we have evidence that some cylinder heads (a small percentage of the total population) were delivered to our assembly plant with valve guide ID's that were out of specification and were over-sized. This resulted in more valve train noise than is normal. Once the "out of specification" condition of the valve guide ID was identified, we worked with our dealerships to repair customer cars when we identified engines that had out of specification cylinder heads. For the 2009 MY we replaced a total of 65 cylinder heads (Z06 production was 1654 cars and most heads were replaced in pairs so roughly 33 engines). Due to this valve guide ID issue, our cylinder head supplier implemented more rigorous inspections and quality check procedures to ensure they made and shipped only cylinder heads that are within specification. After the time period in question the number of customer complaints dropped significantly.

One issue we struggled with was defining an inspection procedure that the dealership can perform to determine if the guides are out of spec. The only accurate method to measure valve guide ID is to remove the head from the engine, remove the valves, and use a dial-bore gauge or CMM (Coordinate Measuring Machine) to accurately measure the ID. This method requires a lot of disassembly of the engine and many customers don't want the heads removed for inspection. As a result, we developed another technique fondly known as the "wobble method" where the valve spring is removed and the valve is wiggled in the guide, and the distance is measured with a dial indicator and then using trigonometry the clearance is calculated. Unfortunately this method is not very accurate and has a tendency to indicate a larger guide internal diameter than it actually is. We know this for a fact because we tested the method by using the wobble method on a few cylinder heads and then disassembled the heads and measured them on a CMM (Coordinate Measuring Machine) for an accurate measurement and then compared the results between the two techniques. We're currently investigating other techniques to get a better

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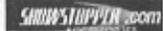


measurement without disassembling the cylinder heads and will instruct our dealerships accordingly if we are able to develop one. To date we have not been successful in developing an accurate non-intrusive technique. Since there is significant error in the wiggle method we are contemplating whether we should continue with this method.

Regarding valve guide material, the LS7 uses a premium guide material, Federal Mogul PMF10 which is oil impregnated and has a high moly content. We look at our warranty claim data almost daily looking for trends and problems and do act as quickly as possible to make sure our customers are taken care of and we fix any known problems ASAP. Based on the data we've amassed to date, it still appears that our suspect period is July 2008 to March 2009. Worth noting is that most of the heads made in this time frame are indeed within specification. We stand behind our products and our customers, and will repair under warranty any cylinder heads whose guides are indeed out of specification within the Powertrain warranty period.

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0:00:00 Sekindo

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02-18-2015, 05:40 PM

#2

pewter99

Auctioneer Administrator
 Organizer St. Jude Fundraiser
 Tampa Regional Coordinator
 CI 4-5-6-7-8 Veteran
 I believe in the Beer Fairy



Member Since: Dec 1999
 Posts: 150,746



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Thanks: 4
 Thanked 60 Times In 36 Posts

E

cliffs: in warranty OK....out of warranty on your own

and this statement is in conflict with previous statement about heads being fixed after 2011

also of note doesn't address the recently purchased heads that were out of spec...

Last edited by pewter99; 02-18-2015 at 05:46 PM.

02-18-2015, 05:45 PM

#3

Undy

CF Senior Member

E

Just about what I expected... sad.

Powertrain warranty period.

Tadge added: 02/23/2015

Jordan and I are very disheartened at the response to our answer on the LS7. I made the point that we care a great deal about the long term ownership experience for our customers, but few on this thread of the Forum seem to believe it. Of course we have read the testimony of the participants and want to continue the dialog assuming it can be done in a constructive way.

Some of the posts imply that having our cylinder head supplier inspect cylinder head valve guide inner diameter dimensions is not evidence of "good process control", it actually is when dealing with low volume production. Inspecting 100% of the cylinder heads manufactured does provide assurance that the parts are indeed within specification. The supplier doesn't want to scrap a lot of heads, so they will also implement excellent process control to assure they are consistently making good parts, and the 100% inspection is final assurance all is well before shipping parts.

Most troubling to us is the massive discrepancy between what our internal data sources are telling us and the evidence being discussed on the thread. We have our warranty data and detailed break down and technical analysis of parts returned after warranty replacement. We also have the process control data from our head supplier - This includes very fine measurements of valve guide with high quality instrumentation. We also have data on wear rates from measuring new and fully tested engines(Including fairly recent data testing the Camaro Z/28) Our data show that the number of engines in the field with out of spec guides should be very small. Although it is hard to tell exactly from the claims on the thread, it appears that most of the measurements proving the valve guides are oversized come from aftermarket performance shops who make a living from repairing, reworking and tuning cylinder heads. It appears there is something different about the way they are measuring vs the way we are doing it. So our next step to try to find the truth is to contact several of the shops mentioned in the responses and consult with them on how their work is being performed. There is no doubt some of them are excellent facilities so maybe we can learn something from each other.

<http://www.corvetteforum.com/forums/c6-z06-discussion/3121662-gm-response-to-ls7-valve-guide-issue-summary-confirmed.html>

Quote:

Originally Posted by **Chevy Cust Svc** 

Hello all,

LS7 Valve guide issue summary:

- *Affects a small, number of '08, 09 '10 and '11 Z06's*
- *GM discovered the condition through our cylinder head warranty data involving a very small percentage of our vehicles.*
- *Through inspection of returned heads, it was determined that a machining error in the valve guide had occurred at our head supplier.*
- *The quality issue has been contained as of Feb 2011 with 100% inspection of all heads.*
- *The most common customer complaint has been excessive valve train noise.*

However if the condition is not addressed, it could result in engine failure. To date, where this condition has been observed, it has occurred early in the vehicle life.

What customers need to know: They should drive and enjoy their vehicles without fear. If their car demonstrates this condition, they are likely to hear unusual valvetrain noise first. If you have a concern regarding this issue on your personal vehicle feel free to contact me through private message on this forum and we will work to assist in resolving your concern. Feel free to contact me through Socialmedia@gm.com please put attention Evan in the subject. As always, vehicles that have modifications to the powertrain or the calibrations, are no longer covered by GM's warranty.

Sincerely,

*Evan, Chevrolet Customer **Service***

INFORMATION

Bulletin No.: 13-06-01-001

Date: January 14, 2013

Subject: Information on Customer Questions About Valve Guide Wear

Models:

2006-2013 Chevrolet Corvette 427, Corvette Z06
Equipped with 7.0L V8 Engine (RPO LS7)

Customer Concern

Some owners of Corvettes equipped with the LS7 7.0L V8 engine may ask your dealership to check their vehicle for valve guide wear because of information that has been distributed on the internet, primarily at Corvette enthusiast sites. Due to these postings, some customers that have not had an issue may ask to have their vehicle checked. If a customer presents their vehicle and requests the valve guides be checked, the following information may be helpful to you and alleviate any concern for your customer.

Valve Guide Wear / Noise Concerns

To address any concern the customer may have, listen to the customer's request and ask the following questions to differentiate if the customer has experienced a correctable engine concern or has anxiety over information they may have read.

Important

It is important to investigate all concerns and relay good factual information to your customer. If a customer indicates a concern about valve guide wear, it is possible they may have a valid unrelated engine issue, and do not know how to express the actual concern.

1. Have you experienced any concerns or difficulties that would indicate an engine problem?
2. Is the Check Engine Light ON? Does the vehicle exhibit any starting/running concerns?
3. If the concern is noise related, ask for a description of the type of noise heard?

Once the information is collected, and the nature of the customers concerns are known, here are some guidelines for appropriate actions:

- For any driveability, starting, running or found DTC code issues, if the car is under the respective warranty period, repair the vehicle following normal diagnostics as outlined in the Electronic Service Information (SI). If the vehicle is out of the warranty period, explain the available options for the customer.
- If the customer indicated a concern with engine noise, warm the vehicle to operating temperature and compare it to similar vehicles. If the vehicle does not exhibit unusual noises or malfunctions, the customer should be told there is nothing to indicate the need to disassemble the engine to determine valve guide wear. The LS7 is a high performance motor and as such is built with an emphasis on power while retaining the lowest possible noise and vibration characteristics. Some valve train noise may be evident, which is a by product of the performance nature of this engine. General Motors has reviewed paid warranty claims for valve and head replacement for the Corvette LS7 and the numbers of incidents are very low with no indication of an excessive wear issue.
- If the customer's sole concern is based on information collected over the internet, with no verifiable symptom, and the customer insists the engine be disassembled and verified, it should be explained to the customer that any charges for the inspection would be at the customers expense. Valve guides are an internal engine component subject to wear over the life of the vehicle. If there is excessive wear (beyond the indicated service limit) after the investigation is completed, GM will cover the inspection and repair expense for vehicles covered under the Powertrain Limited warranty.

Aftermarket Equipment and Valve Guide Wear

The use of performance engine modifications has been found to accelerate valve guide wear. Replacement aftermarket mechanical parts, or software calibrations, may adversely affect the wear of these and other components. Any modification to the engine of GM vehicles voids the powertrain coverage portion of the vehicle warranty. For additional information on GM policies regarding aftermarket equipment and calibrations, please refer to the GM Service Policy & Procedures Manual, article 1.4.14 (Voided Warranties and Branded Titles) and article 1.2.2.12 (Non-GM Parts & Equipment and Original Equipment Alterations), along with the latest versions of Corporate Bulletin numbers 09-00-89-016 and 09-06-04-026 for additional information.

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Corvette Forum > C6 Corvette, 2005 - 2013 > C6 Z06 Discussion
 The "Out of Spec" Guide Wear Registry

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 Password

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C6 Z06 Discussion

General Z06 Corvette Discussion, LS7 Corvette Technical Info, Performance Upgrades, Suspension Setup for Street or Track



The "Out of Spec" Guide Wear Registry

Page 1 of 22 1 2 3 11 > Last
 Thread Tools | Search this Thread

12-06-2013, 05:18 PM #1

ctsv510
 CF Senior Member



Member Since: Sep 2008
 Posts: 682
 Thanks: 0
 Thanked 0 Times in 0 Posts

The "Out of Spec" Guide Wear Registry

This thread will be a "sister" thread to "The "In Spec" guide wear registry."

The purpose is to get a grasp of how many guide wear test results are coming back with out of spec guides and from which years.

If you have inspected your guides and they have come back **out of spec** based on the 0.0037" service limit (that means you have at least one guide measuring 0.0037" or more), please reply with the year of your Z06, any mods and the miles at inspection. You can also attach a spec sheet of the measurements if you have one and cite who did the inspection. Hopefully we can use this data to get a better idea of the percentage of problems out there.

If you are looking to find a shop that can perform a wiggle test on your heads, see the list of Vendors below or check the Crowdsourced Interactive Map of Wiggle Testers

This is not a thread to debate the valve drop issues, or how to fix it. This is not a thread for cars who have in spec guides. This is not a thread for drama. Please try to keep it as clean as possible and on topic.

The results will be grouped by year and then by member name. There is now a separate list to record any out of spec bronze guide heads. Many of the members on this list originally posted in THIS THREAD.

VENDOR POSTS on Out Of Spec Guides:

American Heritage Performance: [LINK](#)
Wiggle Test DIY: [LINK](#)

East Coast Supercharging: [LINK](#)

ALL THINGS CORVETTE!

RIMROCK CHEVROLET

Click Here!

Laurel, MT 30 minutes from Billings Airport

SURGEONS HORRIFIED

VividToday.com

MOM'S \$5 AT-HOME WRINKLE TRICK THAT ERASES EYE BAGS INSTANTLY [FULL STORY]

Corvette Store
 C7 Parts & Accessories
 C6 Parts & Accessories

HorsePowerAddicts: [LINK](#)

Vengeance Racing: [LINK](#)

THE OUT OF SPEC LIST: (stock powdered metal guides)

2006: 51	.....	6272 produced	(20.5% of production)
2007: 48	.....	8159 produced	(26.7% of production)
2008: 51	.....	7731 produced	(25.3% of production)
2009: 30	.....	3461 produced	(11.3% of production)
2010: 5	.....	518 produced	(1.70% of production)
2011: 5	.....	904 produced	(3.00% of production)
2012: 2	.....	478 produced	(1.60% of production)
2013: 1	.....	471 produced	(1.50% of production)
427: 2	.....	2552 produced	(8.40% of production)

TOTAL: 195 (As of 01/27/15, ~89% of those tested and reported to the forum are **out of spec**)

-----[2006]-----

- '06 Quicksilver Z06:** 2006 Z06. 20,000 miles [link](#)
- '06 Quicksilver Z06:** 2006 Z06. 31,000 miles [link](#) heads purchased used
- 1981turbota:** 2006 Z06. 25,000 miles [link](#)
- 1988Bullitt:** 2006 Z06. 34,000 miles [link](#)
- 2006FRCZ19:** 2006 Z06. 55,000 miles [link](#)
- 240sx2jz:** 2006 Z06. 25,000 miles [link](#)
- 2K6Z06:** 2006 Z06. 9,200 miles [link](#)
- 610slvZ:** 2006 Z06. 27,000 miles [link](#)
- adamgl:** 2006 Z06. 23,500 miles [link](#) heads, cam headers, stock guides out of spec with solid valves
- Al Green:** 2006 Z06. 20,000 miles [link](#)
- anth115:** 2006 Z06. 23,000 miles [link](#)
- biggfroggy:** 2006 Z06. 13,000 miles [link](#)
- BMurphy:** 2006 Z06. 47,000 miles [link](#)
- Bonnetts02Vette:** 2006 Z06. 11,000 miles [link](#)
- BoostedEBZ06:** 2006 Z06. 35,000 miles [link](#)
- bright1984:** 2006 Z06. 22,000 miles [link](#) tune, cai, headers, exhaust
- BrokerDon:** 2006 Z06. 50,000 miles [link](#)
- c6 zeee06:** 2006 Z06. 15,000 miles [link](#)
- caker:** 2006 Z06. 18,000 miles [link](#) car raced "hard"
- clogan:** 2006 Z06. 39,100 miles [link](#)
- ctsy510:** 2006 Z06. 17,400 miles [link](#) [link2](#)
- D-Rod:** 2006 Z06. 11,000 miles [link](#) blower, meth, upgraded rockers, kooks
- dmuellenberg:** 2006 Z06. 99,500 miles [link](#)
- double06:** 2006 Z06. 10,000 miles [link](#)
- erichg1000:** 2006 Z06. 30,000 miles [link](#)
- FRDnemesi:** 2006 Z06. 22,000 miles [link](#) exhaust, intake, tune
- GeneSch:** 2006 Z06. 10,300 miles [link](#) intake and exhaust guides out of spec
- H82BFST:** 2006 Z06. 19,000 miles [link](#)
- Homeboy77:** 2006 Z06. 36,000 miles [link](#)
- Is2scooby:** 2006 Z06. 17,000 miles [link](#)
- Joe in Az:** 2006 Z06. 16,000 miles [link](#) tune, cai, headers
- Josh B.:** 2006 Z06. 37,000 miles [link](#)
- Katech Jason:** 2006 Z06. 23,000 miles [link](#)
- Katech SN#71:** (non member) 2006 Z06. unknown miles [link](#)
- Leo the Lion:** 2006 Z06. 29,641 miles [link](#)
- mariofromnewyork:** 2006 Z06. 12,000 miles [link](#)
- MIGHTYMOUSE:** 2006 Z06. 135,000 miles [link](#)
- mistermog:** 2006 Z06. 11,000 miles [link](#) intake
- musicmankeb:** 2006 Z06. 16,000 miles [link](#)
- nitrojunky:** 2006 Z06. 39,000 miles [link](#)
- "NO SHOW":** 2006 Z06. 14,000 miles [link](#)
- nuclearnick:** 2006 Z06. 60,000 miles [link](#) cam
- NV MY C5:** 2006 Z06. 31,000 miles [link](#)
- Peter Clark:** 2006 Z06. 20,000 miles [link](#)
- richy rich:** 2006 Z06. 16,000 miles [link](#)
- TRScobra:** 2006 Z06. 27,000 miles [link](#)
- Turbosixx:** 2006 Z06. 20,000 miles [link](#)
- turbotank:** 2006 Z06. 69,000 miles [link](#)
- Unreal:** 2006 Z06. 18,000 miles [link](#) inatke and [exhaust valves](#) out of spec
- Z06-HEC*:** 2006 Z06. 40,000 miles [link](#)

C5 Parts & Accessories
 C4 Parts & Accessories
 C3 Parts & Accessories
 C2 Parts & Accessories
 C1 Parts & Accessories
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Cooling



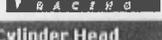
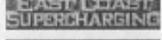
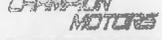
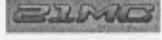
Tuners



TRIFECTA



VETTE DOCTORS



Zogman: 2006 Z06. 55,000 miles [link](#)

-----[2007]-----

021z: 2007 Z06. 49,000 miles [link](#)
2k Cobra: 2007 Z06. 43,000 miles [link](#)
blackc6z: 2007 Z06. 29,000 miles [link](#) cam, solid stainless exh valves, stock guides. no wear at 21k miles before cam/valve [install](#)
C5Lion: 2007 Z06. unknown miles [link](#)
C6Zhopeful393: 2007 Z06. unknown miles [link](#)
chris2000: 2007 Z06. 12,400 miles [link](#)
crf538: 2007 Z06. 18,000 miles [link](#)
Darius: 2007 Z06. 24,000 miles [link](#) dropped valve in original motor at 36k miles, worn valve guides in new replacement motor
Fifedogg: 2007 Z06. 26,000 miles [link](#) [link2](#) cam, stock guides, solid exh valves
fly a Z06: 2007 Z06. 65,000 miles [link](#) tuned, k&n
GMuffley: 2007 Z06. 20,000 miles [link](#)
harrydirty: 2007 Z06. 13,700 miles [link](#)
hoefi: 2007 Z06. 11,000 miles [link](#) blown motor
ITCH: 2007 Z06. 15,144 miles [link](#) intake & exhaust guides out of spec
iedblanks: 2007 Z06. 16,000 miles [link](#)
jeffreystar: 2007 Z06. unknown miles [link](#) headers, intake
john g 46: 2007 Z06. 88,000 miles [link](#)
Joshua Detwiler: 2007 Z06. unknown miles [link](#)
JRRSA: 2007 Z06. 8,000 miles [link](#)
Katech SN#70:(non member) 2007 Z06. 35,000 miles [link](#)
Kouasupra: 2007 Z06. 34,000 miles [link](#)
lane_change: 2007 Z06. 32,000 miles [link](#) cam
MarkC: 2007 Z06. 21,000 miles [link](#)
meanioe: 2007 Z06. 5,000 miles [link](#)
NavyAirTraffic: 2007 Z06. 19,100 miles [link](#)
OVG: 2007 Z06. 18,863 miles [link](#)
parsonsj: 2007 Z06. 7,500 miles [link](#)
PeteZ06: 2007 Z06. unknown miles [link](#)
ratomicZ06: 2007 Z06. 14,000 miles [link](#)
rio95: 2007 Z06. 15,000 miles [link](#)
rnoack: 2007 Z06. unknown miles [link](#)
rockinSeat: 2007 Z06. 22,000 miles [link](#)
ROUTE 66: 2007 Z06. 25,000 miles [link](#)
Spiffshady: 2007 Z06. 41,000 miles [link](#)
stew1100: 2007 Z06. 23,000 miles [link](#)
toroz06: 2007 Z06. 9,000 miles [link](#)
triblk6spd: 2007 Z06. 20,000 miles [link](#)
troy6166: 2007 Z06. 15,000 miles [link](#) cam, solid stainless exh valves, stock guides. no wear at 7k miles before cam/valve install
Uncledibble: 2007 Z06. 84,500 miles [link](#)
veilseven: 2007 Z06. 38,000 miles [link](#)
wagoetzmänn: 2007 Z06. 24,139 miles [link](#) [intake valve](#) out based on X/2 - .0005" calc
Woz Z06: 2007 Z06. 16,000 miles [link](#)
Yankee15: 2007 Z06. ~20,000 [link](#)
youzzi714: 2007 Z06. unknown miles [link](#)
Z06guy07: 2007 Z06. unknown miles [link](#)
Z06pete: 2007 Z06. 13,000 miles [link](#)
Zoxxo: 2007 Z06. 71,000 miles [link](#)
zuli: 2007 Z06. 27,000 miles [link](#)

-----[2008]-----

08VRZ06: 2008 Z06. 24,000 miles [link](#)
1fastC3: 2008 Z06. 38,000 miles [link](#)
4wheels: 2008 Z06. 31,000 miles [link](#)
80atez: 2008 Z06. 25,000 miles [link](#)
AZDANZ06: 2008 Z06. 27,000 miles [link](#)
banipal19: 2008 Z06. 9,000 miles [link](#) [link2](#)
bigdog1250: 2008 Z06. 31,000 miles [link](#)
big_mike_eu: 2008 Z06. 15,500 miles [link](#)
BignastyBRP: 2008 Z06. 38,000 miles [link](#)
bktmbill: 2008 Z06. 7,700 miles [link](#)
blkbrd69: 2008 Z06. 20,000 miles [link](#)
BosnianZ06: 2008 Z06. 24,000 miles [link](#)
bp2826: 2008 Z06. 52,000 miles [link](#)
Buddy A: 2008 Z06. 12,500 miles [link](#)
ClarksZ06: 2008 Z06. 9,000 miles [link](#) headers, cam, tune
conner.mcgrath: 2008 Z06. 47,000 miles [link](#)
Cozmo: 2008 Z06. 26,500 miles [link](#)
DaOtherOne: 2008 Z06. 35,000 miles [link](#) katech stage 1
ericzr1: 2008 Z06. 25,000 miles [link](#)
flyloeZ06: 2008 Z06. unknown miles [link](#)
Glenm27: 2008 Z06. 22,000 miles [link](#) tracked
HMFIC: 2008 Z06. unknown miles [link](#)
hot-toy: 2008 Z06. 13,500 miles [link](#)
JCox23: 2008 Z06. 10,500 miles [link](#) ferrea stainless valves (stock

Headers

A.R.HEADERS

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Trunk Monkey Parts

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John's Detailing

Baragon

DTE PERFORMANCE

CFEYD

RPD DESIGNERS

SPC 1-800-456-0211

Southern Car Parts

Speed DIRECT

Speed Motors www.SPEEDMOTORS.com

THOMPSON

guides), cam, ported heads, intake, tb, headers
juanvaldez: 2008 Z06. 48,000 miles [link](#)
jwebsta32: 2008 Z06. 30,000 miles [link](#)
JP426: 2008 Z06. 17,736 miles [link](#)
Kneel 8250: 2008 Z06. 41,000 miles [link](#) Previous measurement at 34k miles showed in spec
Les: 2008 Z06. 26,900 miles [link](#)
londonk: 2008 Z06. 8,000 miles [link](#)
Mark Wade: 2008 Z06. 8,000 miles [link](#)
MHCvette: 2008 Z06. 12,567 miles [link](#) [link2](#)
Mike Hoppe: 2008 Z06. 11,000 miles [link](#) stock, intake and exhaust guides both out of spec
moose.b3: 2008 Z06. 40,000 miles [link](#)
mygiftmycurse: 2008 Z06. 22,800 miles [link](#)
MyLastCorvette: 2008 Z06. 9,000 miles [link](#)
Oskee: 2008 Z06. 10,000 miles [link](#)
property1: 2008 Z06. 18,000 miles [video](#) [link](#) [link2](#)
psp6158: 2008 Z06. 5,000 miles [link](#)
rapidroy: 2008 Z06. 18,000 miles [link](#)
SONKIST: 2008 Z06. 10,000 miles [link](#)
starr1: 2008 Z06. 17,000 miles [link](#)
timafey: 2008 Z06. 20,000 miles [link](#)
Titan C6Z: 2008 Z06. 13,900 miles [link](#)
vetteuphoria: 2008 Z06. 19,000 miles [link](#)
wolf8218: 2008 Z06. 23,000 miles [link](#)
yagrmiestr: 2008 Z06. 21,000 miles [link](#)
yrkZ06: 2008 Z06. 14,000 miles [link](#)
Z.06: 2008 Z06. 14,000 miles [link](#)
Zeaux6504: 2008 Z06. 20,000 miles [link](#) intake and exhaust out of spec
zman62: 2008 Z06. 4,000 miles [link](#)

-----[2009]-----

06HWRX: 2009 Z06. 17,500 miles [link](#)
1badtantrum: 2009 Z06. 14,300 miles [link](#)
71'AirStrike: 2009 Z06. 36,000 miles [link](#)
beden1: 2009 Z06. 6,400 miles [link](#)
chevybob: 2009 Z06. 10,000 miles [link](#)
CliffyDeuce: 2009 Z06. 19,000 miles [link](#)
cruzin2: 2009 Z06. 9,000 miles [link](#)
Dogged: 2009 Z06. 18,000 miles [link](#)
DON T.: 2009 Z06. 17,000 miles [link](#)
erick_e: 2009 Z06. 36,238 miles [link](#)
EWK: 2009 Z06. 7,666 miles [link](#) [link2](#)
EX1: 2009 Z06. 16,000 miles [link](#) [link2](#) cam
jbs02somws6: 2009 Z06. 24,000 miles [link](#) cal
lawman34203: 2009 Z06. unknown miles [link](#)
LawrenceFromTorrence: 2009 Z06. 20,000 miles [link](#)
Maligator: 2009 Z06. 6,900 miles [link](#)
Mar48: 2009 Z06. 43,000 miles [link](#)
Mark200X: 2009 Z06. 50,000 miles [link](#)
Maxrr: 2009 Z06. 19,000 miles [link](#)
MHCvette: 2009 Z06. 30,642 miles [link](#) [link2](#)
morris: 2009 Z06. 32,000 miles [link](#) cam + track time
MTDave: 2009 Z06. 34,000 miles [link](#)
MyLs1Hauls: 2009 Z06. 10,000 miles [link](#)
nzki: 2009 Z06. 23,000 miles [link](#)
reasonable_suspicion: 2009 Z06. 7,500 miles [link](#) [link2](#)
RegnaR: 2009 Z06. 22,000 miles [link](#)
rocksts: 2009 Z06. 19,000 miles [link](#)
stealth1281: 2009 Z06. 19,000 miles [link](#)
Wass: 2009 Z06. 45,000 miles [link](#)
winjr: 2009 Z06. 16,000 miles [link](#) [link2](#) [link3](#)

-----[2010]-----

Gearpuller: 2010 Z06. 21,500 miles [link](#)
indyspeed: 2010 Z06. 5,743 miles [link](#) intake valve guides out of spec
oversteer: 2010 Z06. 7,500 miles [link](#)
roadandtrack: 2010 Z06. 7,500 miles [link](#)
Smkn 07: 2010 Z06. 34,000 miles [link](#)

-----[2011]-----

billyjo: 2011 Z06. 4,500 miles [link](#)
Dirty Howie: (2011 heads Z06). 32,000 miles [link](#) 2011 replacement motor
Minkster: 2011 Z06. 28,080 miles [link](#)
phipp85: 2011 Z06. 27,000 miles [link](#) intake valves guides out of spec
Z06_1: 2011 Z06. 16,000 miles [link](#) intake valve guides out of spec

-----[2012]-----



CGZ06: (2012 motor Z06). 400 miles [link](#) 2012 built replacement motor put in his '09 after original dropped valve
Hib Halverson: 2012 Z06. 15,000 miles [link](#)

-----[2013]-----

subfloor@centurytrans: 2013 Z06. <5,000 miles [link](#) supporting vendor, removed heads from 2013 Z06 with out of spec intake guides

-----[427]-----

garve: 2013 427 Vert. 4,000 miles [link](#) intake guides out of spec
Z06_1: 2013 427 Vert. 4,000 miles [link](#) intake guides out of spec

#####

OUT OF SPEC LIST: (aftermarket bronze guides)

***3 Reported**

American Heritage: unknown owner, year, mileage [link](#) [link2](#) owner was told by previous owner heads were done by WCCH 20k miles prior
American Heritage: unknown owner, year, 15k miles on heads [link](#) [link2](#) owner was told by previous owner that heads were done by WCCH 5k miles prior to [sale](#). Car has unknown aftermarket cam
andy82: 2007 Z06. 7,000 miles on new PRC heads [link](#)

OUT OF SPEC LIST: (crate motor / LS7 swap in other vehicles)

***2 Reported**

Billy2KFRC: 2008 built crate LS7. 23,000 miles [link](#) installed in C5 Z06
C5 LS7: 2006 built crate LS7. 35,000 miles installed in C5

Last edited by ctsv510; 03-21-2015 at 11:36 PM.

REPLY #

12-06-2013, 05:42 PM #2

propain
 CF Senior Member

 St. Jude Donor '14



Member Since: Mar 2012
 Posts: 3,311
 Thanks: 2
 Thanked 2 Times in 2 Posts

Nicely done. I look forward to comparing results.

I believe Quick's year is a 2006 based on his user name.



EXHIBIT C

KNAPP, PETERSEN & CLARKE
550 North Brand Boulevard, Suite 1500
Glendale, California 91203
Telephone: (818) 547-5000
Facsimile: (818) 54705329
André E. Jardini (*Appearing Pro Hac Vice*)

Counsel for Plaintiffs William D. Pilgrim, et
al.

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

In re:

MOTORS LIQUIDATION COMPANY, et al.,
f/k/a General Motors Corp., et al.

Debtors.

Chapter 11
Case No. 09-50026 (MG)

**DECLARATION OF DAVID MARCARIAN IN SUPPORT OF REPLY TO
MOTION OF GENERAL MOTORS LLC PURSUANT TO 11 U.S.C. §§ 105
AND 363 TO ENFORCE THE BANKRUPTCY COURT'S JULY 5, 2009
SALE ORDER AND INJUNCTION**

I, David Marcarian, declare as follows:

1. If called as witness I could and would testify as follows.
2. I am a resident of Seattle, Washington.
3. I purchased a Z06 Corvette (2006) on December 7, 2005, and took delivery of the vehicle at Huling Brothers Chevrolet, a local General Motors dealer.
4. On September 14, 2007, while driving at a high performance driving school, my Z06 had a catastrophic engine failure resulting in loss of control of the vehicle and a violent collision with the restraining wall on the track.
5. The impact caused me to suffer severe whiplash and a compression fracture of my mid-thoracic spine.
6. On or around September 15, 2007, I filed a claim with General Motors Central Claims department. (Claim number 645603).
7. On April 08, 2008, a General Motors dealership, Speedway Chevrolet, issued a report based upon their engine analysis which determined the engine failure was caused by a piston or valve failure.
8. I have never received a notice of any kind concerning the bankruptcy of General Motors.

Executed on February 4, 2016, at Seattle, Washington.

I declare under penalty of perjury that the foregoing is true and correct.

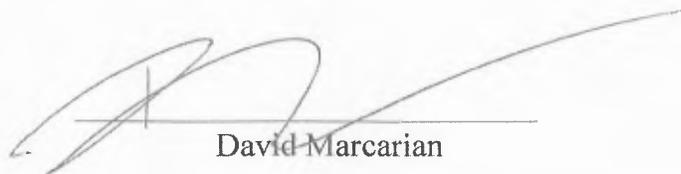

David Marcarian

EXHIBIT D

KNAPP, PETERSEN & CLARKE
550 North Brand Boulevard, Suite 1500
Glendale, California 91203
Telephone: (818) 547-5000
Facsimile: (818) 54705329
André E. Jardini (*Appearing Pro Hac Vice*)

Counsel for Plaintiffs William D. Pilgrim, et
al.

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

In re:

MOTORS LIQUIDATION COMPANY, et al.,
fka General Motors Corp., et al.

Debtors.

Chapter 11
Case No. 09-50026 (MG)

**DECLARATION OF RICHARD REYMAN IN SUPPORT OF REPLY TO
MOTION OF GENERAL MOTORS LLC PURSUANT TO 11 U.S.C. §§ 105
AND 363 TO ENFORCE THE BANKRUPTCY COURT'S JULY 5, 2009
SALE ORDER AND INJUNCTION**

I, Richard Reyman, declare as follows:

1. If called as witness I could and would testify as follows.
2. I am a resident of Castaic, California.
3. I have over 35 years of experience as an auto mechanic, specializing in General Motors cars and trucks.
4. I am the owner of West Coast Cylinder Heads in Van Nuys, California.
5. I have rebuilt over 1,000 LS7 cylinder heads on Z06 Corvettes.
6. Around five years ago, I became aware of a recurrent issue in all of the valves and valve guides on LS7 cylinder heads in Z06 Corvettes. This issue affects all Z06 models from 2006 to 2013.
7. Currently, West Coast Cylinder Heads processes six to seven sets of valves on Z06 Corvettes per week. I receive calls daily from Z06 owners asking about valve issues.
8. In the last year, I have received two phone calls from a General Motors engineer to discuss my opinion on the valve wear issue that Z06 Corvettes are experiencing. It is my understanding that General Motors is calling other auto shops as well to discuss the valve wear issues.
9. Based on my extensive experience and knowledge, I believe that the LS7 Cylinder heads in Z06 Corvettes have a rapid wear problem because they have an accelerated rate of wear associated with mileage and driving conditions. This issue is specific to the Z06 option with LS7 engines in model years 2006 to 2013. The wear can become so extensive that the valve can break causing a catastrophic engine failure. I have

seen LS7 engines which have experienced such catastrophic engine failures.

10. West Coast Cylinder Heads works directly with General Motors' valve manufacturer, Dell West Engineering. Dell West Engineering processes the used valves by either polishing them or replacing them with aftermarket valves. The aftermarket valves cost approximately \$1,100 for a set for each engine in addition to the cost of labor. Despite the additional cost of such an alternative valve, I am no longer using factory General Motors valves because of the likelihood that they will fail even after being polished.

11. In my experience, every LS7 engine I have inspected has clear signs of excessive valve guide wear.

12. I believe it is dangerous to drive a Z06 Corvette with such valve guide wear because of the possibility the engine will fail catastrophically.

Executed on FEB 4, 2016, at Van Nuys, California.

I declare under penalty of perjury that the foregoing is true and correct.

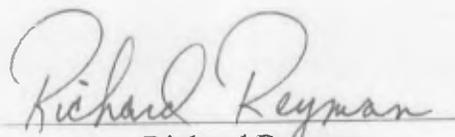

Richard Reyman

EXHIBIT E

OBJECTION DEADLINE: February 5, 2016 at 5:00 p.m. (Eastern Time)
HEARING DATE AND TIME: February 17, 2016, at 2:00 p.m. (Eastern Time)

KNAPP, PETERSEN & CLARKE
550 North Brand Boulevard, Suite 1500
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Facsimile: (818) 54705329
André E. Jardini (*Appearing Pro Hac Vice*)

Attorneys for Plaintiffs William D. Pilgrim, et al.

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

In re

MOTOR LIQUIDATION COMPANY, et al.
f/k/a General Motors Corp., et al.

Debtors

Chapter 11

Case No.: 09-50026 (MG)

**DECLARATION OF ANDRÉ E. JARDINI IN SUPPORT OF REPLY
TO MOTION OF GENERAL MOTORS LLC PURSUANT TO 11
U.S.C. §§ 105 AND 363 TO ENFORCE THE BANKRUPTCY
COURT'S JULY 5, 2009 SALE ORDER AND INJUNCTION**

DECLARATION OF ANDRÉ E. JARDINI

I, André E. Jardini, declare as follows:

1. I am an attorney licensed to practice law in the State of Court, and all of the federal courts in the State of California, and a member of the law firm of KNAPP, PETERSEN & CLARKE. I am counsel of record for 40 individual plaintiffs, who have filed a putative class action in the case of *Pilgrim, et al., v. General Motors, LLC*, case no. CV 15-8047-JF (Ex) (the “*Pilgrim* action”), pending in the United States District for the Central District of California.

2. The *Pilgrim* case alleges numerous claims against New GM arising from a defect in the LS7 and 427 engines on Corvette Z06 vehicles.

3. I have applied to the Court for admission Pro Hac Vice for purposes of objecting to New GM’s Motion to Enforce this Court’s Sale Order and Injunction, on behalf of my clients.

4. I have conducted numerous interviews with the plaintiffs in the *Pilgrim* action and other owners of Corvette Z06 vehicles manufactured by General Motors (both “Old GM” and “New GM”).

5. I have investigated the pervasive complaints and evidence as to the significant engine defect in Corvette Z06 vehicles.

6. The result of my interviews and investigation has demonstrated that:

a. There is a serious endemic defect in the Corvette Z06 LS7 and 427 engines which is demonstrated by excessive valve guide clearance, leading to excessive valve wear and, ultimately, to catastrophic engine failure.

b. Old GM, at a time before the Sale Order in this bankruptcy knew of this engine defect and took certain limited, though ineffective, steps to repair some Corvette Z06 engines, if a customer complained.

c. That no Corvette Z06 owner received actual notice of these bankruptcy proceedings.

d. That several recalls of Corvette Z06 models from 2007 to 2009 have been made by New GM at a time after the conclusion of the bankruptcy proceedings by the Sale Order in July of 2009.

7. On February 19, 2008, GM issued a directive to GM dealerships (PIP4132B) which recognizes the engine failure issues in Corvette Z06 automobiles. A true and correct copy of this directive is attached as Exhibit 1.

8. Under the heading "Condition/Concern" the directive states: "This is to announce a temporary program for the 2007 and 2008 Corvette Z06 with major engine failures.

Under certain conditions, certain models of the Corvette Z06 with major engine failures would receive an engine exchange."

9. On August 8, 2008, GM issued a directive to GM dealerships (PIP4132C) which also recognizes engine failure issues with Corvette Z06 automobiles. This directive concerned 2009 Corvette Z06 LS7 engines. A true and correct of this directive is attached as Exhibit 2.

10. Under the section of the directive entitled
“Conditions/Concerns” it is stated:

“This is to announce a temporary program for 2009 Z06 and
ZR1 Corvettes in the USA with major engine failures.”

11. As with the 2007 and 2008 Corvette Z06 models, this directive
allowed engine replacement under certain conditions.

12. Of the 40 named plaintiffs in the *Pilgrim* action, 13 of these
Corvette Z06 owners have suffered a catastrophic engine failure in their
vehicle.¹

13. On two occasions, New GM has issued post-bankruptcy recalls
on Corvette Z06 vehicles. NHTSA records show that recalls were issued
concerning a wiring issue on high beam lights and concerning roof panels.

14. On a number of occasions, the catastrophic failure of a Corvette
Z06 LS7 engine has been captured on videotape.

a. A video of a catastrophic engine failure resulting in a fire
when oil emitted by the failure caught fire is available at:
<https://www.youtube.com/watch?v=ZLT7DjnKvnY>.

b. Another engine failure at the moment it happened from
video within the cab of the Corvette Z06 may be viewed at:
<https://www.youtube.com/watch?v=TM4MdCix-KI>.

15. Applicable Court procedures and orders in the *Pilgrim* case are
such that, to date, no discovery has been permitted.

¹ Shawn Bain, Adam Balducci, Ahmed J. Cannon, Jan Engwis, Robert Geiss, Kaleb Isley,
Frank Juzswik (prior owner), Jeff Millslagle, Chad Reese, Mark Rowe (prior owner),
Derek Van Den Top, and Dallas Wicker.

- a. The *Pilgrim* complaint was filed on October 14, 2015.
- b. On November 12, 2015, pursuant to stipulation, the *Pilgrim* Court ordered that GM would have until December 14, 2015 to respond to the complaint.
- c. On December 1, 2015, pursuant to stipulation, the *Pilgrim* Court ordered that Plaintiffs could file an amended complaint (to comport with this Court's Decisions) and that GM would have until February 3, 2016 to respond to the amended complaint.
- d. On January 19, 2016, GM filed this Motion to Enforce the Sale Order and Injunction.
- e. On January 25, 2016, the *Pilgrim* Court, pursuant to stipulation, ordered that the *Pilgrim* case be stayed, pending proceedings in this Court.
- f. As a result of the foregoing events, the *Pilgrim* Plaintiffs have never had an opportunity to conduct discovery as to GM.

16. Based on my investigation to date, it is my belief that basic discovery will further reveal that GM knew before the Sale Order in July of 2009 of the engine defect in Corvette Z06 vehicles, and the danger that defect presented to Corvette Z06 owners.

17. I also believe based on later recalls (for other defects) of Corvette Z06 vehicles that Old GM knew the identity and addresses of Corvette Z06 owners before the Sale Order was entered.

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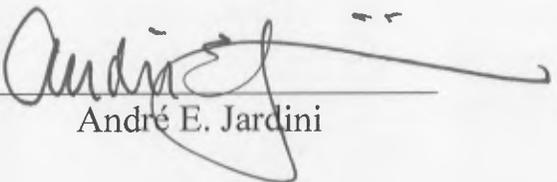
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18. I am informed and believe and therefore attest that no actual notice to any Corvette Z06 owner concerning the defect here alleged was given by Old GM.

Executed on this 5th day of February, 2016, at Glendale, California.

I declare under penalty of perjury that the foregoing is true and correct.



André E. Jardini

Exhibit 1

Document ID: 2067130

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Document ID: 2067130

#PIP4132B: Chevrolet Corvette LS7 Engine Repairs Or Replacements - keywords 7.0L block cool coolant head knock leak filter noise oil piston push replace rod spring tick valve Z06 - (Feb 19, 2008)

Subject: Chevrolet Corvette LS7 Engine Repairs or Replacements

Models: 2007-2008 Chevrolet Z06 Corvette
Equipped with the 7.0L engine RPO code LS7



This PI was updated to advise dealers the LS7 Bowling Green engine exchange has been reopened. Please discard PIP4132A.

The following diagnosis might be helpful if the vehicle exhibits the symptom(s) described in this PI.

Condition/Concern:

This is to announce a temporary program for the 2007 and 2008 Corvette Z06 with major engine failures.

In the past this engine has been on restriction and it was being exchanged as a complete assembly.

Recommendation/Instructions:

In an effort to gain product knowledge quicker Chevrolet is introducing a new program if a major engine failure occurs. Chevrolet would like to provide the opportunity for the customer to allow their Corvette Z06 to be picked up by special carrier and returned to the Bowling Green Assembly plant to have the engine exchanged.

If the customer agrees, General Motors will arrange to have a complete engine sent directly to the assembly plant. A specialized repair crew will exchange the engine, complete a diagnostic review, ensure the all codes are cleared and run the vehicle through the final assembly check. Once completed, the vehicle will be returned to the dealership on the first available carrier. Bowling Green Assembly anticipates the entire process should be completed in approximately 10 working days.

The process will include:

1. Technician to verify an engine exchange is required. The Technician should follow the proper oil checking procedure and record the amount of oil that is in the engine. If the engine is not able to be started and properly warmed the technician should not add or drain any oil. If the oil level was changed the technician should accurately record the amount of oil that was in

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- the engine prior to adding and the amount that was added.
- 2. Contact the PQC (866-654-7654) to discuss an engine exchange.
- 3. In order to participate in this program the owner must agree to have the engine replaced at Bowling Green Assembly
- 4. A check sheet and authorization will be FAXED to the dealership to be reviewed and signed by the customer and the authorized dealership personnel.
- 5. The dealership's authorized personal and owner will remove all personal articles from the vehicle before shipment.

Including but limited to: licenses plates, all CD/DVDs including navigation disc, sun glasses and garage or gate openers.

- 6. The dealership will remove the front lower fascia air dam.
- 7. A transport will be dispatched to pick up the vehicle at the dealership. In most cases this will occur within 5 days.

The transport will require assistance in loading the vehicle. In most cases it will be required to push the vehicle on to the carrier.

- 8. The engine will be replaced with a new (not rebuilt) LS7.
- 9. The engine number can not be transferred, A new engine number will be stamped and a letter will be included from Bowling Green Assembly stating the plant exchanged the engine and it will provide the old and new engine number.
- 10. Once the repair is completed, the vehicle will be tested, audited, and then it will be shipped back to the dealership on the next available carrier.
- 11. The owner and dealership's authorized personnel will inspect the car, sign the completed form and FAX a copy of the receipt to the number indicated on the form.
- 12. Dealership will submit a claim for \$1,000 to cover time and expense for diagnosis, inspection, and parts mark up

Submit under labor operation J1899 with \$1,000 in new items.

- 13. Towing, rental car expense, or associated charges should be added to operation J1899 as we
- Should you have any questions please contact Art Spong, Brand Quality Manager for Corvette at 586-947-8890

Note: This PI does not include the Z06 corvette's located in Canada, repair these vehicles as necessary.

Please follow this diagnostic or repair process thoroughly and complete each step. If the condition exhibited is resolved without completing every step, the remaining steps do not need to be performed.

GM publishes the intended for use by professional technicians, NOT a "do-it-yourselfer". They are written to inform these technicians of conditions that may occur on some vehicles, or to provide information that could assist in the proper service of a vehicle. Properly trained technicians have the equipment, tools, safety instructions, and know-how to do a job properly and safely. If a question is exhibited, DO NOT assume that the bullet applies to your vehicle, or that your vehicle will have this condition. See your GM dealer for information on whether your vehicle may benefit from the information.



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Exhibit 2

Document ID: 2178419

#PIP4132C: 2009 Corvette LS7 and LS9 Engine Replacement Information - block coolant engine exchange head knock leak lifter noise oil piston push pqc - (Aug 8, 2008)

Subject: 2009 Corvette LS7 and LS9 Engine Replacement Information

Models: 2009 Chevrolet Corvette
with a 6.2L (RPO LS9) or 7.0L (RPO LS7) Engine
in the United States of America



This PI was superseded to remove 2007-2008 Corvette Z06. Please discard PIP4132C.

The following diagnosis might be helpful if the vehicle exhibits the symptom(s) described in this PI.

Condition/Concern:

This is to announce a temporary program for 2009 Z06 and ZR1 Corvettes in the U.S.A. with major engine failures. In an effort to gain product knowledge quicker, Chevrolet would like to provide the opportunity for the customer to allow their Z06 or ZR1 Corvette to be picked up by special carrier and returned to the Bowling Green Assembly Plant to have the engine exchanged.

If the customer agrees, General Motors will arrange to have a complete engine sent directly to the assembly plant. A specialized repair crew will exchange the engine, complete a diagnostic review, ensure all of the codes are cleared, and run the vehicle through the final assembly check. Once completed, the vehicle will be returned to the dealership on the first available carrier. Bowling Green Assembly anticipates the entire process should be completed in approximately 10 working days.

Recommendation/Instructions:

If engine replacement is necessary, please review the opportunity above with the customer to see whether they would like to have your dealership replace their engine, or at Bowling Green Assembly Plant.

If a Z06 customer would prefer to have your dealership replace their Z06 engine, follow the latest version of 02-07-30-029 and contact PQC before ordering the replacement engine from your parts department. If a ZR1 customer would prefer to have your dealership replace their ZR1 engine, follow the latest version of 08-06-01-014 and contact PQC the PQC and they will order the replacement engine for you as necessary.

If a Z06 or ZR1 customer would prefer to have Bowling Green Assembly Plant replace their Z06 or ZR1 engine, follow the steps below:

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- 1) The technician should follow the proper oil level inspection procedure and record the amount of oil that is in the engine. If the engine is not able to be started and properly warmed the technician should not add or drain any oil. If the oil level was changed, the technician should accurately record the amount of oil that was in the engine and the amount of oil that was added.
- 2) Contact the PQC (**866-654-7654**) and advise them that the customer would like to have Bowling Green Assembly Plant replace their engine as described in this PI.
- 3) In order to participate in this program, the owner must agree to have the engine replaced at Bowling Green Assembly.
- 4) A check sheet and authorization will be FAXED to the dealership to be reviewed and signed by the customer and the authorized dealership personnel.
- 5) The dealership's authorized personal and Corvette owner must remove all personal articles from the vehicle before shipment. This includes, but is not limited to, licenses plates, all CD/DVDs, navigation DVDs, sun glasses, and garage/gate openers.
- 6) The dealership must remove the front lower fascia air dam.
- 7) A transport carrier will be dispatched to pick up the vehicle at the dealership. In most cases, this will occur within 5 days. The transport will require assistance in loading the vehicle. In most cases, it will be required to push the vehicle on to the carrier.
- 8) The engine will be replaced with a new engine.
- 9) The engine unit number can not be transferred from the old engine to the new engine. A new engine unit number will be stamped on the new engine and a letter will be included from Bowling Green Assembly that includes the old and new engine unit numbers and documents that they exchanged the engine.
- 10) Once the repair is complete, the vehicle will be tested, audited, and shipped back to the dealership on the next available carrier.
- 11) The Corvette owner and dealership's authorized personnel will inspect the car, sign the completed form, and FAX a copy of receipt to the FAX number on the form.
- 12) The dealership will submit a claim for \$1,000 to cover time and expense for diagnosis, inspection, and parts mark up. Submit under labor operation J1899 with \$1,000 in new items.
- 13) Towing, rental car expense, or associated charges should be added to labor operation J1899 as well.

Should you have any questions, please contact Art Spong, Brand Quality Manager for Corvette at
586-947-8890

Please follow this diagnostic or repair process thoroughly and complete each step. If the condition exhibited is resolved without completing every step, the remaining steps do not need to be performed.

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