

**BINDER & SCHWARTZ LLP**

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*Attorneys for Plaintiff*

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

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In re:

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

Chapter 11

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

Debtors.

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

Adversary Proceeding

Plaintiff,

Case No. 09-00504 (MG)

against

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

Defendants.

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**NOTICE OF PRESENTMENT OF  
APPLICATION FOR ISSUANCE OF A LETTER ROGATORY  
SEEKING SERVICE OF PROCESS IN A FOREIGN COUNTRY**

**PLEASE TAKE NOTICE** that the undersigned will present the attached application (“**Application**”) seeking entry of an order, in the form annexed to the Application as

Exhibit A, issuing a letter rogatory pursuant to Fed. R. Civ. P. 4(f)(2)(B), addressed to the appropriate Austrian judicial authority, requesting that the Austrian court cause the First Amended Adversary Complaint [Dkt. No. 91] and Fourth Summons and Notice of Pretrial Conference in an Adversary Proceeding [Dkt. No. 471] to be served upon Defendant Oesterreichische Volksbanken AG, to the Honorable Judge Martin Glenn, United States Bankruptcy Judge for signature on **May 23, 2016 at 5:00 p.m. (Eastern Time)**.

**PLEASE TAKE FURTHER NOTICE** that any responses or objections to the Application must be in writing, shall conform to the Federal Rules of Bankruptcy Procedure and the Local Rules of the Court, and shall be filed with the Court (a) electronically in accordance with General Order M-399 (which can be found at [www.nysb.uscourts.gov](http://www.nysb.uscourts.gov)) by registered users of the Court's CM/ECF filing system, and (b) by all other parties in interest, on a CD-ROM, in text-searchable portable document format (PDF), with a hard copy delivered directly to Chambers, in accordance with the customary practices of the Court and General Order M-399, to the extent applicable, and served in accordance with General Order M-399 and on Binder & Schwartz LLP, attorneys for the Plaintiff, 366 Madison Ave., 6<sup>th</sup> Floor, New York, New York, 10017 (Attn: Eric B. Fisher, Esq.), so as to be received no later than **May 18, 2016 at 4:00 p.m. (Eastern Time)**.

**PLEASE TAKE FURTHER NOTICE** that if no responses or objections are timely filed and served with respect to the Application, the Court may enter an order, substantially in the form annexed to the Application, without any further notice or opportunity to be heard.

**PLEASE TAKE FURTHER NOTICE** that if a written response or objection is timely filed, a hearing on the Application may be held before the Honorable Judge Martin Glenn, United States Bankruptcy Judge, on a date and at a time and place to be fixed by the Court.

Dated: New York, New York  
May 11, 2016

Respectfully submitted,

**BINDER & SCHWARTZ LLP**

/s/ Eric B. Fisher  
Eric B. Fisher  
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366 Madison Avenue, 6th Floor  
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*Attorneys for Plaintiff Motors Liquidation  
Company Avoidance Action Trust*

**BINDER & SCHWARTZ LLP**

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*Attorneys for Plaintiff*

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

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In re:

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

Debtors.

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

Plaintiff,

against

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

Defendants.

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Chapter 11

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

Adversary Proceeding

Case No. 09-00504 (MG)

**APPLICATION FOR ISSUANCE OF A LETTER ROGATORY  
SEEKING SERVICE OF PROCESS IN A FOREIGN COUNTRY**

Plaintiff Motors Liquidation Company Avoidance Action Trust (“**Plaintiff**”), by and through Wilmington Trust Company, solely in its capacity as the Trust Administrator and Trustee, through its attorneys Binder & Schwartz LLP, respectfully submits this application and the accompanying Declaration of Eric Fisher in support thereof, for the entry of an order, in the form annexed hereto as **Exhibit A**, issuing a letter rogatory pursuant to Fed. R. Civ. P. 4(f)(2)(B), addressed to the appropriate Austrian judicial authority, requesting that the Austrian court cause the following documents, as filed in the present action (plus their Austrian court-certified German translations), to be served upon Defendant Oesterreichische Volksbanken AG:

- Fourth Summons and Notice of Pretrial Conference in an Adversary Proceeding; and
- First Amended Adversary Complaint.

Plaintiff further requests that, after this Court has signed the original letter rogatory, and sealed it with the Stamp of the Court, the letter rogatory be returned to counsel for forwarding, along with the appropriate documentation, to the United States Department of State, Bureau of Consular Affairs, Office of American Citizen Services, at the following address:

Office of American Citizen Services  
Bureau of Consular Affairs, European Division  
US Department of State  
SA-17A 10<sup>th</sup> Floor  
2201 C Street, NW,  
Washington, D.C. 20520-0001

The United States Department of State will oversee transmission of the letter rogatory to Austria through diplomatic channels as provided in 28 U.S.C. §1781(a)(2) and its presentation to the requested foreign court. The United States Department of State advises that service will be effected by the Austrian judicial authorities and proof returned through diplomatic pouch within four to six months of its receipt by those authorities.

**Plaintiff stands ready to reimburse the United States Department of State for any expenses incurred in connection with the execution of this letter rogatory, and will submit to a check in the amount of \$2,275 to the Department of State along with its submission of the letter rogatory and accompanying documentation.**

Dated: New York, New York  
May 11, 2016

**BINDER & SCHWARTZ LLP**

/s/ Eric B. Fisher  
Eric B. Fisher  
Neil S. Binder  
Lindsay A. Bush  
Lauren K. Handelsman  
366 Madison Avenue, 6th Floor  
New York, New York 10017  
Tel: (212) 510-7008  
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*Attorneys for Plaintiff Motors Liquidation Company  
Avoidance Action Trust*

# **EXHIBIT A**

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

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In re:

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

Chapter 11

Case No. 09-50026 (MG)  
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Debtors.

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

Adversary Proceeding

Plaintiff,

Case No. 09-00504 (MG)

against

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

Defendants.

-----X

**ORDER GRANTING  
APPLICATION FOR ISSUANCE OF A LETTER ROGATORY  
SEEKING SERVICE OF PROCESS IN A FOREIGN COUNTRY**

Upon the application (the “**Application**”), dated May 11, 2016, of the Motors Liquidation Company Avoidance Action Trust seeking entry of an order issuing a letter rogatory to be transmitted to the appropriate Austrian judiciary authority requesting that the Austrian court cause the First Amended Adversary Complaint [Dkt. No. 91] and Fourth Summons and Notice of Pretrial Conference in an Adversary Proceeding [Dkt. No. 471] to be served upon Defendant Oesterreichische Volksbanken AG; and it appearing that due and sufficient notice of the Application has been given under the circumstances; and it further appearing that the relief sought in the Motion is appropriate based upon the information provided in the Application and accompanying Declaration of Eric B. Fisher in support; and it further appearing that this Court



has jurisdiction to consider the Application and the relief requested therein; and after due deliberation and sufficient cause appearing therefor; it is hereby

ORDERED, that the Application is granted in its entirety; and it is further

ORDERED, that the letter rogatory forwarded to the Court shall not be docketed but shall be signed by the Court and stamped with the seal of the Court.

Dated: New York, New York  
May \_\_, 2016

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Martin Glenn  
United States Bankruptcy Judge