

**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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**STIPULATION AND [PROPOSED] ORDER PERMITTING THE DEFENDANTS
TO FILE SUPPLEMENTAL BRIEFING UNDER SEAL**

WHEREAS, on August 17, 2015, the Court entered an *Order Regarding Discovery and Scheduling* (ECF No. 153) (the “**August 17, 2015 Order**”), setting forth the schedule for discovery in this Action;

WHEREAS, on April 18, 2016, the Court entered the *Amended Agreed Protective Order* (ECF No. 489) (the “**Amended Agreed Protective Order**”), which governs discovery provided by and to all parties and non-parties in this Action;

WHEREAS, on April 17, 2017, the Court issued an *Order Directing Additional Briefing* (ECF No. 958) (the “**April 17, 2017 Order**”);

WHEREAS, certain of the briefing or related exhibits that will be submitted by the Defendants in response to the April 17, 2017 Order may contain information that has been designated by the parties or various third parties as Confidential or Outside Attorneys' Eyes Only ("OAE0") (the "**Confidential Supplemental Briefing**");

WHEREAS, certain other briefing that will be submitted by the Parties in response to the April 17, 2017 Order does not contain information that has been designated by the parties or various third parties as Confidential or OAE0 (the "**Non-Confidential Supplemental Briefing**");

WHEREAS, the Defendants seek to supplement the testimony of Abdul Lakhani in response to the April 17, 2017 Order (the "**Proposed Supplemental Testimony**") and Plaintiff objects to the Proposed Supplemental Testimony;

WHEREAS, paragraph 12 of the Amended Agreed Protective Order requires that "All Confidential or OAE0 Discovery Material filed with the Court, and all portions of pleadings, motions or other papers filed with the Court that disclose such Confidential or OAE0 Discovery Material, shall be filed under seal with the Clerk of the Court and kept under seal until further order of the Court";

WHEREAS, counsel for Plaintiff and counsel for the members of the Defendants' Steering Committee have met and conferred regarding the filing of the Confidential Supplemental Briefing under seal; and

WHEREAS, counsel for Plaintiff and counsel for the members of the Defendants' Steering Committee intend to publicly file all Non-Confidential Supplemental Briefing on the Court's electronic docket on the date specified in the April 17, 2017 Order;

WHEREAS, good cause exists for temporarily permitting the Defendants to file the Confidential Supplemental Briefing under seal to ensure that all confidentiality concerns are addressed before the Court in a timely manner;

IT IS HEREBY STIPULATED AND AGREED, by and among counsel for the undersigned parties, that:

1. The Defendants shall serve all of the Supplemental Briefing and the Proposed Supplemental Testimony on all Parties to this Action via email on or before April 24, 2017 and will specify any material that shall be treated as Confidential under the Amended Agreed Protective Order;

2. The Defendants shall publicly file all Non-Confidential Supplemental Briefing on the Court's electronic docket at approximately 9 p.m. on April 24, 2017, with any Confidential Supplemental Briefing redacted;

3. On April 25, 2017, or within one business day of the Court's so-ordering of this Stipulation, whichever is later, the Defendants shall file the Confidential Supplemental Briefing under seal with the Clerk of Court pursuant to the Amended Agreed Protective Order;

4. On or before April 24, 2017, the Defendants shall serve on all third-parties who have designated as Confidential or OAEO material contained in the Confidential Supplemental Briefing or Supplemental Testimony: (i) a copy of this Stipulation and Order; and (ii) the relevant portions of the Confidential Supplemental Briefing and the Proposed Supplemental Testimony that contain such third party's Confidential or OAEO material;

5. Unless any party or third party files a motion to seal some or all of the Confidential Supplemental Briefing on or before April 28, 2017, the Confidential Supplemental Briefing and the Proposed Supplemental Testimony will cease to be Confidential or OAEO and

the Parties will file the Confidential Supplemental Briefing on the Court's electronic docket on May 1, 2017.

6. If any party or third party files a motion to seal portions of the Confidential Supplemental Briefing, after the Court has resolved the motions to seal, the parties will file the Confidential Supplemental Briefing on the Court's electronic docket with any redactions that the Court directs.

Dated: New York, New York
April 24, 2017

New York, New York
April 24, 2017

BINDER & SCHWARTZ LLP

WACHTELL, LIPTON, ROSEN & KATZ

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

By: Marc Wolinsky
Harold S. Novikoff
Marc Wolinsky
Amy R. Wolf
Emil A. Kleinhaus
Carrie M. Reilly
C. Lee Wilson
51 West 52nd Street
New York, New York 10019
Telephone: (212) 403-1322
Email: HSNovikoff@wlrk.com
Email: MWolinsky@wlrk.com

*Attorneys for Plaintiff Motors Liquidation
Company Avoidance Action Trust*

KELLEY DRYE & WARREN LLP

John M. Callagy
Nicholas J. Panarella
Martin A. Krolewski
101 Park Avenue
New York, New York 10178
Telephone: (212) 808-7800
Email: jcallagy@kelleydrye.com
Email: npanarella@kelleydrye.com
Email: mkrolewski@kelleydrye.com

*Attorneys for Defendant JPMorgan Chase Bank,
N.A.*

JONES DAY

By: Bruce Bennett
Bruce Bennett
Erin L. Burke
555 South Flower Street, 50th Floor
Los Angeles, CA 90071
(213) 489-3939

Gregory M. Shumaker
Christopher J. DiPompeo
51 Louisiana Avenue, N.W.
Washington, D.C. 20001

(202) 879-3939

*Attorneys for the Term Loan Lenders listed in
Appendix A to the Consent Motion to Withdraw
(Dkt. No. 753)*

KASOWITZ BENSON TORRES &
FRIEDMAN LLP

By: Andrew K. Glenn

Andrew K. Glenn
Joshua N. Paul
Michelle G. Bernstein
Isaac S. Sasson
1633 Broadway
New York, NY 10019
(212) 506-1700

*Attorneys for the Ad Hoc Group of Term Lenders
listed in Appendix A to Dkt. No. 670*

DAVIS POLK & WARDWELL LLP

By: Elliott Moskowitz

Elliot Moskowitz
Marc J. Tobak
M. Nick Sage
450 Lexington Avenue
New York, NY 10017

*Attorneys for Defendants Arrowgrass Master
Fund Ltd., et al.*

HAHN & HESSEN LLP

By: Mark T. Power

Mark T. Power
Alison M. Ladd
488 Madison Avenue
New York, NY 10022
(212) 478-7200

*Attorneys for certain Term Loan Investor
Defendants identified on Exhibit 1 to Dkt. No.
788*

SO ORDERED

Dated: New York, New York
_____, 2017

Martin Glenn
United States Bankruptcy Judge