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Attorneys for Motors Liquidation
Company GUC Trust

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

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	:	
In re	:	Chapter 11 Case No.
	:	
MOTORS LIQUIDATION COMPANY, et al.,	:	09-50026 (REG)
f/k/a General Motors Corp., et al.	:	
	:	
Debtors.	:	(Jointly Administered)
	:	
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NOTICE OF PRESENTMENT AND APPLICATION FOR ORDER EXPUNGING CLAIMS FILED BY DANIEL VOGEL ADMINISTRATOR AD PROSEQUENDUM OF THE ESTATE OF LAURANA VOGEL, DANIEL VOGEL ADMINISTRATOR AD PROSEQUENDUM OF THE ESTATE OF ERIC VOGEL, MELISSA M. VOGEL, GREGORY VOGEL, BY HIS GUARDIAN AD LITEM DANIEL VOGEL AND INDIVIDUALLY, AND DANIEL VOGEL ADMINISTRATOR (CLAIM NUMBERS 1286, 1288, 1289, 59023, 59024, 59025, 59026, 68484, 68485, 68486 AND 68487)

PLEASE CAREFULLY REVIEW THIS NOTICE AND APPLICATION WITH THE ATTACHMENT. CLAIMANTS RECEIVING THIS NOTICE HAVE FILED PROOFS OF CLAIM WHICH ARE THE SUBJECT OF A PROPOSED ORDER EXPUNGING THEIR CLAIM.

PLEASE TAKE NOTICE that, the Motors Liquidation Company GUC Trust (the “GUC Trust”), formed by the above-captioned debtors (collectively, the “Debtors”) in connection with the Debtors’ Second Amended Joint Chapter 11 Plan dated March 18, 2011, make this application and will present the attached Order (the “Proposed Order”) to the Honorable Robert E. Gerber, United States Bankruptcy Judge, for approval and signature at Room

621 of the United States Bankruptcy Court for the Southern District of New York (the “Bankruptcy Court”), One Bowling Green, New York, New York 10004 on **September 18, 2013, at 4:00 p.m. (Eastern Time)**, which expunges the claims (the “**Claims**”) below:

<u>Claimant</u>	<u>Claim No.</u>
DANIEL VOGEL, ADMINISTRATOR AD PROSEQUENDUM OF THE ESTATE OF LAURANA VOGEL	1286
DANIEL VOGEL, ADMINISTRATOR AD PROSEQUENDUM OF THE ESTATE OF ERIC VOGEL	1288
MELISSA M. VOGEL	1289
DANIEL VOGEL, ADMINISTRATOR AD PROSEQUENDUM OF ERIC VOGEL	59023
GREGORY VOGEL, BY HIS GUARDIAN AD LITEM DANIEL VOGEL AND INDIVIDUALLY	59024
DANIEL VOGEL, ADMINISTRATOR	59025
MELISSA M. VOGEL	59026
DANIEL VOGEL, ADMINISTRATOR AD PROSEQUENDUM OF THE ESTATE OF ERIC VOGEL	68484
GREGORY VOGEL, BY HIS GUARDIAN AD LITEM DANIEL VOGEL AND INDIVIDUALLY	68485
DANIEL VOGEL, ADMINISTRATOR	68486
MELISSA M. VOGEL (collectively, the “ Claimants ”)	68487

PLEASE TAKE FURTHER NOTICE that, the GUC Trust is seeking expungement of the Claims because (i) each Claimant asserted claims brought in a lawsuit styled *Vogel, et al. v. General Motors Corporation, et al.*, Docket No. A-5578-07-T3 (the “**Action**”) pending in in the Superior Court of New Jersey, Appellate Division (the “**Appeals Court**”); (ii) the Action was allowed to proceed in the Appeals Court pursuant to a stipulation and agreed order providing for limited modification of the automatic stay (Dkt. No. 10552); and (iii) the Action is now fully resolved, based on the Appeals Court affirming a jury verdict that Claimants have no cause of action and Claimants having failed to timely file an appeal;

PLEASE TAKE FURTHER NOTICE that, based on the Appeals Court affirmance of the no cause of action verdict and Claimants having failed to timely file an appeal, the GUC Trust seeks to remove the Claims from the claims registry, to ensure that the claims registry accurately reflects claims being sought against the Debtors;

PLEASE TAKE FURTHER NOTICE that, the GUC Trust reserves the right to object to any of the Claims as to which the Court does not grant the relief requested herein;

PLEASE TAKE FURTHER NOTICE that, if any of the Claimants objects to the expungement of its Claim, as set forth in the Proposed Order, the Claimant must file a response, in writing, which shall conform to the Federal Rules of Bankruptcy Procedure and the Local Rules of the Bankruptcy Court, and shall be filed with the Bankruptcy Court (a) electronically in accordance with General Order M-399 (which can be found at www.nysb.uscourts.gov) by registered users of the Bankruptcy Court’s filing system, and (b) by all other parties in interest, on a CD-ROM or 3.5 inch disk, in text-searchable portable document format (PDF) (with a hard copy delivered directly to Chambers), in accordance with the customary practices of the Bankruptcy Court and General Order M-399, to the extent applicable,

and served in accordance with General Order M-399 and on (i) Dickstein Shapiro, LLP, attorneys for the GUC Trust, 1633 Broadway, New York, New York, 10019-6708 (Attn: Barry N. Seidel, Esq., and Shaya M. Berger, Esq.); (ii) the Debtors, c/o Motors Liquidation Company, 401 South Old Woodward Avenue, Suite 370, Birmingham, Michigan 48009 (Attn: Thomas Morrow); (iii) General Motors, LLC, 400 Renaissance Center, Detroit, Michigan 48265 (Attn: Lawrence S. Buonomo, Esq.); (iv) Cadwalader, Wickersham & Taft LLP, attorneys for the United States Department of the Treasury, One World Financial Center, New York, New York 10281 (Attn: John J. Rapisardi, Esq.); (v) the United States Department of the Treasury, 1500 Pennsylvania Avenue NW, Room 2312, Washington, D.C. 20220 (Attn: Joseph Samarias, Esq.); (vi) Vedder Price, P.C., attorneys for Export Development Canada, 1633 Broadway, 47th Floor, New York, New York 10019 (Attn: Michael J. Edelman, Esq. and Michael L. Schein, Esq.); (vii) Kramer Levin Naftalis & Frankel LLP, attorneys for the statutory committee of unsecured creditors, 1177 Avenue of the Americas, New York, New York 10036 (Attn: Thomas Moers Mayer, Esq., Robert Schmidt, Esq., Lauren Macksoud, Esq., and Jennifer Sharret, Esq.); (viii) the Office of the United States Trustee for the Southern District of New York, 33 Whitehall Street, 21st Floor, New York, New York 10004 (Attn: Tracy Hope Davis, Esq.); (ix) the U.S. Attorney's Office, S.D.N.Y., 86 Chambers Street, Third Floor, New York, New York 10007 (Attn: David S. Jones, Esq. and Natalie Kuehler, Esq.); (x) Caplin & Drysdale, Chartered, attorneys for the official committee of unsecured creditors holding asbestos-related claims, 375 Park Avenue, 35th Floor, New York, New York 10152-3500 (Attn: Elihu Inselbuch, Esq. and Rita C. Tobin, Esq.) and One Thomas Circle, N.W., Suite 1100, Washington, DC 20005 (Attn: Trevor W. Swett III, Esq. and Kevin C. Maclay, Esq.); (xi) Stutzman, Bromberg, Esserman & Plifka, A Professional Corporation, attorneys for Dean M. Trafelet in his capacity as the legal

representative for future asbestos personal injury claimants, 2323 Bryan Street, Suite 2200, Dallas, Texas 75201 (Attn: Sander L. Esserman, Esq. and Robert T. Brousseau, Esq.); (xii) Gibson, Dunn & Crutcher LLP, attorneys for Wilmington Trust Company as GUC Trust Administrator and for Wilmington Trust Company as Avoidance Action Trust Administrator, 200 Park Avenue, 47th Floor, New York, New York 10166 (Attn: Keith Martorana, Esq.); (xiii) FTI Consulting, as the GUC Trust Monitor and as the Avoidance Action Trust Monitor, One Atlantic Center, 1201 West Peachtree Street, Suite 500, Atlanta, Georgia 30309 (Attn: Anna Phillips); (xiv) Crowell & Moring LLP, attorneys for the Revitalizing Auto Communities Environmental Response Trust, 590 Madison Avenue, 19th Floor, New York, New York 10022-2524 (Attn: Michael V. Blumenthal, Esq.); and (xv) Kirk P. Watson, Esq., as the Asbestos Trust Administrator, 2301 Woodlawn Boulevard, Austin, Texas 78703, so as to be filed and received no later than **September 18, 2013, at 12:00 p.m. (Eastern Time)** (the “**Response Deadline**”).

PLEASE TAKE FURTHER NOTICE that, if no responses to the Proposed Order are timely filed and served, the GUC Trust may, on or after the Response Deadline, submit to the Bankruptcy Court an order substantially in the form of the Proposed Order, which may be entered without further notice or opportunity to be heard offered to any party.

Dated: New York, New York
August 16, 2013

/s/ Shaya M. Berger
Barry N. Seidel
Shaya M. Berger

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

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	:	Chapter 11 Case No.
In re	:	
	:	09-50026 (REG)
MOTORS LIQUIDATION COMPANY, et al.	:	
f/k/a General Motors Corp., et al.,	:	
	:	(Jointly Administered)
Debtors.	:	
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ORDER EXPUNGING CLAIMS FILED BY DANIEL VOGEL ADMINISTRATOR AD PROSEQUENDUM OF THE ESTATE OF LAURANA VOGEL, DANIEL VOGEL ADMINISTRATOR AD PROSEQUENDUM OF THE ESTATE OF ERIC VOGEL, MELISSA M. VOGEL, GREGORY VOGEL, BY HIS GUARDIAN AD LITEM DANIEL VOGEL AND INDIVIDUALLY, AND DANIEL VOGEL ADMINISTRATOR (CLAIM NUMBERS 1286, 1288, 1289, 59023, 59024, 59025, 59026, 68484, 68485, 68486 AND 68487)

Upon the notice of presentment and application for an order (the “**Proposed Order**”) expunging the claims filed by Daniel Vogel Administrator Ad Prosequendum of the Estate of Laurana Vogel, Daniel Vogel Administrator Ad Prosequendum of the Estate of Eric Vogel, Melissa M. Vogel, Gregory Vogel, by his Guardian Ad Litem Daniel Vogel and Individually, and Daniel Vogel Administrator, (Claim Numbers 1286, 1288, 1289, 59023, 59024, 59025, 59026, 68484, 68485, 68486 and 68487), dated August 16, 2013, of the Motors Liquidation Company GUC Trust (the “**GUC Trust**”), formed by the above-captioned debtors (collectively, the “**Debtors**”) in connection with the Debtors’ Second Amended Joint Chapter 11 Plan, dated March 18, 2011; and due and proper notice of the application and the Proposed Order having been provided, and it appearing that no other or further notice need be provided; and the Court having found and determined that the relief sought is in the best interests of the Debtors, their estates, creditors, and all parties in interest and after due deliberation and sufficient cause appearing therefor, it is:

ORDERED that, pursuant to section 502(b) of the Bankruptcy Code, Claim Numbers 1286, 1288, 1289, 59023, 59024, 59025, 59026, 68484, 68485, 68486 and 68487 are disallowed and expunged; and it is further

ORDERED that this Court shall retain jurisdiction to hear and determine all matters arising from or related to this Order.

Dated: _____, 2013
New York, New York
