

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

KELLY CASTILLO, NICHOLE BROWN,
BRENDA ALEXIS DIGIANDOMENICO,
VALERIE EVANS, BARBARA ALLEN,
STANLEY OZAROWSKI, and DONNA
SANTI,

Plaintiffs,

vs.

GENERAL MOTORS COMPANY, etc.,

Defendant.

Case No. 09-00113 PJW

**GM'S MOTION UNDER FED. R. CIV. P. 12(b)(6)
TO DISMISS PLAINTIFFS' COMPLAINT FOR
FAILURE TO STATE A CLAIM UPON WHICH RELIEF CAN BE GRANTED**

Defendant General Motors Company ("GM") moves for an order pursuant to Fed. R. Civ. P. 12(b)(6) dismissing plaintiffs' Complaint for Declaratory Judgment for failure to state a claim upon which relief may be granted.

In support of this motion, GM relies upon its accompanying *GM's Brief in Support of Motion Pursuant to Fed. R. Civ. P. 12(b)(6) To Dismiss Plaintiffs' Complaint for Failure To State a Claim Upon Which Relief Can Be Granted*, filed contemporaneously herewith.

WHEREFORE, GM respectfully asks the Court to enter the proposed order attached to this motion as Exhibit A dismissing plaintiffs' complaint and granting such other and further relief as the Court deems just and proper.

Date filed: 9/28/09
Docket #: 6

Dated: September 28, 2009

/s/ Cory D. Kandestin

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EXHIBIT A

Proposed Order

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

KELLY CASTILLO, NICHOLE BROWN,
BRENDA ALEXIS DIGIANDOMENICO,
VALERIE EVANS, BARBARA ALLEN,
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SANTI,

Plaintiffs,

vs.

GENERAL MOTORS COMPANY, etc.,

Defendant.

Case No. 09-00113 PJW

**ORDER GRANTING GM'S MOTION UNDER FED. R. CIV. P. 12(b)(6)
TO DISMISS PLAINTIFFS' COMPLAINT FOR
FAILURE TO STATE A CLAIM UPON WHICH RELIEF CAN BE GRANTED**

The Court having reviewed *GM's Motion Under Fed. R. Civ. P. 12(b)(6) To Dismiss Plaintiffs' Complaint for Failure to State a Claim Upon Which Relief Can Be Granted* and the opposition thereto; and the Court having considered the matter; and the Court having determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted below,

THE COURT ORDERS THAT

1. The Motion is granted.
2. Plaintiffs' complaint is dismissed.

Dated: _____, 2009
Wilmington, Delaware

UNITED STATES BANKRUPTCY JUDGE

CERTIFICATE OF SERVICE

I, Cory D. Kandestin, certify that on September 28, 2009, a copy of the foregoing was caused to be served by hand delivery upon the following:

Ian Connor Bifferato, Esquire
David W. deBruin, Esquire
Kevin G. Collins, Esquire
Bifferato LLC
800 N. King Street, Plaza Level
Wilmington, DE 19801

/s/ Cory D. Kandestin
Cory D. Kandestin (No. 5025)

File a Motion:09-00113-PJW Castillo et al v. General Motors Company, f/k/a New General Motors C

Type: mp

Office: 1 (Delaware)

Judge: PJW

U.S. Bankruptcy Court**District of Delaware**

Notice of Electronic Filing

The following transaction was received from Cory D. Kandestin entered on 9/28/2009 at 4:34 PM EDT and filed on 9/28/2009

Case Name: Castillo et al v. General Motors Company, f/k/a New General Motors C**Case Number:** 09-00113-PJW**Document Number:** 6**Docket Text:**

Motion to Dismiss Case Filed by General Motors Company, f/k/a New General Motors Company, Inc.. (Attachments: # (1) Exhibit A# (2) Certificate of Service) (Kandestin, Cory)

The following document(s) are associated with this transaction:

Document description:Main Document**Original filename:**W:\TXA\GM_Motion.pdf**Electronic document Stamp:**

[STAMP bkecfStamp_ID=983460418 [Date=9/28/2009] [FileNumber=7688798-0]
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Document description:Exhibit A**Original filename:**W:\TXA\GM-Ex. A.pdf**Electronic document Stamp:**

[STAMP bkecfStamp_ID=983460418 [Date=9/28/2009] [FileNumber=7688798-1]
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Document description:Certificate of Service**Original filename:**W:\TXA\GM-COS Motion.pdf**Electronic document Stamp:**

[STAMP bkecfStamp_ID=983460418 [Date=9/28/2009] [FileNumber=7688798-2]
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09-00113-PJW Notice will be electronically mailed to:

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Cory D. Kandestin on behalf of Defendant General Motors Company, f/k/a New General Motors Company, Inc.

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09-00113-PJW Notice will not be electronically mailed to: