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Return Date and Time:
March 25, 2010 at 9:45 a.m.

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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re MOTORS LIQUIDATION COMPANY,
f/k/a GENERAL MOTORS CORP., *et al.*,

Debtors,

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

Plaintiffs,

v.

GENERAL MOTORS COMPANY, f/k/a NEW
GENERAL MOTORS COMPANY, INC.,

Defendant.

Chapter 11
09-50026 (REG)
Jointly Administered

Adv. Proc. No. 09-00509

**PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT AS TO COUNT I,
ONLY, FOR EXPRESS ASSUMPTION OF LIABILITY**

1. Plaintiffs filed their Complaint in two counts seeking a declaration that the defendant, General Motors Company ("New GM"), has assumed the liability for plaintiffs' Settlement with and Final Judgment against General Motors Corporation ("Old GM") on theories

of express assumption of liability (Count I) and implied assumption of liability (Count II).

2. With this Motion, plaintiffs seek summary judgment as to Count I, for express assumption of liability, only.

3. Under the express terms of the Master Sale and Purchase Agreement, the Agreement and Final Judgment at issue in this case are "Assumed Liabilities" for which New GM has accepted responsibility.

4. At this time, there are no genuine issues of material fact and the plaintiffs are entitled to judgment as a matter of law in that New GM has expressly assumed liability for the Agreement and Final Judgment at issue in this case.

5. Plaintiffs incorporate by reference the material set forth in their supporting memorandum.

WHEREFORE, plaintiffs request that the Court grant their Motion for Summary Judgment as to Count I, only, and order the following relief:

- A. A declaration that the Agreement and Final Judgment are "Assumed Liabilities" under the ARMSPA; and
- B. Such other and further relief as the Court deems appropriate under the circumstances

Dated: December 18, 2009

Respectfully submitted,

By: /s/ Mark L. Brown

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CERTIFICATE OF SERVICE

I hereby certify that on December 18, 2009, I electronically filed Plaintiffs' Motion for Partial Summary Judgment As To Count I, Only, For Express Assumption Of Liability with the Clerk of Court using the CM/ECF system, which will send notification of such filings(s) to the following:

Gregory Oxford
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By: /s/ Mark L. Brown

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Tana Burton

From: Docket
Sent: Friday, December 18, 2009 4:32 PM
To: Tana Burton
Subject: FW: 09-00509-reg Motion for Summary Judgment

From: nysbinfo@nysb.uscourts.gov[SMTP:NYSBINFO@NYSB.USCOURTS.GOV]
Sent: Friday, December 18, 2009 4:31:42 PM
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U.S. Bankruptcy Court
Southern District of New York

Notice of Electronic Filing

The following transaction was received from Mark L. Brown entered on 12/18/2009 at 5:31 PM and filed on 12/18/2009

Case Name: Castillo et al v. General Motors Company
Case Number: 09-00509-reg
Document Number: 23

Docket Text:

Motion for Summary Judgment *as to Count I, Only, for Express Assumption of Liability* filed by Mark L. Brown on behalf of Barbara Allen, Nichole Brown, Kelly Castillo, Brenda Alexis DiGiandomenico, Valerie Evans, Stanley Ozarowski, Donna Santi. with hearing to be held on 3/25/2010 (check with court for location) (Brown, Mark)

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

Document description:Main Document

Original filename:J:\LLF\Saturn Transmission(Product Defect)\Drafts\2009-12-18 MSJ Docs\2009-12-18 Motion for Partial Summary Judgment.pdf

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[STAMP NYSBStamp_ID=842906028 [Date=12/18/2009] [FileNumber=7501356-0]
[10f9078a19bd1f47317714aa671886d0e23b024b6e59d9fecc395294523f202c90c9
47f6c3983437efe66b915730d305a768420988911a570a09b9b1cec476b9]]

09-00509-reg Notice will be electronically mailed to:

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09-00509-reg Notice will not be electronically mailed to:

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