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UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

DELPHI CORPORATION et al.,  
Plaintiffs,

Chapter 11

Case No. 05-44481 (RDD)  
(Jointly Administered)

Adv. Pro. No. 07-02074, et seq.

**REORGANIZED DEBTORS' MOTION FOR A CASE MANAGEMENT ORDER  
ESTABLISHING PROCEDURES GOVERNING ADVERSARY PROCEEDINGS**

Plaintiffs DPH Holdings Corporation and certain of its affiliated reorganized debtors (collectively, the “Reorganized Debtors” or “Plaintiffs”), respectfully request that this Court enter a Case Management Order in the form attached hereto as Exhibit A, to establish streamlined procedures to facilitate the efficient resolution of the adversary proceedings identified in Exhibit B hereto (hereinafter “Retained Adversary Proceedings”).<sup>1</sup>

**Preliminary Statement**

1. As explained in detail below, the Retained Adversary Proceedings that are the subject of this motion for entry of a Case Management Order were preserved for eventual

<sup>1</sup> Togut, Segal & Segal LLP (the “Togut Firm”), is counsel to Plaintiffs with respect to eleven of the Retained Adversary Proceedings, as indicated on Exhibit B hereto. With respect to those eleven actions, the Togut Firm joins in this motion for entry of a Case Management Order.

prosecution by the Reorganized Debtors pursuant to a series of orders entered by this Court during the reorganization proceedings that led to Delphi's emergence from chapter 11 protection on October 6, 2009 (the "Effective Date"). Since the Effective Date, the Reorganized Debtors have asked the Clerk of the Court to unseal these actions and issue summonses, and have served, and continue to serve, the issued summonses upon the defendants. In a number of instances, the Reorganized Debtors have engaged in substantive discussions in an early effort to resolve many of these cases.

2. The proposed Case Management Order is intended to facilitate the litigation of these cases in a coordinated and expeditious manner that minimizes the burdens upon the parties and the Court.

### **Background**

#### **A. The Chapter 11 Filings And Initial Steps Toward Reorganization**

3. On October 8 and 14, 2005, Delphi and its subsidiary and affiliated U.S. entities (together, the "Debtors") filed voluntary petitions in this Court for reorganization relief under chapter 11 of Title XI of the United States Code, 11 U.S.C. §§ 101-1330, as then amended (the "Bankruptcy Code"). The Debtors continued to operate their businesses and manage their properties as Debtors-in-Possession under Bankruptcy Code §§ 1107(a) and 1108 until the Effective Date. The Court ordered joint administration of these cases.<sup>2</sup>

4. No Trustee or Examiner was appointed in these cases. On October 17, 2005, the Office of the United States Trustee (the "U.S. Trustee") appointed an official committee of unsecured creditors. On April 28, 2006, the U.S. Trustee appointed an official committee of

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<sup>2</sup> At the time of its chapter 11 filing, Delphi's bankruptcy was the fifth largest public company business reorganization in terms of revenues and the thirteenth largest public company business reorganization in terms of assets.

equity holders (together with the official committee of unsecured creditors, the “Statutory Committees”).

5. By August of 2007, the Debtors had made significant progress toward confirming a plan of reorganization. Specifically, they had obtained the support of their Statutory Committees for, and Court approval of, an equity purchase and commitment agreement under which several leading financial firms committed to invest up to \$2.55 billion in preferred and common equity in the reorganized Delphi (the “EPCA”), and they scheduled a hearing in October 2007 to seek approval of their proposed Disclosure Statement and of solicitation procedures for a reorganization plan. Moreover, the Debtors expected to emerge from chapter 11 by the end of 2007 and to pay or satisfy all creditor claims in full through distributions of cash, common stock, or both. Accordingly, the Debtors originally intended to waive or release most, if not all, avoidance causes of action upon reorganization.<sup>3</sup> It was made clear, though, that those waivers and releases were conditioned upon the consummation of the EPCA and the Plan that was predicated on the EPCA.

**B. The Preservation Of Estate Claims And The Filing Of The Adversary Proceedings**

6. Although the Debtors initially did not believe that it would be necessary to pursue avoidance actions in light of their then-anticipated reorganization plan, the Debtors nonetheless preserved the actions for the possible future benefit of the Debtors’ estate. To this end, the Debtors explored various alternatives to filing avoidance actions before expiration of the two-year statute of limitations, such as executing tolling agreements with potential defendants. The logistical challenges of circulating and executing agreements with such a large number of

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<sup>3</sup> The Debtors initially estimated that they had more than 11,000 potential Preference Claims arising from transfers totaling approximately \$5.8 billion (before taking into account potential defenses such as transfers made in the ordinary course of business).

potential defendants, however, made that solution impractical. The Debtors, therefore, elected to commence the actions timely or take other measures in the ensuing months to avoid forfeiting causes of action that were of potentially significant value to the Debtors' estates. For those reasons, and because the statutory limitations period for filing adversary proceedings was to expire on October 8, 2007, the Debtors filed the Preservation of Estate Claims Procedures Motion (Docket No. 8905) (the "Preservation Motion") on August 6, 2007.

7. The purpose of the Preservation Motion was two-fold: on the one hand, it permitted the Debtors to preserve their right to pursue certain avoidance actions before the then-impending expiration of the two-year statute of limitations to file such actions; on the other hand, it established procedures to avoid having to force all potential defendants to retain counsel and defend against the adversary proceedings when, in fact, the Debtors initially anticipated that most of those cases would resolve upon the Debtors' emergence from Chapter 11 and thus would never be pursued.

8. On August 16, 2007, this Court entered the Preservation of Estate Claims Procedures Order (Docket No. 9105) (the "Preservation Order"). The Preservation Order (1) allowed the Debtors to file adversary proceeding complaints under seal, (ii) directed the clerk of court to delay issuing summonses unless and until the Debtors notified the clerk of the court of their intent to prosecute such actions, (iii) stayed each adversary action unless and until the Debtors made service of process on the respective defendants, and (iv) extended the deadline under Fed. R. Civ. P. 4(m) by which the Debtors would have to serve process to March 31, 2008, which was less than 60 days beyond the 120-day deadline, so that the complaints would not be subject to dismissal under Fed. R. Civ. P. 4(m). Further, the Preservation Order expressly stated

that the extension of the service deadline to March 31, 2008 was “without prejudice [to the Debtors’ ability] to seek further extension” if appropriate. *See* Preservation Order, ¶ 8.

9. In accordance with the Preservation Order, the Debtors commenced 742 adversary proceedings by filing the complaints under seal. The Debtors, however, did not intend to prosecute the actions, or to use them for any purpose, while the Debtors focused on confirming a reorganization plan. The procedures set forth in the Preservation Order were designed to permit the Debtors to preserve their preference claims while otherwise maintaining the status quo among all parties-in-interest.

**C. The Extension of Avoidance Action Service Deadline Order**

10. On January 25, 2008, the Debtors achieved confirmation of the First Amended Joint Plan of Reorganization Of Delphi Corporation And Certain Affiliates, Debtors And Debtors-In-Possession (Docket No. 11386) (the “Plan”). On January 25, 2008, the Court entered an order confirming the Plan (as modified) (Docket No. 12359), which became a final order on February 4, 2008.

11. Having secured confirmation, the Debtors focused on consummating the Plan and emerging from chapter 11. To that end, the Debtors filed the Extension of Avoidance Action Service Deadline Motion (the “First Extension Motion”). The First Extension Motion sought a two-month extension of the deadline to serve the sealed adversary proceedings under the Preservation Order to May 31, 2008. Consistent with the Preservation Motion, the Debtors sought an extension to preserve the integrity of their supply base, which was vital to the Debtors’ then-ongoing business operations and their ability to emerge from chapter 11. Moreover, the Debtors believed that the resources that they, the Court, the Clerk of Court, and the defendants would need to expend to issue and serve 742 summonses and complaints in the adversary

proceedings on or before March 31, 2008 – and to thereafter prosecute such adversary proceedings – would not be in the best interest of the Debtors’ estates, the Debtors’ stakeholders, and other parties-in-interest at that time.

12. On March 28, 2008, the Court entered the Extension of Avoidance Action Service Deadline Order (Docket No. 13277) (the “First Extension Order”), and extended the deadline by which the Debtors were to serve the summonses and complaints in the adversary proceedings to May 31, 2008. The First Extension Order also provided that the relief granted “was without prejudice to the Debtors’ right to seek further extensions.” *See* First Extension Order, ¶ 2.

**D. The Postconfirmation Extension of Avoidance Action Service Deadline Order**

13. In April of 2008, the Debtors announced that the EPCA investors refused to participate in a closing and to fund their Investment Agreement (as defined in the Plan) with Delphi. Notwithstanding, the Debtors continued to work with their stakeholders to achieve their goal of emerging from chapter 11. For that reason, on April 10, 2008, the Debtors filed the Postconfirmation Extension of Avoidance Action Service Deadline Motion (Docket No. 13361) (the “Second Extension Motion”), and sought an extension of the deadline to serve the adversary proceedings for 30 days after substantial consummation of the Plan or any modified Plan.

14. On April 30, 2008, the Court granted the Debtors’ request and entered the Postconfirmation Extension of Avoidance Action Service Deadline Order (Docket No. 13484) (the “Second Extension Order”). The Second Extension Order, like the Preservation Order and the First Extension Order, preserved the Debtors’ right to seek future extensions, specifically providing that the extension of the service deadline to 30 days after substantial consummation of the Plan or any modified Plan was “without prejudice . . . to the Debtors’ right to seek further extensions” if appropriate. *See* Second Extension Order, ¶ 2.

**E. The Supplemental Postconfirmation Extension of Avoidance Action Service Deadline Order**

15. After the withdrawal of the EPCA plan investors, which collapsed the Debtors' effort to consummate the Plan at that time, the Debtors made several modifications to the Plan and, from the spring of 2008 through the summer of 2009, developed procedures for re-soliciting votes on a new plan. During that period, however, the steady decline in the global economy and the consequent adverse effect upon global automotive production volumes placed a heavy burden on the Debtors' ability to develop a revised recapitalization plan and to consummate reorganization under the Plan, as modified.

16. On July 30, 2009, the Court entered an order approving the Plan, as then-modified (Docket No. 18707) (the "Modified Plan"), which, along with contemporaneous transactions, divided the Debtors' business among three separate entities: DPH Holdings, LLC, GM Components and DIP Holdco III. The Debtors anticipated that during the following months, a significant amount of time and resources would be necessary to implement the Modified Plan and to support the transition of operations among the three entities to which the Debtors' business was distributed.

17. As a result of the changed circumstances surrounding the Debtors' restructuring efforts and the new basis for that reorganization, it became apparent, as contemplated by the Procedures Order, that prosecution of certain of the Retained Adversary Proceedings would be in the best interests of the Debtors' estates. Of the 742 adversary proceedings filed under seal pursuant to the Preservation Order, the Debtors retained only 177 – the Retained Adversary Proceedings – under the Modified Plan. The Debtors did not believe, however, that they would have been able then to evaluate each of the Retained Adversary Proceedings – for example, by assessing the ongoing relationship with certain defendants and whether events since initiating the

adversary proceedings have impacted estimated recoveries – and make a determination whether to pursue the Retained Adversary Proceedings within 30 days after substantial consummation of the Modified Plan, as required under the Second Extension Order.

18. Consequently, the Debtors filed the Supplemental Postconfirmation of Avoidance Action Service Deadline Motion (Docket No. 18952) (the “Third Extension Motion”) on October 2, 2009, and requested an extension of the then-existing deadline for serving the summonses and complaints in the Retained Adversary Proceedings to 180 days after substantial consummation of the Modified Plan. On October 22, 2009, the Court granted the relief requested by the Debtors in the Third Extension Motion by entering the Supplemental Postconfirmation Extension of Avoidance Action Service Deadline Order (Docket No. 18999).

#### **Request For Relief**

19. The Reorganized Debtors respectfully request that this Court enter an order substantially in the form of the proposed order attached hereto as Exhibit A.

20. This Court has broad discretion to adopt and implement guidelines, such as the uniform and streamlined procedures in the proposed order, which will aid in the administration of these proceedings. Specifically, Bankruptcy Rule 7016(a) authorizes courts to enter orders for the purpose of:

- (1) expediting the disposition of the action;
- (2) establishing early and continuing control so that the case will not be protracted because of lack of management;
- (3) discouraging wasteful pretrial activities; ... and
- (4) facilitating the settlement of the case.

Fed. R. Bankr. Pro. 7016(a).

21. Each of the Retained Adversary Proceedings requires separate adjudication with all that is entailed by way of pretrial discovery, motion practice, court conferences and trial. Collectively, the cases will impose a substantial demand upon the resources of the Reorganized Debtors. The Reorganized Debtors seek to establish a procedure that will ensure that these actions are handled in a manner that leads to their efficient resolution and minimizes unnecessary burdens on the Court's and the parties' resources.

22. The Reorganized Debtors believe that there is good cause to enter a Case Management Order to govern all of the Retained Adversary Proceedings. The order provides, however, that the procedures outlined in the order may be modified to accommodate individual deviations for good cause shown where circumstances warrant. Therefore, entry of the order will not prejudice the rights of any defendant in a Retained Adversary Proceeding.

23. Given the number of Retained Adversary Proceedings, the Reorganized Debtors believe that entry of a uniform Case Management Order, setting forth streamlined procedures to govern scheduling conferences, pretrial conferences and motion practice, is critical. Absent such uniform and streamlined procedures, the progress of the Retained Adversary Proceedings will be impeded and the Court's docket will be unnecessarily burdened by inconsistent scheduling demands and disputes.

24. Among other provisions, the proposed Case Management Order:

- a. excuses defendants from attendance at initial pretrial conferences conducted pursuant to Bankruptcy Rule 7016;
- b. establishes deadlines for the parties to conduct Bankruptcy Rule 7026(f) conferences;
- c. sets a schedule for the service of, and imposes limits upon, document requests and interrogatories; and

- d. fixes December 1, 2011 as the outside deadline for concluding all discovery in the Retained Adversary Proceedings.

**Applicable Authority**

25. The Reorganized Debtors' request for entry of the Case Management Order is made pursuant to 11 U.S.C. § 105(d), 11 U.S.C. § 547, LR 9076-1 and Fed. R. Civ. P. 16 (made applicable through Fed. R. Bankr. Pro. 7016). *See In re Enron Corp.*, 2004 U.S. Dist. LEXIS 1026, at \*3 (S.D.N.Y. 2004).

26. This Court has broad discretion to adopt and implement guidelines, such as the uniform and streamlined procedures, which will aid in the administration of these proceedings. Specifically, Bankruptcy Rule 7016(a) authorizes courts to enter orders for the purpose of:

- (1) expediting the disposition of the action;
- (2) establishing early and continuing control so that the case will not be protracted because of lack of management;
- (3) discouraging wasteful pretrial activities; ... and
- (4) facilitating the settlement of the case.

*Fed. R. Bankr. Pro. 7016(a).*

27. Local Rule 9076-1 provides this Court with the authority to establish a case management order to address the posture and efficient administration of the case.

28. The Reorganized Debtors believe that the uniform and streamlined procedures are appropriate and will substantially aid in the efficient administration of the Retained Adversary Proceedings without prejudicing the rights of any party in interest.

29. As required by Local Rule 9076-1, Plaintiff has timely notified all parties in the Retained Adversary Proceedings of this request for Entry of a Case Management Order.

**Memorandum of Law**

30. Because the legal points and authorities upon which this Motion relies are incorporated herein, the Reorganized Debtors respectfully request that the requirement of the service and filing of a separate memorandum of law under Local Rule 9013-1(a) of the Local Bankruptcy Rules for the Southern District of New York be deemed satisfied.

WHEREFORE, Plaintiffs respectfully request that this Court (i) enter the proposed Case Management Order and (ii) grant such other relief as the Court deems just and proper.

Dated: March 17, 2010  
New York, New York

Respectfully submitted,

**BUTZEL LONG,**  
a professional corporation

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EXHIBIT A

BUTZEL LONG, a professional corporation  
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*Attorneys for Plaintiffs*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

DELPHI CORPORATION et al.,  
Plaintiffs,

Chapter 11

Case No. 05-44481 (RDD)  
(Jointly Administered)

Adv. Pro. No. 07-02074, et seq.

**CASE MANAGEMENT ORDER**

Upon the motion of DPH Holdings Corporation and certain of its affiliated reorganized debtors (collectively, the “Reorganized Debtors”), by their counsel, for an order pursuant to 11 U.S.C. § 105(d), 11 U.S.C. § 547, LR 9076-1 and Fed. R. Civ. P. 16 (made applicable through Fed. R. Bankr. Pro. 7016) establishing certain procedures, identified below, governing the Retained Adversary Proceedings<sup>1</sup> (hereinafter “Motion”), and it appearing that the relief requested by the Motion is necessary and in the best interest of the parties; and good and sufficient notice of the Motion having been provided; and no further or other notice of the Motion being required; and sufficient cause appearing, it is hereby:

**ORDERED** that the Motion is granted; and it is further

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<sup>1</sup> Capitalized terms used herein but not defined in this Order shall have the meaning ascribed to them in the Motion.

## EXHIBIT A

**ORDERED** that, subject to further order of the Court, the following schedule and procedures shall govern the Retained Adversary Proceedings:

1. No defendant is required to appear at the initial pretrial conference, which will be conducted pursuant to Bankruptcy Rule 7016, unless such defendant seeks relief from the Motion;
2. Bankruptcy Rule 7026(f) conferences (each a “Bankruptcy Rule 7026(f) Conference”) shall be held in each adversary proceeding within 30 days after an Answer is filed, unless such deadline is extended by written agreement of the parties, provided however, no party is required to prepare or file on the docket a Bankruptcy Rule 7026(f) report to outline a discovery plan;
3. All parties are exempt from the initial disclosure requirements of Bankruptcy Rule 7026(a)(1);
4. No motion may be made by any party without prior Court approval, which may be sought, on notice, by telephone conference with the Court;
5. Requests for Production of Documents, pursuant to Bankruptcy Rule 7034, shall be served no sooner than thirty (30) days after the Bankruptcy Rule 7026(f) Conference is conducted, unless otherwise agreed by the parties in writing;
6. No more than twenty (20) Requests for Production of Documents, including subsets and subparts, shall be served by either party in each adversary proceeding;
7. Interrogatories, pursuant to Bankruptcy Rule 7033, shall be subject to the limitations set forth in Rule 7033-1 of the Local Bankruptcy Rules for the Southern District of New York, and shall be served no sooner than thirty (30) days after the Bankruptcy Rule 7026(f) Conference is conducted, unless otherwise agreed by the parties in writing;

EXHIBIT A

8. Requests for admissions pursuant to Bankruptcy Rule 7034, shall be served no sooner than thirty (30) days after the close of all other fact discovery in each Retained Adversary Proceeding, unless otherwise agreed by the parties in writing;
9. No more than ten (10) interrogatories, including subsets and subparts, shall be served by either party in each adversary proceeding;
10. No more than thirty (30) requests for admission, including subsets and subparts, shall be served by either party in each adversary proceeding;
11. All discovery, fact and expert, shall be closed on or before December 1, 2011, unless otherwise agreed by the parties in writing;

**IT IS FURTHER ORDERED** that any party in a Retained Adversary Proceeding may, for good cause shown and where circumstances warrant, seek a modification of the terms contained in this Order; and it is further

**ORDERED** that counsel for Reorganized Debtors shall serve a copy of this Order upon the defendant in any Retained Adversary Proceeding either with the summons and complaint or as soon thereafter as possible; and it is further

**ORDERED** that service shall be effectuated and proper in this matter where counsel for a party has been sent a copy of the item served via email at the email address or addresses identified by counsel for the party. Email addresses shall be provided by and between counsel for the parties to each separate Retained Adversary Proceeding by June 1, 2010.

Dated: New York, New York  
March \_\_, 2010

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JUDGE ROBERT D. DRAIN  
UNITED STATES BANKRUPTCY JUDGE

**EXHIBIT B**  
**Retained Adversary Proceedings**

<i>Actions In Which Plaintiffs Are Represented By Butzel Long, P.C.</i>		
	<b>Docket Number</b>	<b>Defendant's Name</b>
1	07-02074	Carlisle Mexico S.A. DE C.V.
2	07-02076	Ahaus Tool & Engineering Inc.
3	07-02077	Applied Biosystems
4	07-02084	A 1 Specialized SVC. & Supp. Inc.
5	07-02090	Amsea Inc. and Amsea
6	07-02096	A-1 Specialized Services
7	07-02098	Decatur Plastic Products Inc.
8	07-02124	ABI (Dems Texas)
9	07-02125	ATS Automation Tooling Systems Inc., ATS Automation Tooling Sys., ATS Automation Tooling Systems, and Automation Tooling Systems
10	07-02130	Auramet Trading LLC
11	07-02131	Century Services Inc.
12	07-02133	Condura S. DE R.L. DE C.V.
13	07-02135	AutoCam
14	07-02138	Access Electronics Inc.
15	07-02140	AKS Receivables LLC, AKS and AKS Receivables
16	07-02142	Access One Technology
17	07-02147	Acord Inc.
18	07-02151	Charter Manufacturing Co., Charter MFG. Co. Inc., and Milwaukee Wire Products
19	07-02161	Corio-Project Overdrive
20	07-02177	Corning Inc., Corning Incorporated, and Corning
21	07-02182	Barnes & Associates
22	07-02185	Digex Inc.
23	07-02186	Alpine Electronics of America
24	07-02188	Critech Research Inc.
25	07-02198	Affinia Group Holdings Inc., Affinia, Affinia Canada Corp., Affinia Group, Affinia Candad, Brake Parts Inc., Itapsa S.A. DE C.V. and Wix Filtration Products Europe
26	07-02201	Ambrake Corporation and Ambrake Corp.
27	07-02203	Dongjin Motor Co. LTD.
28	07-02210	Custom Profiles Inc.
29	07-02211	Doshi Prettl International and Doshi Prettl Int.
30	07-02212	D&R Technology LLC, and D and R Technology LLC
31	07-02214	Dove Equipment Co.
32	07-02217	D&S Machine Products Inc.

**EXHIBIT B**  
**Retained Adversary Proceedings**

<i>Actions In Which Plaintiffs Are Represented By Butzel Long, P.C.</i>		
	<b>Docket Number</b>	<b>Defendant's Name</b>
33	07-02220	Duraswitch Industries Inc.
34	07-02227	Ann Arbor Machine Co.
35	07-02234	Dr. Schneider
36	07-02236	DSSI and DSSI LLC
37	07-02238	Circle Plastics and Circle Plastics Products Inc.
38	07-02242	Dupont Company, Dupont Co., Dupont Electronic Matrls. Inc., Dupont P&E M Co., Dupont Powder Coatings, Dupont Powder Coatings USA Inc., E I Dupont De Nemours, EI Dupont De Nemours & Co. Inc., and Dupont E I DE Nemours Inc.
39	07-02245	Danice Manufacturing Co.
40	07-02248	BGF Industries and BGF Industries Inc.
41	07-02250	Danobat Machine Tool Co. Inc.
42	07-02256	Eco-Bat America LLC
43	07-02257	CNE
44	07-02259	Blair Strip Steel Co.
45	07-02260	Dayton Tool Co. Inc., and Dayton Tool
46	07-02262	EDS, EDS Corp., Electronic Data Systems, Electronic Data Systems Corp., Electronic Data Systems DE, Electronic Data Systems LTD., and EDS Canada Inc.
47	07-02270	BP, BP Amoco Corp., BP Microsystems Inc., BP Products North America Castrol, Castrol Industrial and Unifrax Corp.
48	07-02272	Elkhart Products Corp.
49	07-02274	Fin Machine Co. LTD
50	07-02280	Business Engine
51	07-02282	Calsonic Corp., Calsonic N. America Inc., and Calsonic North America, Inc.
52	07-02284	Campbell Marshall E. Co.
53	07-02287	Plasco and Plasco Inc.
54	07-02288	Caretools
55	07-02291	Carlisle and Carlisle Companies, Inc.
56	07-02295	Invotec Engineering and Invotec Engineering Inc.
57	07-02298	Flextronics Int'l Asia Pacific
58	07-02301	Florida Production Engineering Inc., and Florida Production Eng.
59	07-02301	ISPAT Inland
60	07-02309	Equis Corporation (UGL Equis)
61	07-02310	Itautec America Inc.
62	07-02310	ISI of Indiana Inc.
63	07-02312	Fluent Inc.

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**Retained Adversary Proceedings**

<i>Actions In Which Plaintiffs Are Represented By Butzel Long, P.C.</i>		
	<b>Docket Number</b>	<b>Defendant's Name</b>
64	07-02313	PMP (Progressive Moulded Products)
65	07-02322	Jamestown Container and Jamestown Container Corp.
66	07-02333	Globe Motors Inc. and Globe Motors
67	07-02339	Polar Oil and Polar Oil & Chemical Inc.
68	07-02344	Polk Audio
69	07-02350	FA Tech Corp.
70	07-02351	Grace Davison
71	07-02357	JVS Eqtos P/Autom Ind'l. LTDA
72	07-02358	Fernandez Racing LLC
73	07-02358	Pontiac Coil Inc.
74	07-02372	Kataman, Kataman Metals, Kataman Metals Inc., and Kataman Metals
75	07-02374	Hague WM Co. and WM Hague Co.
76	07-02378	Marquardt GMBH
77	07-02414	Niles USA, Inc. and Niles USA
78	07-02416	Merrill Tool & Machine
79	07-02432	Methode Electronics Inc.
80	07-02433	Norilsk Nickel USA Inc., and Norilsk Nickel USA
81	07-02435	Norsk Hyrdo Canada Inc. and Norsk Hydro Canada
82	07-02436	Microchip
83	07-02442	Heraeus Metals Processing and Heraeus Metal Processing LTD.
84	07-02445	Heraeus Precious Metals
85	07-02449	Hewlett Packard, Hewlett Packard Co. Inc., Hewlett Packard Company, Hewlett Packard Limited, Hewlett Packard Mexicos, Hewlett-Packard Company, and Hewlett-Packard Financial SVCS.
86	07-02457	Miller Industrial Products
87	07-02462	Nxgen Technologies LLC
88	07-02466	MJ Celco and MJ Celco Inc.
89	07-02475	HSS and HSS LLC.
90	07-02477	Monroe Inc.
91	07-02479	Olin Corp.
92	07-02484	MSX, MSX International, and MSX International Inc.
93	07-02489	Mubea and Mubea Inc.
94	07-02500	Multitronics Inc.
95	07-02505	Universal Tool & engineering, Universal Tool & Engineering C, and Universal Tool & Engr. Co.
96	07-02523	UVA Machine Company
97	07-02525	Intec Group
98	07-02527	ND AMC LLC

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**Retained Adversary Proceedings**

<i>Actions In Which Plaintiffs Are Represented By Butzel Long, P.C.</i>		
	<b>Docket Number</b>	<b>Defendant's Name</b>
99	07-02539	Vanguard Distributors Inc.
100	07-02540	Owens Corning
101	07-02543	Oxford Polymers Inc.
102	07-02551	Victory Packaging and Victory Packing LP
103	07-02553	Viking Polymer Solutions LLC
104	07-02554	Viking Solutions LLC
105	07-02555	Viscom Inc. USA
106	07-02556	Vishay Americas Inc.
107	07-02562	Park Enterprises and Park Enterprises Inc.
108	07-02563	Park Ohio Industries, and Park Ohio Industries Inc.
109	07-02571	PBR Automotive USA LLC
110	07-02572	PBR Columbia, Inc.
111	07-02580	Philips Semiconductor, Philips Semiconductors, and Philips Semiconductors Inc.
112	07-02581	Wagner Smith Company
113	07-02597	Wells Fargo Business and Wells Fargo Minnesota
114	07-02600	West Michigan Spline Inc.
115	07-02602	Westwood Associates Inc., Westwood & Associates/Nanya, and Westwood C/O Nanya
116	07-02605	Wiegel Tool Works Inc.
117	07-02606	Williams Advanced Materials EF
118	07-02607	Willow Hill and Willow Hill LLC
119	07-02617	Securitas Companies and Securitas Security
120	07-02618	Select Tool & Die Corp.
121	07-02619	Setech Inc. and Setech
122	07-02623	Shuert Industries Inc.
123	07-02625	Simco Construction Inc.
124	07-02633	Solid State Stamping Inc., Solid State Stamping I and Solid State Stamping Inc.
125	07-02639	Spartech Polycom
126	07-02644	Sprimag Inc.
127	07-02649	Stapla Ultrasonics Corp.
128	07-02650	Starbrook Industries Inc.
129	07-02652	Steere Enterprises Inc.
130	07-02654	Stephenson & Sons Roofing
131	07-02657	Styner & Bienz Formtech
132	07-02661	Summit Polymers Inc.
133	07-02668	Tata America Intl. Corp.
134	07-02672	Tech Central

**EXHIBIT B**  
**Retained Adversary Proceedings**

<i>Actions In Which Plaintiffs Are Represented By Butzel Long, P.C.</i>		
	<b>Docket Number</b>	<b>Defendant's Name</b>
135	07-02679	Tesa AG
136	07-02688	Timken, Timken Company, Timken Corporation, Timken France SAS, and Timken Super Precision
137	07-02689	Pro TEC Corporation
138	07-02690	Pro Tech Machine
139	07-02694	Production Specialty Group
140	07-02697	Progressive (Progressive Moulded Products)
141	07-02702	Prudential Relocation, Prudential Relocation Inc., and Prudential Relocation Int'l
142	07-02711	QC Onics Inc., and QC Onics Ventures
143	07-02714	Kyocera, Kyocera America Inc., Kyocera Industrial, Kyocera Industrial Ceramics Corp., and Kyocera Mita America Inc.
144	07-02720	Laneko Engineering Co., Wachovia Bank NA, and Laneko Engineering Co. Inc.
145	07-02723	LDI Incorporated
146	07-02730	Lexington Connector Seals
147	07-02737	Regions Bank Birmingham
148	07-02739	LTC Roll & Engineering Co.
149	07-02742	Republic
150	07-02743	M&Q Plastic Products, and M and Q Plastic Products
151	07-02744	Republic Engineered Products, Republic Eng. Products, and Republic Engineered
152	07-02745	M2M International LTD.
153	07-02750	Rieck Group LLC
154	07-02753	Macsteel
155	07-02756	Magnesium Aluminum Corp.
156	07-02758	Magnesium Electron Inc., and Magnesium Elektron Inc.
157	07-02767	Rotor Coaters International
158	07-02768	RSR Corporation, RSR, and RSR Corp.
159	07-02769	RSR/Ecobat
160	07-02775	Sasol Germany GMBH
161	07-02783	Freudenberg, Flexitech Inc., Freudenberg High Quality, Freudenberg NOK, Freudenberg NOK DE Mexico, Freudenberg Nonwovens, Freudenberg-NOK General, Freudenberg-NOK/ARMET, Vibracoustic DE Mexico, and Vibracoustic GMBH & Co. KG
162	07-02790	Master Automatic and Master Automatic, Inc.

**EXHIBIT B**  
**Retained Adversary Proceedings**

<i>Actions In Which Plaintiffs Are Represented By Butzel Long, P.C.</i>		
	<b>Docket Number</b>	<b>Defendant's Name</b>
163	07-02790	Tyco, Tyco Adhesives, Tyco Electronics-Raychem, Tyco Electronics Corp., Tyco Electronics Corporation, Tyco Electronics Identification, Tyco Electronics Logistics AG, and Tyco/Electronics
164	07-02799	Osar SRL
165	07-02800	Bosch and Robert Bosch GMBH
166	07-02804	Product Action Int'l Inc., and Product Action International

<i>Actions In Which Plaintiffs Are Represented By Togut, Segal &amp; Segal LLP*</i>		
	<b>Docket Number</b>	<b>Defendant's Name</b>
1	07-02328	GKN Scinter Metals
2	07-02337	Ex Cell O Machine Tools, Inc.
3	07-02534	Valeo
4	07-02541	NGK Spark Plug Mfg. (USA) Inc.
5	07-02348	Johnson Controls
6	07-02459	NSK Steering
7	07-02592	ThyssenKrupp Waupaca
8	07-02659	Sumitomo
9	07-02702	Prudential
10	07-02712	Kostal
11	07-02789	TRW

\*Togut, Segal & Segal LLP represents plaintiffs in the above-referenced eleven actions.

BUTZEL LONG, a professional corporation  
Eric B. Fisher  
Barry N. Seidel  
Cynthia J. Haffey (Detroit office) (not yet admitted *pro hac vice*)  
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*Attorneys for Plaintiffs*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

DELPHI CORPORATION et al.,  
Plaintiffs,

Chapter 11

Case No. 05-44481 (RDD)  
(Jointly Administered)

Adv. Pro. No. 07-02074, et seq.

**NOTICE OF MOTION BY REORGANIZED DEBTORS FOR  
ENTRY OF A CASE MANAGEMENT ORDER ESTABLISHING  
PROCEDURES GOVERNING ADVERSARY PROCEEDINGS**

**PLEASE TAKE NOTICE** that upon the accompanying motion (the “Motion”) and all other pleadings and proceedings herein, Plaintiffs DPH Holdings Corporation and certain of its affiliated reorganized debtors (collectively, the “Plaintiffs”), shall move this Court before the Honorable Robert D. Drain, United States Bankruptcy Judge, United States Bankruptcy Court, 300 Quarropas Street, White Plains, New York 10601, on April 22, 2010 at 10:00 a.m., or such other date and time as soon thereafter as the Court may direct, for entry of a Case Management Order in the form attached as Exhibit A to the Motion, and for such other and further relief as the Court deems appropriate.

**PLEASE TAKE FURTHER NOTICE** that answering papers, if any, in opposition to the relief requested shall be filed with the Court and served upon the undersigned counsel for the Plaintiffs no later than April 9, 2010 at 4:00 p.m. (the “Objection Deadline”).

**PLEASE TAKE FURTHER NOTICE** that responses or objections, if any, to the Motion and the relief requested therein must be made in writing, conform to the Bankruptcy Rules and the Local Bankruptcy Rules for the Bankruptcy Court, and be filed with the Bankruptcy Court electronically in accordance with General Order M-242 (and the User’s Manual for the Electronic Case Filing System which can be found at [www.nysb.uscourts.gov](http://www.nysb.uscourts.gov), the official website for the Bankruptcy Court), with a courtesy copy delivered to the Chambers of the Honorable Robert D. Drain, United States Bankruptcy Judge, and served on Butzel Long, attorneys for Plaintiffs, 380 Madison Avenue, 22<sup>nd</sup> Floor, New York, New York 10017, attn: Eric B. Fisher, Esq., so as to be received no later than the Objection Deadline.

Dated: March 17, 2010

BUTZEL LONG,  
a professional corporation

By: /s/ Eric B. Fisher  
Eric B. Fisher  
Barry N. Seidel  
Cynthia J. Haffey  
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*Attorneys for Plaintiffs*