

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

	)	<b>No. 1:12-mc-00100-EGS</b>
<b>UNITED STATES DEPARTMENT</b>	)	
<b>OF THE TREASURY,</b>	)	
	)	<b>UNOPPOSED MOTION OF</b>
<b>Petitioner,</b>	)	<b>PETITIONER U.S. DEPARTMENT OF</b>
	)	<b>THE TREASURY FOR EXTENSION</b>
<b>v.</b>	)	<b>OF TIME AND POINTS AND</b>
	)	<b>AUTHORITIES IN SUPPORT</b>
	)	<b>THEREOF</b>
<b>PENSION BENEFIT GUARANTY</b>	)	
<b>CORPORATION,</b>	)	
	)	
<b>Interested Party,</b>	)	
	)	
<b>v.</b>	)	
	)	
<b>DENNIS BLACK, et al.,</b>	)	
	)	
<b>Respondents.</b>	)	
	)	

Petitioner, the U.S. Department of the Treasury (Treasury), hereby moves for an order extending, through April 2, 2012, the time of Treasury to file a reply in support of its motion to quash (ECF No. 1). Counsel for Respondents Dennis Black, Charles Cunningham, Kenneth Hollis, and Delphi Salaried Retirees Association and counsel for Interested Party Pension Benefit Guaranty Corporation (PBGC) advise that they do not oppose the extension of time Treasury hereby seeks.

By subpoena dated January 4, 2012, Respondents asked Treasury to produce the following materials:

All documents and things (including e-mails or other correspondence, spreadsheets, reports, analyses, snapshots, funding estimates, proposals, or offers) received, produced, or reviewed by [three former Treasury officials] between January 1, 2009 and December 31, 2009 related to: (1) Delphi; (2) the Delphi Pension Plans; or (3) the release and discharge by [PBGC] of liens and claims relating to the Delphi Pension Plans.

The above subpoena bears the caption *Black v. PBGC*, No. 2:09-cv-13616 (E.D. Mich.), but was issued by this Court.

On February 17, 2012, Treasury commenced this action by moving to quash the above subpoena. Treasury argues in support of its motion that the subpoena should be quashed because the discovery that Respondents seek by means of their subpoena is unreasonably cumulative and duplicative and because the burden that compliance with the subpoena will place on Treasury outweighs any benefit that Respondents are likely to derive from the subpoena. On March 5, 2012, Respondents filed an opposition to Treasury's motion.

By order issued orally on March 6, 2012, and reduced to writing on March 9, 2012, the U.S. District Court for the Eastern District of Michigan, Mona K. Majzoub, Mag. J., directed PBGC to produce full and complete responses within 90 days to 16 separate requests for production that Respondents had served in *Black* in September and October 2011. Request No. 8 asks PBGC to produce the following:

All documents and things you received from the Federal Executive Branch [i.e., the Treasury Department, Auto Task Force, Labor Department, and Executive Office of the President] or produced to the Federal Executive Branch, since January 1, 2009, related to Delphi or the Delphi Pension Plans, including, but not limited to, documents related to the termination of the Delphi Pension Plans, the assumption of any liability associated with the Delphi Pension Plans by GM, PBGC liens on Delphi assets, recoveries related to the Delphi Pension Plans, the Waiver and Release Agreement, and the Delphi-PBGC Settlement Agreement.

Because of the overlap between Respondents' subpoena and Request No. 8, Treasury asked Respondents on March 8, 2012, to hold in abeyance all of Treasury's rights and obligations under the subpoena until PBGC had responded to Request No. 8 and until any litigation engendered by the response of PBGC had been terminated. In return, Treasury offered to dismiss this action without prejudice. On March 9, 2011, Respondents responded to Treasury's proposal by advising Treasury as follows: "We're going to need more time to resolve

our position on the points raised in your proposed stipulation.” To meet Respondents’ need, Treasury filed an unopposed motion on March 9, 2012, to extend through March 26, 2012, the time of Treasury to file a reply in support of its motion to quash. By minute order dated March 14, 2012, the Court granted that motion.

On March 21, 2012, Respondents rejected Treasury’s proposal, thus requiring Treasury to go forward with the litigation of this action. On March 23, 2012, PBGC filed objections to the order of Magistrate Judge Majzoub, thereby appealing her order to District Judge Arthur J. Tarnow.

Treasury’s next step in litigating this action will be to file a reply in support of its motion to quash. However, Treasury will need additional time in which to file the reply. For that reason, Treasury asks that its time to file the reply be extended through April 2, 2012.

Respectfully submitted,

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s/ David M. Glass  
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Attorneys for U.S. Department of the Treasury

Dated: March 23, 2012

**CERTIFICATE OF SERVICE**

I hereby certify that on March 23, 2012, I served the within motion on all counsel of record by filing it with the Court by means of its ECF system.

s/ David M. Glass

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<b>UNITED STATES DEPARTMENT</b>	)	
<b>OF THE TREASURY,</b>	)	<b>[PROPOSED] ORDER</b>
	)	
<b>Petitioner,</b>	)	
	)	
<b>v.</b>	)	
	)	
<b>PENSION BENEFIT GUARANTY</b>	)	
<b>CORPORATION,</b>	)	
	)	
<b>Interested Party,</b>	)	
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	)	
<b>Respondents.</b>	)	
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Upon the unopposed motion of Petitioner U.S. Department of the Treasury (Treasury) for extension of time and good cause having been shown, it is hereby ordered as follows:

1. The aforesaid motion of Treasury is hereby granted.
2. The time of Treasury to file a reply in support of its motion to quash (ECF No. 1) is hereby extended through April 2, 2012.

Dated: \_\_\_\_\_

\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE