

**UNITED STATES COURT OF APPEALS**

**FOR THE SECOND CIRCUIT**

August Term, 2008

(Argued: June 5, 2009

Decided: January 25, 2010)

Docket No. 09-2311-bk

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IN RE CHRYSLER LLC,

Debtor.

- - - - -x

INDIANA STATE POLICE PENSION TRUST, INDIANA  
STATE TEACHERS RETIREMENT FUND, and INDIANA  
MAJOR MOVES CONSTRUCTION FUND,

Objectors-Appellants,

THE AD HOC COMMITTEE OF CONSUMER-VICTIMS OF  
CHRYSLER LLC,

Objector-Appellant,

WILLIAM LOVITZ, FARBOD NOURIAN, BRIAN CATALON,  
CENTER FOR AUTO SAFETY, CONSUMER ACTION,  
CONSUMERS FOR AUTO RELIABILITY AND SAFETY,  
NATIONAL ASSOCIATION OF CONSUMER ADVOCATES,  
and PUBLIC CITIZEN,

Objectors-Appellants,

PATRICIA PASCALE,

Objector-Appellant,

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3 CHRYSLER LLC, aka Chrysler Aspen, aka Chrysler  
4 Town & Country, aka Chrysler 300, aka Chrysler  
5 Sebring, aka Chrysler PT Cruiser, aka Dodge,  
6 aka Dodge Avenger, aka Dodge Caliber, aka  
7 Dodge Challenger, aka Dodge Dakota, aka Dodge  
8 Durango, aka Dodge Grand Caravan, aka Dodge  
9 Journey, aka Dodge Nitro, aka Dodge Ram, aka  
10 Dodge Sprinter, aka Dodge Viper, aka Jeep, aka  
11 Jeep Commander, aka Jeep Compass, aka Jeep  
12 Grand Cherokee, aka Jeep Liberty, aka Jeep  
13 Patriot, aka Jeep Wrangler, aka Moper, aka  
14 Plymouth, aka Dodge Charger,

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16 Debtors-Appellees,

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18 INTERNATIONAL UNION, UNITED AUTOMOBILE,  
19 AEROSPACE, AND AGRICULTURAL IMPLEMENT WORKERS  
20 UNION OF AMERICA, AFL-CIO ("UAW"),

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22 Appellee,

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24 FIAT S.P.A. and NEW CARCO ACQUISITION LLC,

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26 Appellees,

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28 CHRYSLER FINANCIAL SERVICES AMERICAS LLC,

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30 Appellee,

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32 THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS,

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34 Appellee,

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36 UNITED STATES OF AMERICA,

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38 Appellee,

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40 EXPORT DEVELOPMENT CANADA

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42 Appellee.

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3 Before: JACOBS, Chief Judge, KEARSE and SACK,  
4 Circuit Judges.

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6 On remand from the Supreme Court of the United States.  
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8  
9 GLENN M. KURTZ, THOMAS E. LAURIA  
10 (Owen C. Pell, Karen M. Asner,  
11 *on the brief*), White & Case LLP,  
12 New York, NY for Objectors-  
13 Appellants Indiana State Police  
14 Pension Trust et al.

15  
16 NANCY WINKELMAN, (M. Christine  
17 Carty, Barry E. Bressler,  
18 Richard A. Barkasy, *on the*  
19 *brief*) Schnader Harrison Segal &  
20 Lewis LLP, New York, NY and  
21 Philadelphia, PA for Objector-  
22 Appellant The Ad Hoc Committee  
23 of Consumer-Victims of Chrysler  
24 LLC

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26 ADINA H. ROSENBAUM, (Allison M.  
27 Zieve, *on the brief*), Public  
28 Citizen Litigation Group,  
29 Washington, D.C., and Elizabeth  
30 J. Cabraser (Robert J. Nelson,  
31 Scott P. Nealey, *on the brief*)  
32 Lief, Cabraser, Heimann &  
33 Bernstein, LLP, San Francisco,  
34 CA, and Harley E. Riedel (Edward  
35 J. Peterson, *on the brief*)  
36 Stichter, Riedel, Blain &  
37 Prosser, P.A., Tampa, FL for  
38 Objectors-Appellants William  
39 Lovitz et al.

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41 SANDER L. ESSERMAN (Robert T.  
42 Brousseau, Jo E. Hartwick, Cliff  
43 I. Taylor, *on the brief*)  
44 Stutzman, Bromberg, Esserman &

1 Plifka, PC, Dallas, TX, and Alan  
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3 *the brief*) Brayton Purcell LLP,  
4 Novato, CA for Objector-  
5 Appellant Patricia Pascale  
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7 THOMAS F. CULLEN, (Corinne  
8 Ball, Steven C. Bennett,  
9 Todd R. Geremia, Veerle Roovers,  
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11 York, NY and Washington, D.C.,  
12 for Debtors-Appellees Chrysler  
13 LLC et al.  
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15 DEBORAH M. BUELL, (James L.  
16 Bromley, Luke A. Barefoot,  
17 Kimberly C. Spiering, James  
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19 Gottlieb Steen & Hamilton LLP,  
20 New York, NY, for Appellee  
21 International Union of United  
22 Automobile Aerospace and  
23 Agricultural Workers of America  
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25 STEVEN L. HOLLEY (John L.  
26 Warden, Laurent S. Wiesel, *on*  
27 *the brief*) Sullivan & Cromwell  
28 LLP, New York, NY for Appellees  
29 Fiat S.p.A. and New CarCo  
30 Acquisition LLC  
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32 MARTIN J. BIENENSTOCK (Judy G.Z.  
33 Liu, *on the brief*) Dewey &  
34 LeBoeuf LLP, New York, NY for  
35 Appellee Chrysler Financial  
36 Services Americas LLC  
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38 KENNETH H. ECKSTEIN, (Jeffrey S.  
39 Trachtman, Thomas Moers Mayer,  
40 *on the brief*) Kramer  
41 Levin Naftalis & Frankel LLP,  
42 New York, NY for Appellee  
43 The Official Committee of  
44 Unsecured Creditors

1 JEANNETTE A. VARGAS, Assistant  
2 United States Attorney, (Tara  
3 LaMorte, Li Yu, David S. Jones,  
4 *on the brief*) for Lev L. Dassin,  
5 Acting United States Attorney  
6 for the Southern District of New  
7 York, New York, NY, and JOHN  
8 RAPISARDI, Of Counsel to the  
9 Presidential Task Force on the  
10 Auto Industry, Cadwalader,  
11 Wickersham & Taft LLP, New York,  
12 NY for Appellee United States of  
13 America  
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15 MICHAEL J. EDELMAN, Vedder Price  
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21 Fitzsimmons, *on the brief*) for  
22 Richard Blumenthal, Attorney  
23 General of the State of  
24 Connecticut, Hartford, CT for  
25 Amicus Curiae State of  
26 Connecticut  
27

28 ROGER NETZER, (Lisa D. Bentley,  
29 Emma-Ann Deacon, *on the brief*)  
30 Willkie Farr & Gallagher LLP,  
31 New York, NY, and Robert G.  
32 Zack, Chief Legal Officer,  
33 Oppenheimer Senior Floating Rate  
34 Fund and Oppenheimer Master Loan  
35 Fund, LLC, New York, NY for  
36 Amici Curiae Oppenheimer Senior  
37 Floating Rate Fund and  
38 Oppenheimer Master Loan  
39 Fund, LLC  
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42 PER CURIAM:

43 The Supreme Court of the United States vacated the

1 judgment of this court, recorded at In re Chrysler LLC, 576  
2 F.3d 108 (2d Cir. 2009), and remanded "with instructions to  
3 dismiss the appeal as moot." Ind. State Police Pension  
4 Trust, et al., v. Chrysler LLC, et al., --- S. Ct. ---, 2009  
5 WL 2844364, at \*1 (Dec. 14, 2009). Accordingly, the  
6 judgment of this court is vacated and this appeal is  
7 dismissed as moot.