

**FILED**

APR 06 2010

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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12 **IN THE UNITED STATES DISTRICT COURT**  
13 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

14 \_\_\_\_\_ )  
In re: THE NEW UNITED MOTOR MANUFACTURING, )  
15 INC./UAW HOURLY DEFINED BENEFIT PLAN )  
16 )  
PENSION BENEFIT GUARANTY )  
17 CORPORATION )

Civil Action No. 10-0898(WHA)

18 Plaintiff,

) STIPULATION

19 v.

) TO SEAL PORTION

) OF ADMINISTRATIVE

) RECORD; ~~[PROPOSED]~~

20 ADMINISTRATIVE COMMITTEE FOR THE NEW )  
21 UNITED MOTOR MANUFACTURING, INC./UAW )  
22 HOURLY DEFINED BENEFIT PLAN, SAVINGS AND )  
23 RETIREMENT COMMITTEE, and NEW UNITED )  
MOTOR MANUFACTURING, INC., each as )  
24 administrator of the New United Motor Manufacturing, )  
Inc./UAW Hourly Defined Benefit Plan )

) ORDER

25 Defendants.

26 \_\_\_\_\_ )  
27 **STIPULATION TO SEAL PORTION OF THE ADMINISTRATIVE RECORD**

28 **STIPULATION TO SEAL**

1 Plaintiff, Pension Benefit Guaranty Corporation ("PBGC") and Defendant(s),  
2 administrator of The New United Motor Manufacturing, Inc./UAW Hourly Defined Benefit Plan  
3 (the "Plan"), through their undersigned counsel of record, hereby respectfully request and  
4 stipulate that the Court file under seal a portion of the Administrative Record of the Pension  
5 Benefit Guaranty Corporation's Determination to Terminate The New United Motor  
6 Manufacturing, Inc./UAW Hourly Defined Benefit Plan ("Administrative Record").  
7

8 1. This action arises under Title IV of the Employee Retirement Income Security  
9 Act of 1974 ("ERISA"), *as amended*, 29 U.S.C. §§ 1301-1461. PBGC has determined, pursuant  
10 to 29 U.S.C. § 1342(a)(2) and (a)(4), that the Plan will be unable to pay benefits when due, and  
11 that the possible long-run loss of PBGC with respect to the Plan may reasonably be expected to  
12 increase unreasonably if the plan is not terminated.  
13

14 2. By its complaint, PBGC seeks an order upholding its determination; and, thereby  
15 (a) terminating the Plan, (b) appointing PBGC statutory trustee of the Plan, and (c) establishing  
16 March 3, 2010, as the termination date for the Plan.  
17

18 3. In support of its determination PBGC must file the Administrative Record.  
19 However, a large portion of that record contains or is derived from information submitted to  
20 PBGC pursuant to a confidentiality agreement between PBGC and New United Motor  
21 Manufacturing, Inc. (the "Agreement"), and designated, by the terms of the Agreement, as  
22 confidential business information pursuant to 29 C.F.R. §§ 4901.21 and 4901.24.  
23


24 4. Accordingly, PBGC and the Defendant(s) stipulate and request that the those  
25 portions of the Administrator Record designated by NUMMI as confidential business  
26 information pursuant to 29 C.F.R. §§ 4901.21 and 4901.24 be filed under seal.  
27

1 5. In accordance with Local Rule 79-5(c), the entire Administrative Record has been  
2 filed in a sealed container, with the sealable portions clearly noted. Specifically, the  
3 Administrative Record contains 4 volumes, with volumes II through IV designated as sealable.  
4

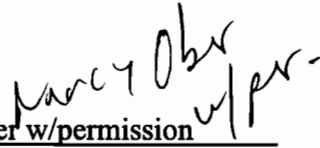
5 Respectfully submitted,

6 Israel Goldowitz, Chief Counsel  
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16 Dated: April 2, 2010

17 By: /s/ Sara B. Eagle   
18 Sara B. Eagle, Attorney  
19 PENSION BENEFIT GUARANTY  
20 CORPORATION

21 Dated: April 2, 2010

22 By: /s/ Nancy L. Ober w/permission   
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Attorneys for Defendant  
NEW UNITED MOTOR  
MANUFACTURING, INC.

**PROPOSED ORDER**

Pursuant to stipulation and for good cause shown, IT IS HEREBY ORDERED that  
Volumes II through IV of the Administrative Record be filed under seal.

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IT IS SO ORDERED.

Dated: April 19, 2010.

