

Hearing Date: December 16, 2020 at 11:00 a.m. (Prevailing Eastern Time)
Objection Deadline: December 9, 2020 at 4:00 p.m. (Prevailing Eastern Time)

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*Proposed Counsel for the Official Committee of
Equity Security Holders*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:)	
)	Chapter 11
GARRETT MOTION INC., <i>et al.</i> , ¹)	
)	Case No. 20-12212 (MEW)
)	
Debtors.)	Jointly Administered
)	
GARRETT MOTION INC. and)	
GARRETT ASASCO INC.,)	
)	
Plaintiffs,)	
)	
v.)	Adv. Proc. No. 20-01223 (MEW)
)	
HONEYWELL INTERNATIONAL INC.,)	
HONEYWELL ASASCO LLC, HONEYWELL)	
ASASCO 2 LLC, HONEYWELL HOLDINGS)	
INTERNATIONAL INC., SU PING LU, and)	
DARIUS ADAMCZYK,)	
)	
Defendants.)	

¹ The last four digits of Garrett Motion Inc.'s tax identification number are 3189. Due to the large number of debtor entities in these Chapter 11 Cases, which are being jointly administered, a complete list of the Debtors and the last four digits of their federal tax identification numbers is not provided herein. A complete list of such information may be obtained on the website of the Debtors' proposed claims and noticing agent at <http://www.kccllc.net/garrettmotion>. The Debtors' corporate headquarters is located at La Pièce 16, Rolle, Switzerland.



**NOTICE OF MOTION OF THE OFFICIAL COMMITTEE OF EQUITY SECURITY
HOLDERS TO INTERVENE IN ADVERSARY PROCEEDING PURSUANT TO
STIPULATION**

PLEASE TAKE NOTICE that on December 2, 2020, the Official Committee of Equity Security Holders for the above-captioned chapter 11 cases (the “Equity Committee”) filed the *Motion of the Official Committee of Equity Security Holders to Intervene in Adversary Proceeding Pursuant to Stipulation* (the “Motion to Intervene”).

PLEASE TAKE FURTHER NOTICE that a hearing (the “Hearing”) on the Motion to Intervene will take place on **December 16, 2020 at 11:00 a.m. (prevailing Eastern Time)**. The Hearing will be held telephonically before the Honorable Michael E. Wiles, United States Bankruptcy Judge, United States Bankruptcy Court for the Southern District of New York using the guidelines and procedures established by Court Solutions LLC (“Court Solutions”). Instructions for telephonic appearances using Court Solutions can be found in General Order M-543, available here: <http://www.nysb.uscourts.gov/sites/default/files/m543.pdf>.

PLEASE TAKE FURTHER NOTICE that any responses or objections (the “Objections”) to the Motion to Intervene shall be in writing, shall conform to the Federal Rules of Bankruptcy Procedure and the Local Rules for the United States Bankruptcy Court for the Southern District of New York and shall be filed with the Court in accordance with the customary practices of the Court and General Order M-399. Objections must be filed and received no later than **December 9, 2020 at 4:00 p.m. (prevailing Eastern Time)** (the “Objection Deadline”) and must be served on the following parties: (a) the Debtors, Garrett Motion Inc., 47548 Halyard Drive, Plymouth, MI, 48170, Attn: General Counsel; (b) proposed counsel to the Debtors, Sullivan & Cromwell LLP, 125 Broad Street, New York, New York 10004, Attn: Noam R. Weiss; (c) counsel to Garrett Motion Inc. and Garrett ASASCO Inc.,

Quinn Emanuel Urquhart & Sullivan, LLP, 51 Madison Avenue, 22nd Floor, New York, New York 10010, Attn: Michael Carlinsky (michaelcarlinsky@quinnemanuel.com), Susheel Kirpalani (susheelkirpalani@quinnemanuel.com), and Matthew Scheck (matthewscheck@quinnemanuel.com); (d) counsel to Honeywell International Inc., Honeywell Asasco LLC, Honeywell Asasco 2 LLC, Honeywell Holdings International Inc., Su Ping Lu, and Darius Adamczyk, Kirkland & Ellis LLP, 601 Lexington Avenue, New York, New York 10022, Attn: Nicole L. Greenblatt (nicole.greenblatt@kirkland.com) and Mark McKane (mark.mckane@kirkland.com), Kirkland & Ellis LLP, 1301 Pennsylvania Avenue, N.W., Washington D.C., 20004, Attn: Craig S. Primis (craig.primis@kirkland.com) and Ronald Anguas (ronald.anguas@kirkland.com); (e) counsel to the Official Committee of Unsecured Creditors, White & Case LLP, 1221 Avenue of the Americas, New York, NY 10020, Attn: Brian Pfeiffer (brian.pfeiffer@whitecase.com); (f) proposed counsel to the Official Committee of Equity Security Holders, Kasowitz Benson Torres LLP, 1633 Broadway, New York, New York 10019, Attn: Andrew K. Glenn (AGlenn@kasowitz.com) and David S. Rosner (DRosner@kasowitz.com); (g) the Office of the United States Trustee for the Southern District of New York; and (h) to the extent not listed herein, those parties requesting notice pursuant to Bankruptcy Rule 2002.

PLEASE TAKE FURTHER NOTICE that if no Objections are timely filed and served with respect to the Motion to Intervene, the Equity Committee shall, on or after the Objection Deadline, submit to the Bankruptcy Court an order substantially in the form annexed as Exhibit B to the Motion to Intervene, which order the Bankruptcy Court may enter with no further notice or opportunity to be heard.

PLEASE TAKE FURTHER NOTICE that the Hearing may be continued or adjourned thereafter from time to time without further notice other than an announcement of the adjourned date or dates at the Hearing.

PLEASE TAKE FURTHER NOTICE that copies of the Motion to Intervene may be inspected in the offices of the Clerk of the Bankruptcy Court during normal business hours or downloaded from the Court's website at www.nysb.uscourts.gov. Please note that prior registration with the PACER Service Center and payment of a fee may be required to access such documents. Parties-in-interest may sign up for a PACER account by visiting the PACER website at <http://pacer.psc.uscourts.gov> or by calling (800) 676-6856. Additionally, copies of the Pleadings and all other papers filed in the Chapter 11 Cases are available free of charge from the website of the Debtors' claims and noticing agent, Kurtzman Carson Consultants LLC, at <http://www.kccllc.net/garrettmotion> or by calling (866) 812-2297 (U.S./Canada), (781) 575-4050 (International) or +800 3742 6170 (International Toll Free).

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Dated: December 2, 2020
New York, New York

KASOWITZ BENSON TORRES LLP

/s/ Andrew K. Glenn _____

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*Proposed Counsel for the Official Committee of
Equity Security Holders*

Hearing Date: December 16, 2020 at 11:00 a.m. (Prevailing Eastern Time)
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*Proposed Counsel for the Official Committee
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**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

GARRETT MOTION INC., *et al.*,¹

Debtors.

GARRETT MOTION INC. and
GARRETT ASASCO INC.,

Plaintiffs,

v.

HONEYWELL INTERNATIONAL INC.,
HONEYWELL ASASCO LLC, HONEYWELL
ASASCO 2 LLC, HONEYWELL HOLDINGS
INTERNATIONAL INC., SU PING LU, and
DARIUS ADAMCZYK,

Defendants.

)
) Chapter 11

)
) Case No. 20-12212 (MEW)

)
) Jointly Administered

)
) Adv. Proc. No. 20-01223 (MEW)

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**MOTION OF THE OFFICIAL COMMITTEE OF EQUITY SECURITY HOLDERS TO
INTERVENE IN ADVERSARY PROCEEDING PURSUANT TO STIPULATION**

The Official Committee of Equity Security Holders (the “Equity Committee”) of Garrett Motion Inc. (collectively with its affiliated debtors, the “Debtors”), by and through its undersigned proposed counsel, respectfully submits this Motion to Intervene (the “Motion to Intervene”) for entry of an order authorizing the Equity Committee to intervene in the above-captioned adversary proceeding (the “Adversary Proceeding”) as an intervenor-plaintiff.

INTRODUCTION

The Equity Committee respectfully asserts that it is entitled to intervene as of right in the Adversary Proceeding pursuant to section 1109(b) of title 11 of the United States Code (the “Bankruptcy Code”) and Rule 24 of the Federal Rules of Civil Procedure (the “Federal Rules”), as made applicable to this proceeding by Rule 7024 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”).

The relief requested herein has been stipulated to by Garrett Motion Inc. and Garrett ASASCO Inc. (the “Plaintiffs”); Honeywell International Inc., Honeywell ASASCO LLC, Honeywell ASASCO 2 LLC, Honeywell Holdings International Inc., Su Ping Lu, and Darius Adamczyk (the “Defendants”); and the Official Committee of Unsecured Creditors of Garrett Motion Inc., *et al.* (the “Committee” and, together with Plaintiffs, Defendants, and the Equity Committee, the “Parties”) as memorialized in the Parties’ executed *Stipulation Authorizing the Intervention of the Official Committee of Equity Security Holders*, a copy of which is annexed hereto as Exhibit A (the “Stipulation”).

Accordingly, the Equity Committee respectfully requests that the Court permit the Equity Committee to join in the Complaint already filed by Plaintiffs and to participate and be heard in this Adversary Proceeding on any issue that affects the interests of the Equity Committee.²

THE MOTION TO INTERVENE SHOULD BE GRANTED

Pursuant to Bankruptcy Code section 1109(b) and Federal Rule 24(a)(1), the Equity Committee is entitled to intervene in the Adversary Proceeding unconditionally and as a matter of right. Federal Rule 24(a)(1), as incorporated into the Bankruptcy Code by Rule 7024, states in relevant part that “[o]n timely motion, the court must permit anyone to intervene who . . . is given an unconditional right to intervene by a federal statute. . . .” Fed. R. Civ. P. 24(a)(1). Bankruptcy Code section 1109(b) grants such unconditional right to intervene to “part[ies] in interest” such as the Equity Committee. *See* 11 U.S.C. § 1109(b) (providing that a “party in interest, including . . . an equity security holders’ committee . . . may raise and may appear and be heard on any issue in a [chapter 11] case”); *see also Term Loan Holder Comm. v. Ozer Grp., L.L.C. (In re The Caldor Corp.)*, 303 F.3d 161, 175-76 (2d Cir. 2002) (holding that section 1109(b) confers on parties in interest an unconditional statutory right to intervene in adversary proceedings).

Courts routinely grant intervention of parties in interest with an absolute right of intervention in chapter 11 cases, including but not limited to adversary proceedings. *See In re The Caldor Corp.*, 303 F.3d at 175-76 (reversing denial of intervention where term loan holder committee “possesses an unconditional right to intervene under 11 U.S.C. § 1109(b) and Fed. R. Civ. P. 24(a)(1)”); *see also Official Comm. of Asbestos Claimants of G-I Holding, Inc. v.*

² The Equity Committee does not intend to submit any papers on the motion to dismiss [Docket No. 7] that is currently *sub judice*.

Heyman, No. 01-cv-8539-RWS, 2003 WL 22790916, at *2 (S.D.N.Y. Nov. 25, 2003) (granting motion of legal representative of holders of asbestos-related claims to intervene in avoidance action as a co-plaintiff, where the legal representative “has already been deemed a ‘party in interest’ by the Bankruptcy Court” under 11 U.S.C. § 1109(b)); *In re Allegheny Int’l, Inc.*, 107 B.R. 518, 525 (W.D. Pa. 1989) (reversing denial of intervention in part, as “the Equity Committee possesses an unqualified right to intervene in the adversary proceedings.”); *In re Lionel Corp.*, 38 B.R. 679, 680 (Bankr. S.D.N.Y. 1984) (granting motions of the Official Committee of Unsecured Creditors and Committee of Equity Security Holders “to intervene as plaintiffs in the [] adversary proceeding,” “[w]hether it be a matter of right or a matter of discretion” under Federal Rules 24(a) and 24(b)).

As a party in interest, the Equity Committee has an unconditional right to intervene in the Adversary Proceeding, the outcome of which will directly impact the Debtors’ chapter 11 assets and the recovery that will be realized by the equity holders. In particular, the characterization and amount of certain of the Defendants’ indemnity claim, and to the extent that the claim is voided or reduced as the Plaintiffs’ litigation seeks, will directly affect the recovery of equity holders.

The instant Motion is also timely. The discovery process is just getting underway, and a similar Motion to Intervene filed by the Official Committee of Unsecured Creditors was granted only last week [Docket No. 24].

Accordingly, pursuant to Bankruptcy Code section 1109(b) and Federal Rule 24(a)(1), the Equity Committee is entitled to exercise its “unconditional right to intervene” in the Adversary Proceeding and the Motion should be granted.

JURISDICTION AND VENUE

This Court has jurisdiction to consider this matter pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b). Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409.

The statutory predicates for the relief sought herein are section 1109 of the Bankruptcy Code and Federal Rule 24, as made applicable to the Adversary Proceeding by Bankruptcy Rule 7024.

NO PRIOR REQUEST

No previous application for the relief sought herein has been made by the Equity Committee to this or any other court.

CONCLUSION

For the reasons set forth above, the Equity Committee respectfully submits that the Court enter the order attached hereto as Exhibit B authorizing the Equity Committee to intervene in the Adversary Proceeding and grant such other relief as the Court deems just and proper.

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Dated: December 2, 2020
New York, New York

KASOWITZ BENSON TORRES LLP

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EXHIBIT A

Stipulation

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**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:)	
)	Chapter 11
GARRETT MOTION INC., <i>et al.</i> , ¹)	
)	Case No. 20-12212 (MEW)
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Debtors.)	Jointly Administered
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GARRETT MOTION INC. and)	
GARRETT ASASCO INC.,)	
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Plaintiffs,)	
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v.)	Adv. Proc. No. 20-01223 (MEW)
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HONEYWELL INTERNATIONAL INC.,)	
HONEYWELL ASASCO LLC, HONEYWELL)	
ASASCO 2 LLC, HONEYWELL HOLDINGS)	
INTERNATIONAL INC., SU PING LU, and)	
DARIUS ADAMCZYK,)	
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Defendants.)	
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**STIPULATION AUTHORIZING THE INTERVENTION OF THE
OFFICIAL COMMITTEE OF EQUITY SECURITY HOLDERS**

The Official Committee of Equity Security Holders (the “Equity Committee”) of Garrett Motion Inc. (collectively with its affiliated debtors, the “Debtors”); Garrett Motion Inc. and Garrett ASASCO Inc. (the “Plaintiffs”); Honeywell International Inc., Honeywell ASASCO LLC, Honeywell ASASCO 2 LLC, Honeywell Holdings International Inc., Su Ping Lu, and Darius Adamczyk (the “Defendants”); and the Official Committee of Unsecured Creditors of Garrett Motion Inc., *et al.* (the “Committee” and, together with Plaintiffs, Defendants, and the Equity Committee, the “Parties”) by and through their counsel, hereby enter into this stipulation (the “Stipulation”), dated December 1, 2020:

WHEREAS, on December 2, 2019, Plaintiffs filed a summons with notice against Defendants in New York State Court, New York County, styled *Garrett Motion Inc. v. Honeywell International Inc.*, Index No. 657106/2019 (the “State Court Action”);

WHEREAS, on January 15, 2020, Plaintiffs filed a complaint (the “Complaint”) in the State Court Action;

WHEREAS, on March 5, 2020, Defendants filed a motion to dismiss (the “State Court Motion to Dismiss”) the Complaint;

WHEREAS, on September 20, 2020, (the “Petition Date”) the Debtors filed voluntary petitions for relief under chapter 11 of the Bankruptcy Code in the United States Bankruptcy Court for the Southern District of New York (the “Bankruptcy Court”);

WHEREAS, on September 23, 2020, Plaintiffs removed the State Court Action from the New York Supreme Court to the United States District Court for the Southern District of New York Court.

WHEREAS, on September 24, 2020, the above-captioned adversary proceeding (the “Adversary Proceeding”) was transferred to this Court in connection with the Debtors’ pending chapter 11 cases; and

WHEREAS, the Equity Committee is a “party in interest” as that term is defined in section 1109(b) of the Bankruptcy Code.

NOW, IT IS THEREFORE STIPULATED AND AGREED by the Parties of the following:

1. The Equity Committee is a party in interest authorized to intervene in the Adversary Proceeding as a plaintiff.
2. Within three business days of the date the Court enters an order (the “Order”) granting the Equity Committee’s Motion to Intervene in the Adversary Proceeding, the Plaintiffs and Defendants shall, subject to the Equity Committee’s entry into a satisfactory protective order, provide the Equity Committee with (i) un-redacted versions of all filings; and (ii) all discovery materials (including requests for discovery, documents produced in discovery, and deposition transcripts) that have been propounded, received, or produced in the Adversary Proceeding through and including the date of the Order.

Dated: December 1, 2020
New York, New York

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*Counsel for Plaintiffs Garrett Motion Inc. and
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Counsel to Defendants

EXHIBIT B

Proposed Order

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:)	
)	Chapter 11
GARRETT MOTION INC., <i>et al.</i> , ¹)	
)	Case No. 20-12212 (MEW)
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Debtors.)	Jointly Administered
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GARRETT MOTION INC. and)	
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HONEYWELL INTERNATIONAL INC.,)	
HONEYWELL ASASCO LLC, HONEYWELL)	
ASASCO 2 LLC, HONEYWELL HOLDINGS)	
INTERNATIONAL INC., SU PING LU, and)	
DARIUS ADAMCZYK,)	
)	
Defendants.)	

**ORDER GRANTING MOTION OF THE
OFFICIAL COMMITTEE OF EQUITY SECURITY HOLDERS
TO INTERVENE IN THE ADVERSARY PROCEEDING**

Upon consideration of the *Motion of the Official Committee of Equity Security
Holders to Intervene in the Adversary Proceeding Pursuant to Stipulation by the Adversary
Parties* (the “Motion to Intervene”)², it is **ORDERED** that:

1. The relief requested in the Motion to Intervene is granted.

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² Capitalized terms used and not otherwise defined herein shall have the meaning(s) ascribed to them in the Motion to Intervene.

2. The Equity Committee is a party in interest authorized to intervene in the Adversary Proceeding as a plaintiff.

3. Subject to the Equity Committee's entry into a satisfactory protective order, (i) all sealed pleadings and discovery taken through and including the date of the Order shall be made available to the Equity Committee within three business days of entry of this order, and (ii) further discovery propounded, received, or produced must be promptly made available to the Equity Committee.

Dated: _____, 2020
New York, New York

HONORABLE MICHAEL E. WILES
UNITED STATES BANKRUPTCY JUDGE