

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

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In re : Chapter 11
: Case No. 09-13412 (MG)
: (Jointly Administered)
Metaldyne Corporation, *et al.*, :
: Debtors. :
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**JUDGE GLENN DISCLOSURE AND ORDER RE POTENTIAL
CONFLICT**

The Rule 1007 affidavit of Thomas A. Amato (ECF # 6) discloses that Metaldyne’s parent corporation is non-debtor Metaldyne Holdings LLC, and that Metaldyne Holding LLC’s parent is non-debtor Asahi Tec Corporation, a Japanese corporation. RHJ International S.A. owns approximately 60.1% of Asahi Tec. *See id.* at paragraph 8. The affidavit also discloses that Asahi Tec is a publicly traded company, and “although some members overlap, Asahi Tec maintains a separate board of directors that is distinct from Metaldyne’s board.” Amato is co-Chief Executive of Asahi Tec and serves on its board. There are no guarantees of Metaldyne debt by Asahi Tec, or of Asahi Tech debt by Metaldyne. *See id.* at paragraph 9.

In reviewing the list of service parties attached to the Case Management & Scheduling Order (ECF # 133, Exhibit A at 3) prepared by Jones Day, I saw that the service list identifies Evan Jones, Esq. of O’Melveny & Myers LLP as counsel for Asahi Tec.

From 1972 until I took the bench in November 2006, I practiced law with O’Melveny & Myers LLP. As a retired partner of O’Melveny & Myers LLP, I receive monthly retirement income in a fixed amount (adjusted annually for the cost of living)

that is not computed based on the income of the firm. Because I receive retirement income from O'Melveny & Myers LLP, I may not hear any matters in which the firm represents one of the parties in a dispute.

Based on my review of the pleadings in this case and the statements of Debtors' counsel during a hearing on June 15, 2009 regarding Asahi Tec's likely position in this case, I do not believe that I am required to recuse myself in this case based on the O'Melveny appearance on behalf of Asahi Tec. At this time there does not appear to be any matter within the case in which Asahi Tec, represented by O'Melveny & Myers LLP, is adverse to the Debtors or to any other parties-in-interest. In the event that such circumstances later arise, I will reevaluate whether to recuse myself from the case, or, alternatively, to have any specific matters involving Asahi Tec reassigned to another judge of this court.

If any parties-in-interest in this case wish to request that I recuse myself from handling this case (as opposed to any specific matter involving Asahi Tec), they may do so by filing a request in writing on or before June 22, 2009. Any other parties-in-interest that wish to file any response to any request for recusal may do so on or before June 29, 2009. After reviewing any requests or responses, I will decide whether to schedule a hearing concerning any request for recusal.

IT IS SO ORDERED.

DATED: June 15, 2009
New York, New York

/s/Martin Glenn
MARTIN GLENN
United States Bankruptcy Judge