

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

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In re: ) Case No. 08-12606 (BLS)  
 )  
VERASUN ENERGY CORPORATION, et al., ) Chapter 11  
 )  
Debtors.<sup>1</sup> ) Jointly Administered  
 )  
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**AGENDA MATTERS SCHEDULED FOR HEARING ON  
MAY 7, 2009 AT 10:00 A.M. (EASTERN)**

Set forth below are the matters previously scheduled to be heard before the Honorable Brendan L. Shannon, United States Bankruptcy Judge, in the United States Bankruptcy Court for the District of Delaware, 824 Market Street, Courtroom #1, Wilmington, Delaware, on May 7, 2009 beginning at 10:00 a.m. (Eastern).

**CONTINUED MATTERS**

1. Motion of the Debtors for Interim and Final Waiver of Investment and Deposit Requirements Pursuant to Bankruptcy Code Sections 105 and 345 and Local Rule 2015-2(b) (Docket No. 6) (Filed 10/31/08)

Related  
Documents:

- a. Interim Order Pursuant to Bankruptcy Code Sections 105 and 345 and Local Rule 2015-2(b) Waiving Investment and Deposit Requirements (Docket No. 57) (Entered 11/4/2008)

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<sup>1</sup> The Debtors consist of: VeraSun Energy Corporation (EIN: 20-3430241); ASA Albion, LLC (EIN: 55-0907221); ASA Bloomingburg, LLC (EIN: 55-0907224); ASA Linden, LLC (EIN: 55-0907228); ASA OpCo Holdings, LLC (EIN: 68-0609122); US Bio Marion, LLC (EIN: 20-34377343); US BioEnergy Corporation (EIN: 20-1811472); VeraSun Albert City, LLC (EIN: (20-2264707); VeraSun Aurora Corporation (EIN: 40-0462174); VeraSun BioDiesel, LLC (EIN: 20-3790860); VeraSun Central City, LLC (EIN: (55-0816855); VeraSun Charles City, LLC (EIN: 20-3735184); VeraSun Dyersville, LLC (20-5765890); VeraSun Fort Dodge, LLC (EIN: 42-1630527); VeraSun Granite City, LLC (EIN: 20-5909621); VeraSun Hankinson, LLC (90-0287129); VeraSun Hartley, LLC (EIN: 20-5381200); VeraSun Janesville, LLC (EIN: 20-4420290); VeraSun Litchfield, LLC (EIN: 20-8621370); VeraSun Marketing, LLC (EIN: 20-3693800); VeraSun Ord, LLC (75-3204878); VeraSun Reynolds, LLC (EIN: 20-5914827); VeraSun Tilton, LLC (EIN: 26-1539139); VeraSun Welcome, LLC (EIN: 20-4115888); and VeraSun Woodbury, LLC (20-0647425).

- b. Notice of (I) Filing of Motion and Entry of Interim Order and (II) Final Hearing with Respect to Motion of the Debtors for Interim and Final Waiver of Investment and Deposit Requirements Pursuant to Bankruptcy Code Sections 105 and 345 and Local Rule 2015-2(b) (Docket No. 118) (Filed 11/11/08)

Response

Deadline: November 21, 2008 at 4:00 p.m.

Responses

Filed/Received: None.

Status: This matter has been adjourned to the June 3, 2009 hearing.

2. Motion of Aux Sable Liquid Products LP to Compel Debtor to Assume or Reject Executory Contract with Aux Sable Liquid Products LP under Section 365(d) (Docket No. 325) (Filed 12/10/08)

Response

Deadline: January 1, 2009 at 4:00 p.m.

Responses

Filed/Received:

- a. Debtors' Objection to Motion of Aux Sable Liquid Products LP to Compel Debtor to Assume or Reject Executory Contract with Aux Sable Liquid Products LP under Section 365(d) (Docket No. 420) (Filed 12/30/08)
- b. Joinder of the Committee of Unsecured Creditors of VeraSun Energy Corporation, et. al. to the Debtors' Objection to Motion of Aux Sable Liquid Products LP to Compel Debtor to Assume or Reject Executory Contract with Aux Sable Liquid Products LP under Section 365(d) (Docket No. 435) (Filed 1/5/09)

Status: This matter has been adjourned to the June 3, 2009 hearing.

3. Motion of Kinder Morgan Interstate Gas Transmission, LLC's Motion for Relief from Stay to Require Compliance with Tariff, or in the Alternative, to Allow Termination (Docket No. 333) (Filed 12/11/08)

Response

Deadline: December 31, 2008 at 4:00 p.m.

Responses

Filed/Received:

- a. Debtors' Omnibus Response to Kinder Morgan Interstate Gas Transmission LLC's Motions for Relief from Stay to Require Compliance with Tariff, or in the Alternative, to Allow Termination and Its Motion for Relief from Stay to Allow Setoff, to Require Compliance with Tariff, or in the Alternative, to Allow Termination (Docket No. 423) (Filed 12/30/08)

Status: This matter has been adjourned to the June 3, 2009 hearing.

4. Motion of Kinder Morgan Interstate Gas Transmission, LLC's Motion for Relief from Stay to Require Compliance with Tariff, or in the Alternative, to Allow Termination (Docket No. 335) (Filed 12/11/08)

Response

Deadline: December 31, 2008 at 4:00 p.m.

Responses

Filed/Received:

- a. Debtors' Omnibus Response to Kinder Morgan Interstate Gas Transmission LLC's Motions for Relief from Stay to Require Compliance with Tariff, or in the Alternative, to Allow Termination and Its Motion for Relief from Stay to Allow Setoff, to Require Compliance with Tariff, or in the Alternative, to Allow Termination (Docket No. 423) (Filed 12/30/08)

Status: This matter has been adjourned to the June 3, 2009 hearing.

5. Motion of Kinder Morgan Interstate Gas Transmission, LLC's Motion for Relief from Stay to Allow Setoff, to Require Compliance with Tariff, or in the Alternative, to Allow Termination (Docket No. 337) (Filed 12/11/08)

Response

Deadline: December 31, 2008 at 4:00 p.m.

Responses

Filed/Received:

- a. Debtors' Omnibus Response to Kinder Morgan Interstate Gas Transmission LLC's Motions for Relief from Stay to Require Compliance with Tariff, or in the Alternative, to Allow Termination and Its Motion for Relief from Stay to Allow Setoff, to Require Compliance with Tariff, or in the Alternative, to Allow Termination (Docket No. 423) (Filed 12/30/08)

Status: This matter has been adjourned to the June 3, 2009 hearing.

6. Union Tank Car Company's Request for Payment of Administrative Expense and Motion to Compel VeraSun Marketing LLC to Return Railcars in an Environmentally Safe Condition (Docket No. 377) (Filed 12/19/08)

Related Documents:

- a. Amended Notice of Motion (Docket No. 386) (Filed 12/22/08)
- b. Affidavit of John Szablewski in Support of Union Tank Car Company's Request for Payment of Administrative Expense and Motion to Compel VeraSun Marketing LLC to Return Railcars in an Environmentally Safe Condition (Docket No. 593) (Filed 2/2/09)
- c. Affidavit of John C. Kolb in Support of Union Tank Car Company's Request for Payment of Administrative Expense and Motion to Compel VeraSun Marketing LLC to Return Railcars in an Environmentally Safe Condition (Docket No. 594) (Filed 2/2/09)
- d. Affidavit of William Constantino in Support of Union Tank Car Company's Request for Payment of Administrative Expense and Motion to Compel VeraSun Marketing LLC to Return Railcars in an Environmentally Safe Condition (Docket No. 595) (Filed 2/2/09)
- e. Supplemental Declaration of James Bonsall in Support of Debtors' Response to Union Tank Car Company's Request for Payment of Administrative Expense and Motion to Compel VeraSun Marketing LLC to Return Railcars in an Environmentally Safe Condition (Docket No. 694) (Filed 2/19/09)

Response

Deadline: January 2, 2009 at 4:00 p.m.

Responses

Filed/Received:

- a. Debtors' Response to Union Tank Car Company's Request for Payment of Administrative Expense and Motion to Compel VeraSun Marketing LLC to Return Railcars in an Environmentally Safe Condition (Docket No. 421) (Filed 12/30/08)

- (i) Declaration of James Bonsall in Support of Debtors' Response to Union Tank Car Company's Request for Payment of Administrative Expense and Motion to Compel VeraSun Marketing LLC to Return Railcars in an Environmentally Safe Condition (Docket No. 687) (Filed 2/18/09)
- b. Dougherty Funding LLC's Objection to Union Tank Car Company's Request for Payment of Administrative Expense and Motion to Compel VeraSun Marketing LLC to Return Railcars in an Environmentally Safe Condition (Docket No. 422) (Filed 12/30/08)
- c. Joinder of the Official Committee of Unsecured Creditors of VeraSun Energy Corporation, et. al. to the Debtors' Response to Union Tank Car Company's Request for Payment of Administrative Expense and Motion to Compel VeraSun Marketing LLC to Return Railcars in an Environmentally Safe Condition (Docket No. 436) (Filed 1/5/09)
- d. Union Tank Car Company's Reply to Debtors' Response to Union Tank Car Company's Request for Payment of Administrative Expense and Motion to Compel VeraSun Marketing LLC to Return Railcars in an Environmentally Safe Condition (Docket No. 437) (Filed 1/5/09)
- e. Response of General Electric Railcar Services Corporation to Union Tank Car Company's Request for Payment of Administrative Expense and Motion to Compel VeraSun Marketing LLC to Return Railcars in an Environmentally Safe Condition (Docket No. 438) (Filed 1/5/09)

Status: This matter has been adjourned to the July 8, 2009 hearing at 10:00 a.m.

- 7. Debtors' Application for Order Under Bankruptcy Code Sections 327 and 328 Authorizing Employment and Retention of Deloitte Financial Advisory Services LLP to Provide Emergence-Related Accounting and Valuation Services Nunc Pro Tunc to December 19, 2008 (Docket No. 542) (Filed 1/16/09)

Response

Deadline: January 29, 2009 at 4:00 p.m.

Responses

Filed/Received: None.

Status: This matter has been adjourned to the June 3, 2009 hearing

- 8. Motion of Debtors for Order Under Bankruptcy Code Sections 105(a) and 363 and Fed. R. Bankr. P. 2002, 6004 and 6006 Authorizing Debtors to Sell (I) Real Property Located in Adams County, Nebraska and (II) Certain Personal Property

Located Thereon Free and Clear of All Liens, Claims, and Encumbrances (Docket No. 658) (Filed 2/13/09)

Response

Deadline: February 26, 2009 at 4:00 p.m.

Responses

Filed/Received: None

Status: This matter has been adjourned to the June 3, 2009 hearing.

9. Amended Notice of Motion for Relief from the Automatic Stay filed by North Dakota Public Service Commission (Docket No. 975) (Filed 4/2/09)

Response

Deadline: April 29, 2009 at 4:00 p.m.

Responses

Filed/Received:

Status: This matter is adjourned to the June 3, 2009 hearing.

10. Motion of Liberty Mutual Insurance Company for Relief from Stay Under Section 362 of the Bankruptcy Code to Cancel Bonds (Docket No. 1060) (Filed 4/16/09)

Response

Deadline: April 30, 2009 at 4:00 p.m.

Responses

Filed/Received:

Status: This matter has been adjourned to the June 3, 2009 hearing.

11. Notice of Cure Amount with Respect to Executory Contracts or Unexpired Leases to be Assumed and Assigned (Docket No. 734) (Filed 2/27/09)

Related

Documents:

- a. Supplemental Notice of Cure Amount with Respect to Executory Contracts or Unexpired Leases to be Assumed and Assigned (Docket No. 861) (Entered 3/13/09)
- b. Amended Notice of Cure Amount with Respect to Executory Contracts or Unexpired Leases to be Assumed and Assigned (Docket No. 862) (Entered 3/14/09)
- c. Second Supplemental Notice of Cure Amount with Respect to Executory Contracts or Unexpired Leases to be Assumed and Assigned (Docket No. 882) (Filed 3/18/09)
- d. Third Supplemental Notice of Cure Amount with Respect to Executory Contracts or Unexpired Leases to be Assumed and Assigned (Docket No. 930) (Filed 3/27/09)
- e. Fourth Supplemental Notice of Cure Amount with Respect to Executory Contracts or Unexpired Leases to be Assumed and Assigned (Docket No. 933) (Filed 3/28/09)
- f. Fifth Supplemental Notice of Cure Amount with Respect to Executory Contracts or Unexpired Leases to be Assumed and Assigned (Docket No. 940) (Filed 3/30/09)
- g. Sixth Supplemental Notice of Cure Amount with Respect to Executory Contracts or Unexpired Leases to be Assumed and Assigned (Docket No. 974) (Filed 4/2/09)
- h. Seventh Supplemental Notice of Cure Amount with Respect to Executory Contracts or Unexpired Leases to be Assumed and Assigned (Docket No. 990) (Filed 4/3/09)
- i. Eighth Supplemental Notice of Cure Amount with Respect to Executory Contracts or Unexpired Leases to be Assumed and Assigned (Docket No. 1007) (Filed 4/6/09)
- j. Ninth Supplemental Notice of Cure Amount with Respect to Executory Contracts or Unexpired Leases to be Assumed and Assigned (Docket No. 1014) (Filed 4/7/09)
- k. Tenth Supplemental Notice of Cure Amount with Respect to Executory Contracts or Unexpired Leases to be Assumed and Assigned (Docket No. 1024) (Filed 4/8/09)

1. Eleventh Supplemental Notice of Cure Amount with Respect to Executory Contracts or Unexpired Leases to be Assumed and Assigned (Docket No. 1048) (Filed 4/13/09)

Response

Deadline: March 9, 2009 at 4:00 p.m.

Responses

Filed/Received:

- a. Objection of White County, Indiana to Notice to Cure Amount (Docket No. 754) (Filed 3/4/09)

Status: This objection has been resolved.

- b. Objection of Rognes Bros. Excavating, Inc. to Debtors' Notice of Cure Amount with Respect to Executory Contracts or Unexpired Leases to be Assumed and Assigned (Docket No. 771) (Filed 3/6/09)

Status: By agreement of the Debtors and the Successful Bidder(s) this objection has been adjourned to the June 3, 2009 hearing.

- c. Objections of Beemer Companies to Debtors' Notice of Cure Amount with Respect to Executory Contracts or Unexpired Leases to be Assumed and Assigned (Docket No. 772) (Filed 3/6/09)

Status: By agreement of the Debtors and the Successful Bidder(s) this objection has been adjourned to the June 3, 2009 hearing.

- d. Objections of Kahler Electric to Debtors' Notice of Cure Amount with Respect to Executory Contracts or Unexpired Leases to be Assumed and Assigned (Docket No. 773) (Filed 3/6/09)

Status: By agreement of the Debtors and the Successful Bidder(s) this objection has been adjourned to the June 3, 2009 hearing.

- e. Objection and Response of ICM, Inc. to Notice of Cure Amounts for Executory Contracts (Docket No. 777) (Filed 3/6/09)

Status: By agreement of the Debtors and the Successful Bidder(s) this objection has been adjourned to the June 3, 2009 hearing.

- f. Cure Amount Objection of Federated Rural Electric Association (Docket No. 786) (Filed 3/9/09)

Status: By agreement of the Debtors and the Successful Bidder(s) this objection has been adjourned to the June 3, 2009 hearing.

- g. Objection of WINBCO Tank Company to Debtors' Notice of Cure Amount with Respect to Executory Contracts or Unexpired Leases to be Assumed and Assigned (Docket No. 788 (Filed 3/9/09))

Status: By agreement of the Debtors and the Successful Bidder(s) this objection has been adjourned to the June 3, 2009 hearing.

- h. Objection of Barr Engineering Company to Debtors' Notice of Cure Amount with Respect to Executory Contracts or Unexpired Leases to be Assumed and Assigned (Docket No. 791) (Filed 3/9/09)

Status: By agreement of the Debtors and the Successful Bidder(s) this objection has been adjourned to the June 3, 2009 hearing.

- i. Objection of Hamilton Farm Bureau Cooperative, Inc. to Debtors' Notice of Cure Amount with Respect to Executory Contracts or Unexpired Leases to be Assumed and Assigned (Docket No. 792) (Filed 3/9/09)

Status: By agreement of the Debtors and the Successful Bidder(s) this objection has been adjourned to the June 3, 2009 hearing.

- j. Objection of Fagen, Inc. to Proposed Cure Amounts (Docket No. 794) (Filed 3/9/09)

Status: By agreement of the Debtors and the Successful Bidder(s) this objection has been adjourned to the June 3, 2009 hearing.

- k. Kinder Morgan Interstate Gas Transmission, LLC's Objection to Notice of Cure Amounts (Docket No. 797) (Filed 3/9/09)

Status: This matter is adjourned. The parties are working to resolve the objection.

- l. CSX Transportation, Inc.'s Objection to Cure Amount (Docket No. 800) (Filed 3/9/09)

Status: By agreement of the Debtors and the Successful Bidder(s) this objection has been adjourned to the June 3, 2009 hearing.

- m. Cure Objection of HDR Engineering, Inc. (Docket No. 801) (Filed 3/9/09)

Status: By agreement of the Debtors and the Successful Bidder(s) this objection has been adjourned to the June 3, 2009 hearing.

- n. Dougherty Funding LLC's Consolidated Response to: (a) Debtors' Notice of Cure Amounts with respect to Executory Contracts or Unexpired Leases to be Assumed and Assigned and (b) Debtors' Motion Pursuant to 11 U.S.C. Sections 105(a), 363, 365 and Fed. R. Bankr. p. 2002, 6004, 6006 to Approve the Sale of Assets Free and Clear of Interests and for Other Related Relief (Docket No. 804) (Filed 3/9/09)

Status: By agreement of the Debtors and the Successful Bidder(s) this objection has been adjourned to the June 3, 2009 hearing.

- o. Objection of Northern Natural Gas Company to Debtors' (I) Cure Notice, (II) Showing of Adequate Assurance of Future Performance and (III) Sale, Assumption and/or Assignment of Some or All of Debtors' Assets (Docket No. 805) (Filed 3/9/09)

Status: By agreement of the Debtors and the Successful Bidder(s) this objection has been adjourned to the June 3, 2009 hearing.

- p. Joint Objection to Notice of Cure Amounts and Reservation of Rights and Claims by Dakota, Minnesota & Eastern and Iowa, Chicago & Eastern Railroad Corporations (Docket No. 807) (Filed 3/9/09)

Status: By agreement of the Debtors and the Successful Bidder(s) this objection has been adjourned to the June 3, 2009 hearing.

- q. Limited Objection of Northwestern Corporation to Notice of Cure Amount With Respect to Executory Contracts or Unexpired Leases to be Assumed and Assigned (Docket No. 808) (Filed 3/9/09)

Status: By agreement of the Debtors and the Successful Bidder(s) this objection has been adjourned to the June 3, 2009 hearing.

- r. Objection of Cargill, Incorporated to Debtors' Notice of Cure Amounts with Respect to Executory Contracts or Unexpired Leases to be Assumed or Assigned, and Reservation of Rights (Docket No. 811) (Filed 3/9/09)

Status: By agreement of the Debtors and the Successful Bidder(s) this objection has been adjourned to the June 3, 2009 hearing.

- s. Objection To The Cure Amount For VeraSun Energy Corporation Filed by Marvin Guse (Docket No. 821) (Filed 3/10/09)

Status: By agreement of the Debtors and the Successful Bidder(s) this objection has been adjourned to the June 3, 2009 hearing.

- t. Cure Amount Objection of Sioux Valley-Southwestern Electric Cooperative, Inc. (Docket No. 823) (Filed 3/10/09)  
  
Status: By agreement of the Debtors and the Successful Bidder(s) this objection has been adjourned to the June 3, 2009 hearing.
- u. Cure Amount Objection of Southeastern Electric Cooperative, Inc. (Docket No. 832) (Filed 3/11/09)  
  
Status: By agreement of the Debtors and the Successful Bidder(s) this objection has been adjourned to the June 3, 2009 hearing.
- v. Objection to Notice of Cure Amount with Respect to Contracts with Safe Handling, Inc. (Docket No. 835) (Filed 3/11/09)  
  
Status: By agreement of the Debtors and the Successful Bidder(s) this objection has been adjourned to the June 3, 2009 hearing.
- w. Cure Amount Objection of Minnesota Centre, L.L.C. (Docket No. 839) (Filed 3/11/09)  
  
Status: By agreement of the Debtors and the Successful Bidder(s) this objection has been adjourned to the June 3, 2009 hearing.
- x. Objection to Cure Amount Filed by Carl Guse (Docket No. 843) (Filed 3/10/09)  
  
Status: By agreement of the Debtors and the Successful Bidder(s) this objection has been adjourned to the June 3, 2009 hearing.
- y. Objection to The Cure Amount Filed by Civil Design Inc. (Docket No. 844) (Filed 3/10/09)  
  
Status: By agreement of the Debtors and the Successful Bidder(s) this objection has been adjourned to the June 3, 2009 hearing.
- z. Objection of W.W. Grainger, Inc. to Debtors' Notice of Cure Amount with Respect to Executory Contracts or Unexpired Leases to be Assumed and Assigned (Docket No. 845) (Filed 3/12/09)  
  
Status: By agreement of the Debtors and the Successful Bidder(s) this objection has been adjourned to the June 3, 2009 hearing.
- aa. Supplemental Objection of Fagan, Inc. to Proposed Cure Amounts (Docket No. 877) (Filed 3/17/09)

Status: By agreement of the Debtors and the Successful Bidder(s) this objection has been adjourned to the June 3, 2009 hearing.

- bb. Objection to Cure Amounts filed by Richard and Allen Flohrs (Docket No. TBD)

Status: By agreement of the Debtors and the Successful Bidder(s) this objection has been adjourned to the June 3, 2009 hearing.

- cc. Objection of Iowa Department of Economic Development to Assumption and Assignment of Certain Executory Contracts (Docket No. 899) (Filed 3/23/09)

Status: By agreement of the Debtors and the Successful Bidder(s) this objection has been adjourned to the June 3, 2009 hearing.

- dd. Objection of Fagen, Inc. to Third Supplemental Notice of Cure Amounts (Docket No. 967) (Filed 4/2/09)

Status: By agreement of the Debtors and the Successful Bidder(s) this objection has been adjourned to the June 3, 2009 hearing.

- ee. Objection of Northern Natural Gas Company to Debtors (I) Cure Notice and (II) Showing of Adequate Assurance of Future Performance (Docket No. 999) (Filed 4/6/09)

Status: By agreement of the Debtors and the Successful Bidder(s) this objection has been adjourned to the June 3, 2009 hearing.

- ff. Objection of TM Rural Water District to Sixth Supplemental Notice of Cure Amount with Respect to Executory Contracts or Unexpired Leases to be Assumed and Assigned (Docket No. 1039) (Filed 4/10/09)

Status: By agreement of the Debtors and the Successful Bidder(s) this objection has been adjourned to the June 3, 2009 hearing.

- gg. Objection of Northern Natural Gas Company to Debtors (I) Cure Notice and (II) Showing of Adequate Assurance of Future Performance (Docket No. 1057) (Filed 4/15/09)

Status: By agreement of the Debtors and the Successful Bidder(s) this objection has been adjourned to the June 3, 2009 hearing.

Global Status: These matters have either been resolved or adjourned to the June 3, 2009 omnibus hearing.

Dated: Wilmington, Delaware  
May 5, 2009

/s/ Davis Lee Wright  
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