

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

-----)
In re:) Case No. 08-12606 (BLS)
)
VERASUN ENERGY CORPORATION, et al.,) Chapter 11
)
Debtors.¹) Jointly Administered
)
-----)

**AMENDED AGENDA MATTERS SCHEDULED FOR HEARING ON
AUGUST 10, 2009 AT 10:30 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 North Market Street, Courtroom #1, Wilmington, Delaware, on August 10, 2009 beginning at 11:00 a.m. (Eastern).

**THE HEARING PREVIOUSLY SCHEDULED FOR AUGUST 10, 2009 AT 11:00
A.M. HAS BEEN RESCHEDULED TO AUGUST 10, 2009 AT 10:30 A.M. AT THE
REQUEST OF THE COURT**

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:

¹ 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 (EIN: 20-5765890); VeraSun Fort Dodge, LLC (EIN: 42-1630527); VeraSun Granite City, LLC (EIN: 20-5909621); VeraSun Hankinson, LLC (EIN: 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 (EIN: 75-3204878); VeraSun Reynolds, LLC (EIN: 20-5914827); VeraSun Tilton, LLC (EIN: 26-1539139); VeraSun Welcome, LLC (EIN: 20-4115888); and VeraSun Woodbury, LLC (EIN: 20-0647425).

- 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)
- 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)

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

Responses

Filed/Received: None.

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

- 2. 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)
- b. **Notice of Withdrawal of Motion (Docket No. 1672) (Filed 8/7/09)**

Status: This matter has been withdrawn. No hearing is necessary.

- 3. 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)
- b. **Notice of Withdrawal of Motion (Docket No. 1672) (Filed 8/7/09)**

Status: This matter has been withdrawn. No hearing is necessary.

- 4. 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)
- b. **Notice of Withdrawal of Motion (Docket No. 1672) (Filed 8/7/09)**

Status: This matter has been withdrawn. No hearing is necessary.

- 5. 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 will be going forward as a status conference.
The parties are requesting an off-omnibus hearing in September or October at the Court's convenience.

6. 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 September 3, 2009 hearing.

7. 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: None

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

8. 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)
- l. 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)
- m. Notice of Partial Withdrawal of Objection by Fagen, Inc. (Docket No. 1653) (Filed 8/4/09)

Response

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

Responses

Filed/Received:

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

Status: This matter has been resolved in part (Docket No. 1653). All remaining matters are continued to the September 3, 2009 hearing.

b. 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.

c. 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: This objection has been resolved.

d. 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: This objection has been resolved.

e. 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 September 3, 2009 hearing.

f. 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 September 3, 2009 hearing.

g. 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), contract will be rejected and no hearing is required.

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

Status: This matter has been resolved in part (Docket No. 1653). All remaining matters are continued to the September 3, 2009 hearing.

- i. 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: This objection has been resolved.

- j. 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: This objection has been resolved.

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

- 9. Motion of Crescent Electric Supply Company for Allowance and Immediate Payment of Administrative Expense Claim (Docket No. 1297) (Filed 5/21/09)

Response

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

Responses

Filed/Received:

- a. Debtors' Consolidated Objection to the Motions for Allowance and Immediate Payment of Administrative Expense Claims Pursuant to 11 U.S.C. § 503(b)(9) (Docket No. 1535) (Filed 6/19/09)

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

- 10. Request by Phibrochem, a Division of Phibro Animal Health Corporation, for Allowance and Immediate Payment of Administrative Expense Claim Pursuant to 11 U.S.C. § 503(b)(9) (Docket No. 1320) (Filed 5/22/09)

Response

Deadline: June 12, 2009 at 4:00 p.m.

Responses

Filed/Received:

- a. Debtors' Consolidated Objection to the Motions for Allowance and Immediate Payment of Administrative Expense Claims Pursuant to 11 U.S.C. § 503(b)(9) (Docket No. 1535) (Filed 6/19/09)

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

11. Request by Phibrochem, a Division of Phibro Animal Health Corporation, for Allowance and Immediate Payment of Administrative Expense Claim Pursuant to 11 U.S.C. § 503(b)(9) (Docket No. 1321) (Filed 5/22/09)

Response

Deadline: June 12, 2009 at 4:00 p.m.

Responses

Filed/Received:

- a. Debtors' Consolidated Objection to the Motions for Allowance and Immediate Payment of Administrative Expense Claims Pursuant to 11 U.S.C. § 503(b)(9) (Docket No. 1535) (Filed 6/19/09)

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

12. Request by Phibrochem, a Division of Phibro Animal Health Corporation, for Allowance and Immediate Payment of Administrative Expense Claim Pursuant to 11 U.S.C. § 503(b)(9) (Docket No. 1322) (Filed 5/22/09)

Response

Deadline: June 12, 2009 at 4:00 p.m.

Responses

Filed/Received:

- a. Debtors' Consolidated Objection to the Motions for Allowance and Immediate Payment of Administrative Expense Claims Pursuant to 11 U.S.C. § 503(b)(9) (Docket No. 1535) (Filed 6/19/09)

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

13. Request by Phibrochem, a Division of Phibro Animal Health Corporation, for Allowance and Immediate Payment of Administrative Expense Claim Pursuant to 11 U.S.C. § 503(b)(9) (Docket No. 1323) (Filed 5/22/09)

Response

Deadline: June 12, 2009 at 4:00 p.m.

Responses

Filed/Received:

- a. Debtors' Consolidated Objection to the Motions for Allowance and Immediate Payment of Administrative Expense Claims Pursuant to 11 U.S.C. § 503(b)(9) (Docket No. 1535) (Filed 6/19/09)

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

14. Union Tank Car Company's Second Request for Payment of an Administrative Expense Claim (Docket No. 1325) (Filed 5/22/09)

Response

Deadline: June 10, 2009 at 4:00 p.m.

Responses

Filed/Received:

- a. Debtors' Response to Union Tank Car Company's Second Request for Payment of an Administrative Expense Claim (Docket No. 1547) (Filed 6/24/09)
- b. Union Tank Car Company's Reply in Support of Its Second Request for Payment of an Administrative Expense Claim (Docket No. 1579) (Filed: 7/2/09)

Status: This matter will be going forward as a status conference. The parties are requesting an off-omnibus hearing in September or October at the Court's convenience.

15. Motion of Midland Scientific, Inc. for Allowance and Immediate Payment of Administrative Expense Claim (Docket No. 1326) (Filed 5/22/09)

Response

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

Responses

Filed/Received:

- a. Debtors' Consolidated Objection to the Motions for Allowance and Immediate Payment of Administrative Expense Claims Pursuant to 11 U.S.C. § 503(b)(9) (Docket No. 1535) (Filed 6/19/09)

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

16. Motion by Brushvale Grain, Inc. for Payment of Postpetition, Prerejection Amounts Due and Owing Pursuant to 11 U.S.C. § 365(d)(3) (Docket No. 1367) (Filed 6/1/09)

Response

Deadline: June 22, 2009 at 4:00 p.m., extended until August 20, 2009 at 4:00 p.m. for the Debtors.

Responses

Filed/Received: None.

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

17. Motion by J&K Grain, LLC for Payment of Postpetition, Prerejection Amounts Due and Owing Pursuant to 11 U.S.C. § 365(d)(3) (Docket No. 1368) (Filed 6/1/09)

Response

Deadline: June 22, 2009 at 4:00 p.m., extended until August 20, 2009 at 4:00 p.m. for the Debtors.

Responses

Filed/Received: None.

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

18. Motion of Fagen, Inc. for Entry of an Order Directing the Debtors to Pay Fagen's Secured Claims in Full (Docket No. 1554) (Filed 6/26/09)

Related

Document:

- a. Re-Notice of Motion (Docket No. 1594) (Filed 7/8/09)

Response

Deadline: July 30, 2009 at 4:00 p.m., extended until August 20, 2009 at 4:00 p.m. for the Debtors.

Responses

Filed/Received:

- a. Debtors' Response to Fagen Inc.'s Motion for Entry of an Order Directing the Debtors to Pay Fagen's Secured Claims in Full (Docket No. 1651) (Filed 8/3/09)

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

19. Motion of Microsoft Corporation for (1) Allowance and Payment of Administrative Expense and (2) to Compel Debtor to Assume or Reject Executory Contracts (Docket No. 1614) (Filed 7/16/09)

Response

Deadline: August 3, 2009 at 4:00 p.m.

Responses

Filed/Received: None.

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

RESOLVED MATTERS

20. Debtors' Motion Under 11 U.S.C. §§ 105 and 327(a) for Order Authorizing Employment and Retention of Schrader Real Estate & Auction Co., Inc. as Auctioneer in Connection with the Sale of Undeveloped Land (Docket No. 1582) (Filed 7/2/09)

Related Documents:

- a. Certificate of No Objection (Docket No. 1620) (Filed 7/22/09)
- b. Order Under 11 U.S.C. §§ 105 and 327(a) Authorizing Employment and Retention of Schrader Real Estate & Auction Co., Inc. as Auctioneer in Connection with the Sale of Undeveloped Land (Docket No. 1626) (Entered: 7/24/09)

Response

Deadline: July 20, 2009 at 4:00 p.m.

Responses

Filed/Received: None.

Status: This matter has been resolved. No hearing is necessary.

21. Motion of C-B Nebraska Boiler Company for Relief from the Automatic Stay (Docket No. 1598) (Filed 7/10/09)

Related Documents:

- a. Re-Notice of Motion of C-B Nebraska Boiler Company for Relief from the Automatic Stay (Docket No. 1604) (Filed 7/13/09)
- b. Notice of Presentment of Order Approving Stipulation by and Among the Debtors and C-B Nebraska Boiler Company for Modification of the Automatic Stay to Permit C-B Nebraska Boiler Company to Sell a Certain Boiler (Docket No. 1657) (Entered: 8/4/09)
- c. Order Approving Stipulation by and Among the Debtors and C-B Nebraska Boiler Company for Modification of the Automatic Stay to Permit C-B Nebraska Boiler Company to Sell a Certain Boiler (Docket No. 1659) (Entered: 8/5/09)

Response

Deadline: July 28, 2009 at 4:00 p.m.

Responses
Filed/Received: None.

Status: This matter has been resolved. No hearing is necessary.

UNCONTESTED MATTERS GOING FORWARD

22. Motion of First National Bank of Omaha for the Entry of an Agreed Order Lifting the Automatic Stay to Access Letter of Credit Collateral (Docket No. 1622) (Filed 7/23/09)

Related
Documents:

- a. Notice of Filing of Proposed Order Granting Motion of First National Bank of Omaha for the Entry of an Agreed Order Lifting the Automatic Stay to Access Letter of Credit Collateral (Docket No. 1624) (Filed 7/23/09)
- b. **Joint Certification of Counsel Regarding Order Modifying Automatic Stay Pursuant to First National Bank of Omaha's Motion for the Entry of an Agreed Order Lifting the Automatic Stay to Access Letter of Credit Collateral (Docket No. 1666) (Filed 8/6/09)**

Response
Deadline: August 3, 2009 at 4:00 p.m.

Responses
Filed/Received: None.

Status: This matter is going forward. A Joint Certification of Counsel with a proposed stipulation has been filed.

23. Notice of Presentment of Order Approving Stipulation Among Verasun Ord, LLC, RBF Acquisition VI, LLC and SourceGas Distribution LLC Regarding Assumption and Assignment of Certain Contracts (Docket No. 1628) (Filed 7/24/09)

Related
Documents:

- a. **Order Approving Stipulation Among VeraSun Ord, LLC, RBF Acquisition VI, LLC and Sourcegas Distribution LLC Regarding Assumption and Assignment of Certain Contracts (Docket No. 1665) (Entered 8/6/09)**

Response
Deadline: August 3, 2009 at 4:00 p.m.

Responses
Filed/Received: None.

Status: This matter has been resolved. No hearing is necessary.

24. Debtors Motion for an Order Pursuant to Fed. R. Bankr. P. 9019 Authorizing the Debtors to Enter into Settlement Agreement with Agstar Financial Services, PCA (Docket No. 1630) (Filed 7/24/09)

Related
Documents:

- a. **Amended Notice of (I) Motion for Order Pursuant to Fed. R. Bankr. P. 9019 Authorizing the Debtors to Enter into a Settlement Agreement with Agstar Financial Services, PCA, and (II) Debtors' Motion Under Bankruptcy Code Sections 105(a) and 363 and Fed. R. Bankr. P. 2002 and 6004 Authorizing Debtors to Sell Certain Accounts Receivable Clams (Docket No. 1671) (Filed 8/6/09)**

Response
Deadline: August 3, 2009 at 4:00 p.m.

Responses
Filed/Received: None.

Status: This matter is going forward. Debtors intend to submit revised proposed order at the hearing for the Court's approval.

CONTESTED MATTERS GOING FORWARD

25. 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)

Related
Documents:

- a. **Certification of Counsel Regarding Order Granting Motion of Liberty Mutual Insurance Company for Relief from Stay Under Section 362 of the Bankruptcy Code to Cancel Bonds (Docket No. 1667) (Filed 8/6/09)**

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

Responses
Filed/Received:

- b. Response to Notice of Motion of Liberty Mutual Insurance Company for Relief from Stay Under Section 362 of the Bankruptcy Code to Cancel Bonds filed by North Dakota Public Service Commission (Docket No. 1202) (Filed 5/15/09)

Status: This matter is going forward. Liberty Mutual Insurance Company has submitted a Certification of Counsel with a proposed stipulation.

- 26. Debtors' Non-Substantive First Omnibus Objection Pursuant to 11 U.S.C. § 502(b) and Fed. R. Bankr. P. 3007 to Certain (I) Amended and Replaced Claims, (II) Duplicate Claims, and (III) Equity Claims (Docket No. 1591) (Filed 7/7/09)

Response

Deadline: August 3, 2009 at 4:00 p.m.

Responses

Filed/Received:

- a. Letter Response to Debtors' Non-Substantive First Omnibus Objection Pursuant to 11 U.S.C. § 502(b) and Fed. R. Bankr. P. 3007 to Certain (I) Amended and Replaced Claims, (II) Duplicate Claims, and (III) Equity Claims filed by Michael J. Horvath (Docket No. 1617) (Filed 7/21/09)
- b. Letter Response to Debtors' Non-Substantive First Omnibus Objection Pursuant to 11 U.S.C. § 502(b) and Fed. R. Bankr. P. 3007 to Certain (I) Amended and Replaced Claims, (II) Duplicate Claims, and (III) Equity Claims filed by Dierdre D. Monson (Docket No. 1621) (Filed 7/23/09)
- c. Response to Debtor(s) First Omnibus Objection to Equity Claims filed by Vincent E. Rhynes (Docket No. 1629) (Filed 7/24/09)
- d. Response to Debtors' Non-Substantive First Omnibus Objection to Claims filed by the United States (Docket No. 1648) (Filed 7/31/09)
- e. Gregory Schlicht's Response to Debtors' Non-Substantive First Omnibus Objection Pursuant to 11 U.S.C. § 502(b) and Fed. R. Bankr. P. 3007 to Certain (I) Amended and Replaced Claims, (II) Duplicate Claims, and (III) Equity Claims (Docket No. 1650) (Filed 8/3/09)
- f. Letter Response to Debtors' Non-Substantive First Omnibus Objection Pursuant to 11 U.S.C. § 502(b) and Fed. R. Bankr. P. 3007 to Certain (I) Amended and Replaced Claims, (II) Duplicate Claims, and (III) Equity Claims filed by Roger & Nichodene Allington (Docket No. 1655) (Filed 8/4/09)

Status: This matter is going forward with respect to claims for which no responses have been received. This matter has been adjourned to a date to be determined with respect to all filed responses.

27. Debtors' Motion Under Bankruptcy Code Sections 105(a) and 363 and Fed. R. Bankr. P. 2002 and 6004 Authorizing Debtors to Sell Certain Accounts Receivable Claims (Docket No. 1627) (Filed 7/24/09)

Related Documents:

- a. **Amended Notice of (I) Motion for Order Pursuant to Fed. R. Bankr. P. 9019 Authorizing the Debtors to Enter into a Settlement Agreement with Agstar Financial Services, PCA, and (II) Debtors' Motion Under Bankruptcy Code Sections 105(a) and 363 and Fed. R. Bankr. P. 2002 and 6004 Authorizing Debtors to Sell Certain Accounts Receivable Clams (Docket No. 1671) (Filed 8/6/09)**

Response

Deadline: August 3, 2009 at 4:00 p.m.

Responses

Filed/Received:

- b. Limited Objection and Reservation of Rights of Cargill, Incorporated to Motion of Debtors for Order Under Bankruptcy Code Sections 105(a) and 363 and Fed. R. Bankr. P. 2002 and 6004 Authorizing Debtors to Sell Certain Accounts Receivable Claims (Docket No. 1652) (Filed 8/3/09)
- c. Response of WestLB AG, New York Branch, as Administrative Agent, to the Limited Objection and Reservation of Rights of Cargill, Incorporated to Motion of Debtors for Order Under Bankruptcy Code Sections 105(a) and 363 and Fed. R. Bankr. P. 2002 and 6004 Authorizing Debtors to Sell Certain Accounts Receivable Claims (Docket No. 1658) (Filed 8/5/09)

Status: This matter is going forward.

Dated: Wilmington, Delaware
August 7, 2009

/s/ Davis Lee Wright
Mark S. Chehi (I.D. No. 2855)
Megan E. Cleghorn (I.D. No. 4080)
Davis Lee Wright (I.D. No. 4324)
Skadden, Arps, Slate, Meagher & Flom LLP
One Rodney Square
P.O. Box 636
Wilmington, Delaware 19899
(302) 651-3000

- and -

Felicia Gerber Perlman
John K. Lyons
Skadden, Arps, Slate, Meagher & Flom LLP
155 N. Wacker Drive, Suite 2700
Chicago, Illinois 60606
(312) 407-0700

Counsel for Debtors and
Debtors in Possession