

**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.¹) Jointly Administered
)
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**AGENDA MATTERS SCHEDULED FOR HEARING ON
JANUARY 8, 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 January 8, 2009 beginning at 10:00 a.m. (Eastern).

CONTINUED MATTERS

1. Motion Pursuant to Bankruptcy Code Sections 105, 361, 362, and 364 and Bankruptcy Rules 2002, 4001, and 9014 for Interim and Final Orders (I) Authorizing Debtors to Obtain Post-Petition Financing to Fund the ASA Facilities (II) Granting Adequate Protection to Pre-Petition Secured Lenders and (III) Scheduling Interim and Final Hearings (Docket No. 79) (Filed 11/5/08)

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 (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); VeraSun Woodbury, LLC (20-0647425).

- a. Interim Order (i) Authorizing Debtors to Obtain Post-Petition Financing to Fund the ASA Facilities (ii) Granting Adequate Protection to Pre-Petition Secured Lenders and (iii) Scheduling Interim and Final Hearings (Docket No. 296) (Entered 12/4/2008)
- b. Notice of (I) Filing of Motion and Entry of Interim Order and (II) Final Hearing with Respect to Motion Pursuant to Bankruptcy Code Sections 105, 361, 362, and 364 and Bankruptcy Rules 2002, 4001, and 9014 for Interim and Final Orders (I) Authorizing Debtors to Obtain Post-Petition Financing to Fund the ASA Facilities (II) Granting Adequate Protection to Pre-Petition Secured Lenders and (III) Scheduling Interim and Final Hearings (Docket No. 326) (Filed 12/10/08)

Response
Deadline: December 30, 2008 at 4:00 p.m.

Responses
Filed/Received: None

Status: This matter has been adjourned to the January 14, 2009 hearing at 11:00 a.m.

- 2. Motion to Compel Assumption or Rejection of Railroad Car Lease Agreements or, in the Alternative, to Compel Immediate Performance of Debtors' Obligations under Railroad Car Lease Agreements filed by Trinity Industries Leasing Company (Docket No. 306) (Filed 12/4/08)

Response
Deadline: December 22, 2008 at 4:00 p.m.

Responses
Filed/Received:

- a. Debtors' Response to Trinity Leasing Company's Motion to Compel Assumption or Rejection of Railroad Car Lease Agreements or, in the Alternative, to Compel Immediate Performance of Debtors' Obligations under Railroad Car Lease Agreements filed by Trinity Industries Leasing Company (Docket No. 391) (Filed 12/22/08)

- b. Joinder of the Official Committee of Unsecured Creditors of VeraSun Energy Corporation, et. al. to the Debtors' Response to Trinity Leasing Company's Motion to Compel Assumption or Rejection of Railroad Car Lease Agreements or, in the Alternative, to Compel Immediate Performance of Debtors' Obligations under Railroad Car Lease Agreements (Docket No. 434) (Filed 1/5/09)

Status: This matter has been adjourned to the February 5, 2009 hearing at 10:00 a.m.

- 3. 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 February 5, 2009 hearing at 10:00 a.m.

- 4. 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)

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)
- 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 February 5, 2009 hearing at 10:00 a.m.

RESOLVED MATTERS

5. Motion of Husker Co-Op (I) to Compel Debtors to Immediately Assume or Reject Grain Delivery Contracts under Section 365(d) or, Alternatively, (II) for Relief from the Automatic Stay under Section 362(d)(1) to Allow Husker Co-Op to Terminate Grain Delivery Contracts with the Debtors (Docket No. 384) (Filed 12/19/08)

Response

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

Responses

Filed/Received:

- a. Debtors' Omnibus Objection to (A) Motion of Husker Co-Op (I) to Compel Debtors to Immediately Assume or Reject Grain Delivery Contracts under Section 365(d) or, Alternatively, (II) for Relief from the Automatic Stay under Section 362(d)(1) to Allow Husker Co-Op to Terminate Grain Delivery Contracts with the Debtors (B) Motion of Country Partners Co-Op (I) to Compel Debtors to Immediately Assume or Reject Grain Delivery Contracts under Section 365(d) or, Alternatively, (II) for Relief from the Automatic Stay under Section 362(d)(1) to Allow Country Partners Co-Op to Terminate Grain Delivery Contracts with the Debtors (Docket No. 432) (Filed 1/5/09)

Status: This matter has been resolved.

6. Motion of Country Partners Co-Op (I) to Compel Debtors to Immediately Assume or Reject Grain Delivery Contracts under Section 365(d) or, Alternatively, (II) for Relief from the Automatic Stay under Section 362(d)(1) to Allow Country Partners Co-Op to Terminate Grain Delivery Contracts with the Debtors (Docket No. 385) (Filed 12/19/08)

Response

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

Responses

Filed/Received:

- a. Debtors' Omnibus Objection to (A) Motion of Husker Co-Op (I) to Compel Debtors to Immediately Assume or Reject Grain Delivery Contracts under Section 365(d) or, Al-

ternatively, (II) for Relief from the Automatic Stay under Section 362(d)(1) to Allow Husker Co-Op to Terminate Grain Delivery Contracts with the Debtors (B) Motion of Country Partners Co-Op (I) to Compel Debtors to Immediately Assume or Reject Grain Delivery Contracts under Section 365(d) or, Alternatively, (II) for Relief from the Automatic Stay under Section 362(d)(1) to Allow Country Partners Co-Op to Terminate Grain Delivery Contracts with the Debtors (Docket No. 432) (Filed 1/5/09)

Status: This matter has been resolved.

UNCONTESTED MATTERS WITH CERTIFICATES OF NO OBJECTION

7. Application for Order under Bankruptcy Code Sections 327 and 328 Authorizing Employment and Retention of Deloitte Tax LLP as Tax Service Providers and Tax Consultants and Advisors Nunc Pro Tunc to November 3, 2008 (Docket No. 327) (Filed 12/10/08)

Related Documents:

- a. Certificate of No Objection (Docket No. 446) (Filed 1/6/09)
- b. Proposed Form of Order

Response Deadline: December 30, 2008 at 4:00 p.m.

Responses Filed/Received: None.

Status: A Certificate of No Objection has been filed with respect to this matter. No hearing is required.

8. Debtors' Motion for Order under 11 U.S.C. §§ 105 and 363 Approving Procedures to Sell De Minimis Assets Free and Clear of Liens, Claims, and Encumbrances without Further Order of Court (Docket No. 380) (Filed 12/19/08)

Related Documents:

- a. Certificate of No Objection (Docket No. 443) (Filed 1/6/09)
- b. Proposed Form of Order

Response
Deadline: December 30, 2008 at 4:00 p.m.

Responses
Filed/Received: None.

Status: A Certificate of No Objection has been filed with respect to this matter. No hearing is required.

9. Motion of Debtors for Order under Bankruptcy Code Section 363 Authorizing the Debtors to Consensually Extend the Terms of Certain Executory Contracts (Docket No. 381) (Filed 12/19/08)

Related
Documents:

- a. Certificate of No Objection (Docket No. 447) (Filed 1/6/09)
- b. Proposed Form of Order

Response
Deadline: December 30, 2008 at 4:00 p.m.

Responses
Filed/Received: None.

Status: A Certificate of No Objection has been filed with respect to this matter. No hearing is required.

10. Debtors' Application for Order under Bankruptcy Code Sections 327 and 328 Authorizing Employment and Retention of Deloitte & Touche LLP to Provide Internal Control Related Consulting Services Nunc Pro Tunc to December 1, 2008 (Docket No. 383) (Filed 12/19/08)

Related
Documents:

a. Certificate of No Objection (Docket No. 444) (Filed 1/6/09)

b. Proposed Form of Order

Response
Deadline: December 30, 2008 at 4:00 p.m.

Responses
Filed/Received: None.

Status: A Certificate of No Objection has been filed with respect to this matter. No hearing is required.

11. Motion to of the Official Committee of Unsecured Creditors Pursuant to 11 U.S.C §§ 105(a), 1102(b)(3)(a) and 1103(c) for Entry of an Order Clarifying Its Requirement to Provide Access to Information under 11 U.S.C. § 1102(b)(3)(a) (Docket No. 402) (Filed 12/23/08)

Related
Documents:

a. Certificate of No Objection (Docket No. 445) (Filed 1/6/09)

b. Proposed Form of Order

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

Responses
Filed/Received: None.

Status: A Certificate of No Objection has been filed with respect to this matter. No hearing is required.

UNCONTESTED MATTERS GOING FORWARD

12. Motion of Lesaffre Yeast Corporation for Allowance and Immediate Payment of Administrative Claim (Docket No. 294) (Filed 12/4/08)

Related
Documents:

- a. Certification of Counsel Regarding Agreed Order Granting Lesaffre Yeast Corporation Administrative Claim (Docket No. 442) (Entered 1/6/09)

Response
Deadline: December 23, 2008 at 4:00 p.m.

Responses
Filed/Received: None.

Status: This matter has been resolved. A certification of counsel regarding an agreed proposed order has been filed.

- 13. Motion Pursuant to Bankruptcy Code Sections 105, 361, 362, and 364 and Bankruptcy Rules 2002, 4001, and 9014 and Interim and Final Orders (I) Authorizing Debtors to Obtain Post-Petition Financing to Fund the Janesville Facility (II) Granting Adequate Protection to Pre-Petition Secured Lenders and (III) Scheduling Interim and Final Hearings (Docket No. 340) (Filed 12/11/08)

Related
Documents:

- a. Interim Order (I) Authorizing Debtors to obtain Postpetition Financing Pursuant to Sections 363 and 364 of Bankruptcy Code, (II) Granting Liens and Superpriority Claims to Postpetition Lender Pursuant to Section 364 of Bankruptcy Code, (III) Authorizing Use of Cash Collateral Pursuant to Section 363 of Bankruptcy Code, (IV) Providing Adequate Protection to Prepetition Lenders Pursuant to Sections 361, 362, 363 and 364 of the Bankruptcy Code and (V) Scheduling Final Hearing Pursuant to Bankruptcy Rule 4001(b) (Docket No. 357) (Entered 12/15/08)
- b. Affidavit of Service regarding Interim Order (Docket No. 369) (Filed 12/18/08)

Response
Deadline: December 30, 2008 at 4:00 p.m.

Responses
Filed/Received: None.

Status: The Debtors intend to submit a revised proposed final order at the hearing.

CONTESTED MATTERS GOING FORWARD

14. 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)
- 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 is going forward.

15. 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 is going forward

16. 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 is going forward

17. 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 is going forward

18. Application of the Official Committee of Unsecured Creditors of VeraSun Energy Corporation, et al. to Retain and Employ Akin Gump Strauss Hauer & Feld LLP as Co-Counsel, Nunc Pro Tunc to November 14, 2008 (Docket No. 339) (Filed 12/11/08)

Related Documents:

- a. Amended Notice of Application (Docket No. 354) (Filed 12/15/08)

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

Responses Filed/Received: None.

Status: This matter is going forward.

19. Application of the Official Committee of Unsecured Creditors for Entry of an Order Authorizing the Retention and Employment of Greenberg Traurig, LLP as Co-Counsel to the Committee, Nunc Pro Tunc to November 14, 2008 (Docket No. 344) (Filed 12/12/08)

Response Deadline: December 30, 2008 at 4:00 p.m.

Responses Filed/Received: None.

Status: This matter is going forward.

20. Application of the Official Committee of Unsecured Creditors of VeraSun Energy Corporation, et al. Pursuant to 11 U.S.C. §§ 328(a) and 1103, Fed. R. Bankr. P. 2014 and 5002, and Local R. 2014-1, for Entry of an Order Authorizing Retention and Employment of Houlihan Lokey Howard & Zukin Capital, Inc. as Financial Advisor and Investment Banker, Nunc Pro Tunc, to November 18, 2008 (Docket No. 375) (Filed 12/18/08)

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

Responses
Filed/Received: None.

Status: This matter is going forward.

21. Debtors' Motion for Order under Bankruptcy Code Sections 363 and 365(a) and Fed. R. Bankr. P. 6006 to Approve Memorandum of Understanding Between Debtors and Shell Trading (US) Company and the Extension and Assumption of the Related Customer Contract (Docket No. 376) (Filed 12/19/08)

Response
Deadline: December 30, 2008 at 4:00 p.m.

Responses
Filed/Received: None.

Status: This matter is going forward.

22. Debtors' Motion for Order Authorizing and Directing Interest Payments to be Remitted Only to Certain Prepetition Secured Note Holders (Docket No. 378) (Filed 12/19/08)

Response
Deadline: December 30, 2008 at 4:00 p.m.

Responses
Filed/Received:

- a. Limited Objection of Wells Fargo Bank, N.A., as Indenture Trustee, to Debtors' Motion for Order Authorizing and Directing Interest Payments to be Remitted Only to Certain Prepetition Secured Note Holders (Docket No. 433) (Filed 1/5/09)

Status: This matter is going forward.

23. Debtors' Motion for Order under Bankruptcy Code Sections 105(a), 362, and 553(a) and Bankruptcy Rule 9019 Authorizing Procedures for the Resolution of

Setoff Rights Asserted by Counterparties and Their Affiliates (Docket No. 394)
(Filed 12/22/08)

Response

Deadline: December 30, 2008 at 4:00 p.m.

Responses

Filed/Received:

- a. Objection of Northern Natural Gas Company to Debtors' Motion for Order under Bankruptcy Code Sections 105(a), 362, and 553(a) and Bankruptcy Rule 9019 Authorizing Procedures for the Resolution of Setoff Rights Asserted by Counterparties and Their Affiliates (Docket No. 413) (Filed 12/30/08)
- b. Limited Objection of Shell Trading (US) Company and Shell Energy North America (US), L.P. to Debtors' Motion for Order under Bankruptcy Code Sections 105(a), 362, and 553(a) and Bankruptcy Rule 9019 Authorizing Procedures for the Resolution of Setoff Rights Asserted by Counterparties and Their Affiliates (Docket No. 415) (Filed 12/30/08)
- c. Objection to Motion of the Debtors for Order under Bankruptcy Code Sections 105(a), 362, and 553(a) and Bankruptcy Rule 9019 Authorizing Procedures for the Resolution of Setoff Rights Asserted by Counterparties and Their Affiliates filed by United States Department of Justice (Docket No. 416) (Filed 12/30/08)
- d. Joinder by the Internal Revenue Service to the Objection filed by the United States Department of Justice to Motion for Order under Bankruptcy Code Sections 105(a), 362, and 553(a) and Bankruptcy Rule 9019 Authorizing Procedures for the Resolution of Setoff Rights Asserted by Counterparties and Their Affiliates (Docket No. 418) (Filed 12/30/08)
- e. Objection of Cargill, Incorporated to Debtors' Motion for Order under Bankruptcy Code Sections 105(a), 362, and 553(a) and Bankruptcy Rule 9019 Authorizing Procedures for the Resolution of Setoff Rights Asserted by Counterparties and Their Affiliates (Docket No. 419) (Filed 12/30/08)

Status: This matter is going forward.

Dated: Wilmington, Delaware
January 6, 2009

/s/ Davis Lee Wright
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