

**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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**AMENDED AGENDA MATTERS SCHEDULED FOR HEARING ON  
MARCH 18, 2009 AT 12:00 P.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 March 18, 2009 beginning at 12:00 p.m. (Eastern).

**CONTESTED MATTERS**

1. Motion Pursuant to 11 U.S.C. §§ 105(a), 363, 365 and Fed. R. Bankr. P. 2002, 6004, 6006 for (I) Entry of an Order (A) Establishing Bidding and Auction Procedures Related to the Sale of Some or All of the Debtors' Assets; (B) Approving Bid Protections for Sale of VSE Assets; (C) Establishing Procedures for the Debtors to Enter into Additional Stalking Horse Agreements with Bid Protections in Connection with Sale of Assets; (D) Scheduling an Auction and Sale Hearing for the Sale of the Debtors' Assets; (E) Permitting Credit Bidding Pursuant to Bankruptcy Code Section 363(K); (F) Establishing Certain Notice Procedures for Determining Cure Amounts; (G) Approving Form and Manner of Notice of all Procedures, Protections, Schedules and Agreements; and (H) Granting Certain Re-

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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).

lated Relief; and (II) Entry of an Order (A) Approving the Sale of Debtors' Assets Free and Clear of all Liens, Claims, Encumbrances and Interests; and (B) Authorizing the Assumption and Assignment of Certain Executory Contracts and Unexpired Leases (Docket No. 622) (Filed 2/6/09)

Related Documents:

- a. Order (A) Establishing Bidding and Auction Procedures Related to the Sale of Some or All of the Debtors' Assets; (B) Approving Bid Protections for Sale of VSE Assets; (C) Establishing Procedures for the Debtors to Enter into Additional Stalking Horse Agreements with Bid Protections in Connection with Sale of Assets; (D) Scheduling an Auction and Sale Hearing for the Sale of the Debtors' Assets; (E) Permitting Credit Bidding (F) Establishing Certain Notice Procedures for Determining Cure Amounts; (G) Approving Form and Manner of Notice of All Procedures, Protections, Schedules and Agreements; and (H) Granting Certain Related Relief (Docket No. 699) (Entered 2/20/09)
- b. Notice of Filing of Order (A) Approving the Sale of Debtors' Assets Free and Clear of all Liens, Claims, Encumbrances and Interests; (B) Authorizing the Assumption and Assignment of Certain Executory Contracts and Unexpired Leases; and (C) Granting Certain Related Relief (Docket No. 778) (Filed 3/6/09)
- c. **Joinder of Agstar Financial Services, PCA, in Support of Debtors' Form of Proposed Sale Order (Docket No. 864) (Filed 3/16/09)**

Response Deadline: February 13, 2009 at 4:00 p.m.

Responses Filed/Received:

- a. Limited Objection of Axis Capital, Inc. to Debtors' Notice of Cure Amount with Respect to Executory Contracts or Unexpired Leases to be Assumed and Assigned and to Debtors' Sale Motion (Docket No. 780) (Filed 3/6/09)
- b. Response of Wells Fargo Bank, N.A., as Indenture Trustee, to Debtors' Motion to Sell Substantially all of the Debtors' Assets (Docket No. 790) (Filed 3/9/09)

- c. Limited Objection of Fagen, Inc. to Debtors' Motion for Entry of an Order Approving the Sale of the Debtors' Assets Free and Clear of All Liens, Claims, Encumbrances and Interests (Docket No. 798) (Filed 3/9/09)
- d. Objection to Motion for (i) Entry of an Order (A) Establishing Bidding and Auction Procedures Related to the Sale of Some or All of the Debtors' Assets; (B) Approving Bid Protections for Sale of VSE Assets; (C) Establishing Procedures for the Debtors to Entry into Additional Stalkin Horse Agreements with Bid Protections in Connection with Sale of Assets; (D) Scheduling an Auction and Sale Hearing for the Sale of the Debtors' Assets; (E) Permitting Credit Bidding Pursuant to Bankruptcy code Section 363(k); (F) Establishing Certain Notice Procedures for Determining Cure Amounts; (G) Approving Form and Manner of Notice of All Procedures, Protections, Schedules and Agreements; and (H) Granting Certain Related Relief; and (ii) Entry of an Order (A) Approving the Sale of Debtors' Assets Free and Clear of All Liens, Claims, Encumbrances and Interests; and (B) Authorizing the Assumption and Assignment of Certain Executory Contracts and Unexpired Leases (Docket No. 802) (Filed 3/9/09)
- e. Dougherty Funding LLC's Preliminary and Precautionary Objection to 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. 803) (Filed 3/9/09)
- f. 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)
- g. 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)

- h. Limited Objection of North West Rural Electric Cooperative to Debtors' Notice of Cure Amount with Respect to Executory Contracts or Unexpired Leases to be Assumed and Assigned and to Debtors' Sale Motion (Docket No. 806) (Filed 3/9/09)
- i. 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)
- j. Limited Objection of Fidelity and Deposit Company of Maryland to Sale Notice (Docket No. 822) (Filed 3/10/09)
- k. **Limited Objection of White County Indiana to Motion... for Entry of an Order... Approving the Sale of Debtors Assets Free and Clear of All Liens, Claims, Encumbrances and Interests; and... Authoring the Assumption and Assignment of Certain Executory Contracts and Unexpired Leases (Docket No. 647) (Filed 2/13/09)**
- l. **Comment and Limited Objection of Liberty Mutual Insurance Company to Debtors' Motion Pursuant to 11 U.S.C. §§ 105(a), 363, 365 and Fed. R. Bankr. P. 2002, 6004, 6006 for (I) Entry of an Order (A) Establishing Bidding and Auction Procedures Related to the Sale of Some or All of the Debtors' Assets; (B) Approving Bid Protections for Sale of VSE Assets; (C) Establishing Procedures for the Debtors to Enter into Additional Stalking Horse Agreements With Bid Protections in Connection With Sale of Assets; (D) Scheduling an Auction and Sale Hearing for the Sale of the Debtors' Assets; (E) Permitting Credit Bidding Pursuant to Bankruptcy Code Section 363(k); (F) Establishing Certain Notice Procedures for Determining Cure Amounts; (G) Approving Form and Manner of Notice of All Procedures, Protections, Schedules and Agreements; and (H) Granting Certain Related Relief; and (II) Entry of an Order (A) Approving the Sale of Debtors' Assets Free and Clear of All Liens, Claims, Encumbrances and Interests; and (B) Authorizing the Assumption and Assignment of Certain Executory Contracts and Unexpired Leases (Docket No. 649) (Filed 2/13/09)**

- m. Objection of Northern Natural Gas Company to Debtors' Motion Pursuant to 11 U.S.C. §§ 105(a), 363, 365 and Fed. R. Bankr. P. 2002, 6004, 6006 for (I) Entry of an Order (A) Establishing Bidding and Auction Procedures Related to the Sale of Some or All of the Debtors' Assets; (B) Approving Bid Protections for Sale of VSE Assets; (C) Establishing Procedures for the Debtors to Enter into Additional Stalking Horse Agreements With Bid Protections in Connection With Sale of Assets; (D) Scheduling an Auction and Sale Hearing for the Sale of the Debtors' Assets; (E) Permitting Credit Bidding Pursuant to Bankruptcy Code Section 363(k); (F) Establishing Certain Notice Procedures for Determining Cure Amounts; (G) Approving Form and Manner of Notice of All Procedures, Protections, Schedules and Agreements; and (H) Granting Certain Related Relief; and (II) Entry of an Order (A) Approving the Sale of Debtors' Assets Free and Clear of All Liens, Claims, Encumbrances and Interests; and (B) Authorizing the Assumption and Assignment of Certain Executory Contracts and Unexpired Leases (Docket No. 653) (Filed 2/13/09)**
- n. Objection of A & B Process Systems Corp. to Debtors' Motion for Entry of an Order (I) Establishing Bidding and Auction Procedures Related to the Sale of Some or All of the Debtors' Assets and (II) Approving the Sale of the Debtors' Assets Free and Clear of All Liens, claims Encumbrances and Interests (Docket No. 654) (Filed 2/13/09)**
- o. Response of ICM to Debtors' Motion for Order Establishing Bidding and Auction Procedures and Authorizing Assumption and Assignment of Certain Executory Contracts and Unexpired Leases (Docket No. 655) (Filed 2/13/09)**
- p. Dougherty Funding LLCs Response to the Limited Objection of Fagen, Inc. to 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. 867) (Filed 3/16/09)**

Status: This matter is going forward.

2. 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)

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)
- b. Cure Amount Objection of Iowa Lakes Electric Cooperative (Docket No. 757) (Filed 3/4/09)
- c. Cure Amount Objection of Dakota Valley Electric Cooperative, Inc. (Docket No. 758) (Filed 3/4/09)
- d. Objections 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)
- e. 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)
- f. 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)
- g. Objections of Tri-County Electric Company to Debtors' Notice of Cure Amount with Respect to Executory Con-

tracts or Unexpired Leases to be Assumed and Assigned (Docket No. 775) (Filed 3/6/09)

- h. Objections of BNSF Railways Company to Debtors' Notice of Cure Amount with Respect to Executory Contracts or Unexpired Leases to be Assumed and Assigned (Docket No. 776) (Filed 3/6/09)
- i. Objection and Response of ICM, Inc. to Notice of Cure Amounts for Executory Contracts (Docket No. 777) (Filed 3/6/09)
- j. Objections of Haas TCM Processing LLC to Debtors' Notice of Cure Amount with Respect to Executory Contracts or Unexpired Leases to be Assumed and Assigned (Docket No. 779) (Filed 3/6/09)
- k. Limited Objection of Axis Capital, Inc. to Debtors' Notice of Cure Amount with Respect to Executory Contracts or Unexpired Leases to be Assumed and Assigned and to Debtors' Sale Motion (Docket No. 780) (Filed 3/6/09)
- l. Limited Objection of J.D. Streett & Company, Inc. to Proposed Cure Amount Provided in Debtors' Notice of Cure Amounts with Respect to Executory Contracts or Unexpired Leases to be Assumed and Assigned and to Debtors' Sale Motion (Docket No. 781) (Filed 3/6/09)
- m. Response and Objection of Northern Border Pipeline Company to Debtors' Notice of Cure Amounts with Respect to Executory Contracts or Unexpired Leases to be Assumed and Assigned and to Debtors' Sale Motion (Docket No. 783) (Filed 3/9/09)
- n. Interstate Power and Light Company's Objection to Notice of Cure Amount with Respect to Executory Contracts or Unexpired Leases to be Assumed and Assigned (Docket No. 784) (Filed 3/9/09)
- o. Objection of GE Railcar Services Corporation to Notice of Cure Amount with Respect to Executory Contracts or Unexpired Leases to be Assumed and Assigned (Docket No. 785) (Filed 3/9/09)
- p. Cure Amount Objection of Federated Rural Electric Association (Docket No. 786) (Filed 3/9/09)

- q. 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))
- r. Objection of Shipxpress, Inc. to Notice of Cure Amount with Respect to Executory Contracts or Unexpired Leases to be Assumed and Assigned (Docket No. 789) (Filed 3/9/09)
- s. 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)
- t. 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)
- u. Objection of Fagen, Inc. to Proposed Cure Amounts (Docket No. 794) (Filed 3/9/09)
- v. Objection of Todd & Sargent to Notice of Cure Amount with Respect to Executory Contracts or Unexpired Leases to be Assumed and Assigned (Docket No. 795) (Filed 3/9/09)
- w. Objection of City of Litchfield, Illinois to Debtors' Notice of Cure Amount with Respect to Executory Contracts or Unexpired Leases to be Assumed and Assigned (Docket No. 796) (Filed 3/9/09)
- x. Kinder Morgan Interstate Gas Transmission, LLC's Objection to Notice of Cure Amounts (Docket No. 797) (Filed 3/9/09)
- y. Objection of Anadarko Entergy Services to Notice of Cure Amount (Docket No. 799) (Filed 3/9/09)
- z. CSX Transportation, Inc.'s Objection to Cure Amount (Docket No. 800) (Filed 3/9/09)
- aa. Cure Objection of HDR Engineering, Inc. (Docket No. 801) (Filed 3/9/09)

- bb. 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)
- cc. 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)
- dd. Limited Objection of North West Rural Electric Cooperative to Debtors' Notice of Cure Amount with Respect to Executory Contracts or Unexpired Leases to be Assumed and Assigned and to Debtors' Sale Motion (Docket No. 806) (Filed 3/9/09)
- ee. 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)
- ff. 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)
- gg. 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)
- hh. Objection of Lessaffre Yeast Corporation to Debtors' Notice of Cure Amount with Respect to Executory Contracts or Unexpired Leases to be Assumed and Assigned (Docket No. 812) (Filed 3/9/09)
- ii. Contingent Cure Amount Objection by Microsoft (Docket No. 813) (Filed 3/9/09)

- jj. Objection by Kroger Limited Partnership I to Notice of Cure Amount with Respect to Executory Contract, and to any Purported Assumption or Assignment of the Contract Identified Therein (Docket No. 819) (Filed 3/9/09)
- kk. Objection to the Notice of Cure Amount with Respect to Executory Contracts or Unexpired Leases to be Assumed and Assigned filed by L. G. Everist, Inc. (Docket No. 820) (Filed 3/9/09)
- ll. Objection To The Cure Amount For VeraSun Energy Corporation Filed by Marvin Guse (Docket No. 821) (Filed 3/10/09)
- mm. Cure Amount Objection of Sioux Valley-Southwestern Electric Cooperative, Inc. (Docket No. 823) (Filed 3/10/09)
- nn. Cure Amount Objection of Southeastern Electric Cooperative, Inc. (Docket No. 832) (Filed 3/11/09)
- oo. Objection to Notice of Cure Amount with Respect to Contracts with Safe Handling, Inc. (Docket No. 835) (Filed 3/11/09)
- pp. Cure Amount Objection of Minnesota Centre, L.L.C. (Docket No. 839) (Filed 3/11/09)
- qq. Objection to Cure Amount Filed by Carl Guse (Docket No. 843) (Filed 3/10/09)
- rr. Objection to The Cure Amount Filed by Civil Design Inc. (Docket No. 844) (Filed 3/10/09)
- ss. 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)
- tt. Objection to Cure Amounts filed by Richard and Allen Flohrs (Docket No. TBD)

**Global Status: This matter has been adjourned to the March 31, 2009 hearing at 2:30 p.m.**

Dated: Wilmington, Delaware  
March 17, 2009

/s/ Davis Lee Wright  
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