

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

In re	)	Chapter 11
VERASUN ENERGY CORPORATION, <u>et al.</u> ,	)	Case No. 08-12606 (BLS)
	)	
Debtors.	)	Jointly Administered
	)	
	)	

**SUPPLEMENTAL DECLARATION OF MICHAEL S. STAMER IN FURTHER  
SUPPORT OF THE 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 COUNSEL, EFFECTIVE AS OF NOVEMBER 14, 2008**

**MICHAEL S. STAMER**, hereby declares:

1. I am an attorney at law admitted to practice before the state courts of New York and New Jersey, the United States District Courts for the Eastern, Southern, and Northern Districts of New York, and the United States District Court for the District of New Jersey. I am a member of the firm of Akin Gump Strauss Hauer & Feld LLP ("Akin Gump"), which firm maintains offices at One Bryant Park, New York, New York 10036.

2. I am familiar with the matters set forth herein and make this supplemental declaration (the "Supplemental Declaration") in further support of the Application (the "Application") of the Official Committee of Unsecured Creditors (the "Committee") of VeraSun Energy Corporation ("VeraSun" and, together with its affiliated debtors and debtors in possession, the "Debtors") to retain and employ Akin Gump as counsel, effective as of November 14, 2008.

3. On November 14, 2008, pursuant to section 1102 of the Bankruptcy Code, the United States Trustee for the District of Delaware appointed the Committee.<sup>1</sup> On the same date, the Committee selected Akin Gump to serve as its bankruptcy counsel.

4. On February 6, 2009, the Debtors filed an expedited motion (the “Bid Procedures Motion”) for an order establishing, among other things, bidding and auction procedures for the sale of substantially all of the Debtors’ assets. In connection with the Bid Procedures Motion, parties have submitted bids to purchase some or all of the Debtors’ assets. Archers Daniel Midland Company (“ADM”) submitted a bid to purchase some of the Debtors’ assets and has been actively involved in the auction.

5. I make this Supplemental Declaration in regard to Akin Gump’s obligation to update its disclosures as set forth in the Application.

6. Akin Gump currently represents, and in the past has represented, ADM in matters wholly unrelated to the Debtors’ chapter 11 cases. In connection with its representation of the Committee, Akin Gump will not commence a lawsuit against ADM, unless Akin Gump receives a waiver from ADM allowing Akin Gump to commence such a lawsuit. In connection with these chapter 11 cases, to the extent any lawsuits are commenced by or against ADM, and a waiver letter is not obtained permitting Akin Gump to participate in such lawsuits, the Committee will use conflicts counsel to represent the interests of the Debtors’ unsecured creditors.

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<sup>1</sup> The Committee is comprised of the following entities: HSBC Bank USA, National Association; The CIT Group/Equipment Financing, Inc.; Trotter, Incorporated; Haas TCM Processing LLC; and Crown Iron Works. In addition, Aegon USA Investment Management, LLC, Brigade Leveraged Capital Structures Fund, Ltd., Whitebox Advisors, LLC and Donald Swanson, counsel for an ad hoc group of corn vendors, serve as ex-officio members of the Committee.

7. To the extent that Akin Gump needs to update the information disclosed herein, Akin Gump will disclose such information to the Court, the Debtors and the United States Trustee by filing a further supplemental declaration pursuant to Bankruptcy Rule 2014.

I hereby declare under the penalty of perjury that the foregoing is true and correct.

Executed on March 17, 2009

/s/ Michael S. Stamer

Michael S. Stamer (admitted *pro hac vice*)

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