

**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.<sup>1</sup> ) Jointly Administered  
 )  
----- )

**AMENDED AGENDA MATTERS SCHEDULED FOR HEARING ON  
SEPTEMBER 9, 2009 AT 2:30 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 North Market Street, Courtroom #1, Wilmington, Delaware, on September 9, 2009 beginning at 2:30 p.m. (Eastern).

**GIVEN THE STATUS OF THE MATTERS SET FORTH BELOW, THE  
HEARING PREVIOUSLY SCHEDULED FOR SEPTEMBER 9, 2009 AT 2:30 P.M.  
HAS BEEN CANCELED WITH THE PERMISSION 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:

---

<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 (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 October 13, 2009 hearing.

- 2. 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: A pre-trial teleconference is scheduled for October 6, 2009 at 9:30 a.m. and an evidentiary hearing is scheduled for October 13, 2009 at 2:00 p.m.

3. 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 October 13, 2009 hearing.

4. 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 October 13, 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 objection has been resolved.

- 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 October 13, 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 October 13, 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), this 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 October 13, 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 October 13, 2009 omnibus hearing.

- 5. 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 has been adjourned to the October 13, 2009 hearing.

6. 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 October 13, 2009 hearing.

7. 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 October 13, 2009 hearing.

8. 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 October 13, 2009 hearing.

9. 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 October 13, 2009 hearing.

10. 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: A pre-trial teleconference is scheduled for October 6, 2009 at 9:30 a.m. and an evidentiary hearing is scheduled for October 13, 2009 at 2:00 p.m.

11. 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 October 13, 2009 hearing.

12. Danisco US Inc.'s Motion for Allowance and Immediate Payment of Administrative Expense Claim Pursuant to 11 U.S.C. § 503(b)(9) (Docket No. 1319) (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 October 13, 2009 hearing.

13. 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 October 13, 2009 hearing.

- 14. 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)
- g. 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 Jayne & Dustin Wager (Docket No. 1722) (Filed 8/20/09)

Status: All matters for which responses have been filed are being continued to the October 13, 2009 hearing.

15. 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 October 13, 2009 hearing.

16. Motion of the City of Litchfield, Illinois for Relief From the Automatic Stay (Docket No. 1689) (Filed 8/13/09)

Response

Deadline: August 27, 2009 at 4:00 p.m.

Responses

Filed/Received: None.

Status: This matter has been adjourned to the October 13, 2009 hearing.

## **RESOLVED MATTERS**

17. Motion of Debtors for Order under Bankruptcy Code Sections 105(a) and 363 and Fed. R. Bankr. P. 6004 and 6006 Authorizing Debtors to Conduct Auctions and Sell Certain Undeveloped Farmland and Pursuant Thereto (Docket No. 1697) (Filed 8/14/09)

Related

Documents:

- a. Certificate of No Objection (Docket No. 1766) (Filed 9/1/09)
- b. Order under Bankruptcy Code Sections 105(a) and 363 and Fed. R. Bankr. P. 6004 and 6006 Authorizing Debtors to Conduct Auctions and Sell Certain Undeveloped Farmland and Pursuant Thereto (Docket No. 1768) (Entered 9/2/09)

Response

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

Responses

Filed/Received: None.

Status: An order has been entered regarding this matter (Docket No. 1768). No hearing is necessary.

18. Debtors' Motion for Order Pursuant to 11 U.S.C. §§ 105(a), 363 and 365(a) and Fed. R. Bankr. P. 6006 Authorizing Assumption and Assignment of a Certain Executory Contract to RBF Acquisition V, LLC (Docket No. 1729) (Filed 8/21/09)

Response

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

Responses

Filed/Received: None.

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

**UNCONTESTED MATTERS GOING FORWARD**

19. Motion of Zurich American Insurance Company, Its Subsidiaries and Affiliates Including but not Limited to Fidelity and Deposit Company of Maryland and Colonial American Casualty and Surety Company, for an Order Deeming Twenty-Six Late Filed Proofs of Claim Timely (Docket No. 1685) (Filed 8/11/09)

Related

Documents:

Response

Deadline: August 31, 2009 at 4:00 p.m.

Responses

Filed/Received: None.

**Status: This matter has been resolved. The parties intend to submit an agreed order under certification of counsel.**

**CONTESTED MATTERS GOING FORWARD**

20. 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:

- a. Objection of Liberty Mutual Insurance Company to Motion for Relief from Stay Filed by North Dakota Public Service Commission (Docket No. 1750) (Entered 8/27/09)

**Status:**        **This matter has been resolved. The parties intend to submit an agreed order under certification of counsel.**

- 21. 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)

Related Documents:

- a. **Amended Motion by Brushvale Grain, Inc. for Payment of Postpetition, Prerejection Amounts Due and Owing Pursuant to 11 U.S.C. § 365(d)(3) and for Administrative Expense Claim Pursuant to 11 U.S.C. § 503(b)(1)(a) (Docket No. 1779) (Filed 9/8/09)**

Response

Deadline:                      June 22, 2009 at 4:00 p.m., extended until September 2, 2009 at 4:00 p.m. for the Debtors.

Responses

Filed/Received:

- a. Omnibus Objection to Motions by Brushvale Grain, Inc. and J&K Grain, LLC for Payment of Postpetition, Prerejection Amounts Due and Owing Pursuant to 11 U.S.C. Section 365(d)(3) (Docket No. 1769) (Entered 9/2/09)

**Status:**        **This matter has been adjourned to the October 13, 2009 hearing.**

- 22. 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)

Related Documents:

- a. **Amended Motion by J&K Grain, LLC for Payment of Postpetition, Prerejection Amounts Due and Owing Pursuant to 11 U.S.C. § 365(d)(3) and for Administrative Expense Claim Pursuant to 11 U.S.C. § 503(b)(1)(a) (Docket No. 1778) (Filed 9/8/09)**

Response  
Deadline: June 22, 2009 at 4:00 p.m., extended until September 2, 2009 at 4:00 p.m. for the Debtors.

Responses  
Filed/Received:

- a. Omnibus Objection to Motions by Brushvale Grain, Inc. and J&K Grain, LLC for Payment of Postpetition, Prerejection Amounts Due and Owing Pursuant to 11 U.S.C. Section 365(d)(3) (Docket No. 1769) (Entered 9/2/09)

**Status: This matter has been adjourned to the October 13, 2009 hearing.**

23. Disclosure Statement with Respect to the Joint Plan of Liquidation of VeraSun Energy Corporation and Its Affiliated Debtors (Docket No. 1641) (Filed 7/31/09)

Related  
Documents:

- a. Joint Plan of Liquidation of VeraSun Energy Corporation and Its Affiliated Debtors (Docket No. 1642) (Filed 7/31/09)
- b. Notice of Hearing and Objection Date Regarding Disclosure Statement with Respect to Joint Plan of Liquidation of VeraSun Energy Corporation and Its Affiliated Debtors (Docket No. 1649) (Filed 8/3/09)
- c. **Notice of Filing of Proposed Revisions to Disclosure Statement with Respect to the Joint Plan of Liquidation of Verasun Energy Corporation and Its Affiliate Debtors (Docket No. 1774) (Filed 9/8/09)**

Response  
Deadline: August 31, 2009 at 4:00 p.m.

Responses  
Filed/Received:

- a. Objection to Debtor(s) Disclosure Statement with Respect to Joint Plan of Liquidation filed by Vincent E. Rhynes (Docket No. 1737) (Filed 8/24/09)
- b. Objection of Liberty Mutual Insurance Company to the Disclosure Statement with Respect to the Joint Plan of Liquidation of VeraSun Energy Corporation and Its Affiliated Debtors (Docket No. 1760) (Filed 8/31/09)

**Status: The Debtors intend to seek approval through certification of counsel.**

24. Debtors' Motion for Order Under Bankruptcy Code Sections 105, 502, 1125 and 1126, Bankruptcy Rules 2002, 3003, 3017, 3018, 3020 and 9007 and Local Bankruptcy Rule 3017-1 (I) Approving the Form and Manner of Notice of the Disclosure Statement Hearing; (II) Determining Adequacy of the Disclosure Statement; (III) Establishing a Record Date and Voting, Objection and Other Deadlines with Respect to Confirmation of Plan; (IV) Scheduling Hearing on Confirmation of Plan; (V) Approving (A) the Form and Manner of Notice of the Hearing on Confirmation and Related Matters and (B) the Deadline for Filing Confirmation Objections; (VI) Approving the Solicitation Procedures; and (VII) Granting Certain Other Relief (Docket No. 1646) (Filed 7/31/09)

Related

Documents:

- a. Amended Notice of Debtors' Motion for Order Under Bankruptcy Code Sections 105, 502, 1125 and 1126, Bankruptcy Rules 2002, 3003, 3017, 3018, 3020 and 9007 and Local Bankruptcy Rule 3017-1 (I) Approving the Form and Manner of Notice of the Disclosure Statement Hearing; (II) Determining Adequacy of the Disclosure Statement; (III) Establishing a Record Date and Voting, Objection and Other Deadlines with Respect to Confirmation of Plan; (IV) Scheduling Hearing on Confirmation of Plan; (V) Approving (A) the Form and Manner of Notice of the Hearing on Confirmation and Related Matters and (B) the Deadline for Filing Confirmation Objections; (VI) Approving the Solicitation Procedures; and (VII) Granting Certain Other Relief (Docket No. 1654) (Filed 8/4/09)
- b. Proposed Form of Order

Response

Deadline: August 27, 2009 at 4:00 p.m.

Responses

Filed/Received:

- a. Objection to Debtor(s) Disclosure Statement with Respect to Joint Plan of Liquidation filed by Vincent E. Rhynes (Docket No. 1737) (Filed 8/24/09)
- b. Objection of Liberty Mutual Insurance Company to the Disclosure Statement with Respect to the Joint Plan of Liquidation of VeraSun Energy Corporation and Its Affiliated Debtors (Docket No. 1760) (Filed 8/31/09)

**Status: The Debtors intend to seek approval through certification of counsel.**

25. Debtors' Non-Substantive Second Omnibus Objection Pursuant to 11 U.S.C. § 502(b), Fed. R. Bankr. P. 3007, and Local Rule 3007-1 to Certain (A) Wrong

Debtor Claims, (B) Assumed and Assigned Claims, (C) Untimely Claims, and (D) Equity Claims (Docket No. 1643) (Filed 7/31/09)

Response

Deadline: August 27, 2009 at 4:00 p.m.

Responses

Filed/Received:

- a. Letter re: Response to the Second Omnibus Claims Objection Filed by Mitchell Instrument Company Inc (Docket No. 1684) (Filed 8/10/09)
- b. DHHS Response to Debtors' Non-Substantive Second Omnibus Objection to DHHS' Claim (claim no. 3084) (Docket No. 1735) (Filed 8/24/09)
- c. Objection to Debtors' Non-Substantive Second Omnibus Objection Pursuant to 11 U.S.C. § 502(b), Fed. R. Bankr. P. 3007, and Local Rule 3007-1 to Certain (A) Wrong Debtor Claims, (B) Assumed and Assigned Claims, (C) Untimely Claims, and (D) Equity Claims filed by Crescent Electric Supply Company (Docket No. 1740) (Filed 8/26/09)
- d. Response of Great River Energy to Debtors' Non-Substantive Second Omnibus Objection Pursuant to 11 U.S.C. § 502(b), Fed. R. Bankr. P. 3007, and Local Rule 3007-1 to Certain (A) Wrong Debtor Claims, (B) Assumed and Assigned Claims, (C) Untimely Claims, and (D) Equity Claims (Docket No. 1643) The ("Second Omnibus Claims Objection") (Docket No. 1747) (Filed 8/27/09)
- e. Claimant Bloomberg & Podpeskar's Response to Debtors' Non-Substantive Second Omnibus Objection Pursuant to 11 U.S.C. § 502(b), Fed. R. Bankr. P. 3007, and Local Rule 3007-1 to Certain (A) Wrong Debtor Claims, (B) Assumed and Assigned Claims, (C) Untimely Claims, and (D) Equity Claims (Docket No. 1749) (Filed 8/27/09)
- f. Response of Anadarko Energy Services to Debtors' Non-Substantive Second Omnibus Objection Pursuant to 11 U.S.C. § 502(b), Fed. R. Bankr. P. 3007, and Local Rule 3007-1 to Certain (A) Wrong Debtor Claims, (B) Assumed and Assigned Claims, (C) Untimely Claims, and (D) Equity Claims [Docket No. 1643] (Docket No. 1752) (Filed 8/27/09)
- g. Letter Response to Debtors' Non-Substantive Second Omnibus Objection Pursuant to 11 U.S.C. § 502(b), Fed. R. Bankr. P. 3007, and Local Rule 3007-1 to Certain (A) Wrong Debtor Claims, (B) Assumed and Assigned Claims, (C) Untimely Claims, and (D) Equity Claims filed by Alex Brown (Docket No. 1756) (Filed 8/28/09)
- h. Letter Objection to Debtors' Non-Substantive Second Omnibus Objection Pursuant to 11 U.S.C. § 502(b), Fed. R. Bankr. P. 3007, and Local Rule

3007-1 to Certain (A) Wrong Debtor Claims, (B) Assumed and Assigned Claims, (C) Untimely Claims, and (D) Equity Claims filed by Tim Trooien (Docket No. 1757) (Filed 8/28/09)

- i. DHHS' Brief in Support of DHHS Response to Debtors' Non-Substantive Second Omnibus Objection to DHHS' Claim (Docket No. 1767) (Filed 9/2/09)

**Status: The debtors intend submit a revised order under certification of counsel 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.**

- 26. Debtors' Non-Substantive Third Omnibus Objection Pursuant to 11 U.S.C. § 502(b), Fed. R. Bankr. P. 3007, and Local Rule 3007-1 to Certain Misclassified Claims (Docket No. 1644) (Filed 7/31/09)

Response

Deadline: August 27, 2009 at 4:00 p.m.

Responses

Filed/Received:

- a. Response From Claimant Adolfo Alcaraz Silva, Claim Number 483 to Debtors' Non-Substantive Third Omnibus Objection Pursuant to 11 U.S.C. § 502(b), Fed. R. Bankr. P. 3007, and Local Rule 3007-1 to Certain Misclassified Claims (Docket No. 1738) (Filed 8/26/09)

**Status: The debtors intend submit a revised order under certification of counsel 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. Application by AP Services, LLC, as Crisis Managers and Chief Restructuring Officer to the Debtors, for Approval of the Contingent Success Fee (Docket No. 1692) (Filed 8/13/09)

Response

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

Responses

Filed/Received:

- a. United States Trustee's Limited Objection to Application by AP Services, LLC, as Crisis Managers and Chief Restructuring Officer to the Debtors, for Approval of the Contingent Success Fee (Docket No. 1753) (Filed 8/27/09)

**Status: This matter has been resolved. The parties intend to submit an agreed order under certification of counsel.**

Dated: Wilmington, Delaware  
September 9, 2009

/s/ Davis Lee Wright  
Mark S. Chehi (I.D. No. 2855)  
Davis Lee Wright (I.D. No. 4324)  
Skadden, Arps, Slate, Meagher & Flom LLP  
One Rodney Square  
P.O. Box 636  
Wilmington, DE 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