

**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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**AGENDA MATTERS SCHEDULED FOR HEARING ON  
FEBRUARY 5, 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 February 5, 2009 beginning at 10:00 a.m. (Eastern).

**CONTINUED MATTERS**

1. 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:

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

- 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 Vera-Sun 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 March 5, 2009 hearing at 10:00 a.m.

- 2. 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 March 5, 2009 omnibus hearing pending the filing of a certificate of no objection.

### **CONTESTED MATTERS GOING FORWARD**

- 3. 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.

- 4. 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:

- 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)
- c. Amended 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. 556) (Entered 1/21/09)

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

Responses  
Filed/Received: None

Status: This matter is going forward.

5. 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 is going forward.

6. 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.

- 7. 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.

- 8. 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.

- 9. 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)

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 is going forward.

- 10. Debtors' Motion for Allowance of US BioEnergy Facilities' Administrative Expense Claim (Docket No. 430) (Filed 12/31/08)

Response

Deadline: January 29, 2009 at 4:00 p.m.

Responses  
Filed/Received:

- a. Objection of General Electric Railcar Services Corporation to Debtors' Motion for Allowance of Certain Intercompany

Administrative Expense Claims (Docket No. 585) (Filed  
1/29/09)

Status: This matter is going forward.

Dated: Wilmington, Delaware  
February 3, 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  
333 West Wacker Drive  
Chicago, Illinois 60606  
(312) 407-0700

Counsel for Debtors and  
Debtors in Possession