

MEMORANDUM

December 22, 2008

To: Official Committee of Unsecured Creditors (the “Committee”) of VeraSun Energy Corporation, et al. (the “Debtors”)

From: Akin Gump Strauss Hauer & Feld LLP (“Akin Gump”)

Re: VeraSun Energy Corporation, et al. – Summary of Recently Filed Pleading

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**Notice of Presentment of Order Approving Stipulation Among VeraSun Marketing, LLC, and ProTec Fuel Management, LLC Regarding Mutual Agreement to Terminate A Certain Contract [Docket No. 319] (the “Stipulation”)**

By the Stipulation, VeraSun Marketing LLC (“VeraSun Marketing”) and ProTec Fuel Management, LLC (“ProTec”) have agreed, subject to Bankruptcy Court approval, (i) to terminate their E-85 fuel supply agreement (the “Agreement”), (ii) to release and waive any and all claims they may have against the other that arise solely out of the termination of the Agreement, and (iii) that VeraSun Marketing waives any rights it might have against ProTec arising out of ProTec’s direct sale of E-85 fuel to Kroger Limited Partnership I.