

MEMORANDUM

December 18, 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

Motion of Lesaffre Yeast Corporation for Allowance and Immediate Payment of Administrative Claim [Docket No. 294] (the “Motion”)

By the Motion, Lesaffre Yeast Corporation (“Lesaffre”) requests entry of an order directing allowance and immediate payment of approximately \$61,000 for yeast, which Lesaffre asserts was delivered and sold to the Debtors in the ordinary course of business during the twenty-day period prior to the Debtors’ bankruptcy filing. The purported basis for the relief requested in the Motion is section 503(b)(9) of the Bankruptcy Code, which grants administrative expense priority to claims for goods received by a debtor within the ordinary course of its business during the twenty-day period prior to the debtor’s bankruptcy filing.