

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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: **Chapter 11 Case No.**
: **09-50026 (REG)**
: **(Jointly Administered)**
: **Debtors.**
: **(Jointly Administered)**
: **(Jointly Administered)**
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**NOTICE OF MATTERS
SCHEDULED FOR HEARING ON DECEMBER 16, 2009 at 2:00 p.m.**

Location of Hearing: United States Bankruptcy Court for the Southern District of New York,
Alexander Hamilton U.S. Custom House, before the Honorable Robert E.
Gerber, United States Bankruptcy Judge, Courtroom 621, One Bowling
Green, New York, NY 10004-1408

I. CONTESTED MATTERS:

1. Application of Federal Republic of Germany for an Order Pursuant to Rule 2004 of the Federal Rules of Bankruptcy Procedure Authorizing and Directing (A) the Production of Documents and (B) the Oral Examination of Individuals Designated by the Debtors and Believed to Have Knowledge of the Relevant Matters [**Docket No. 3520**]

Response Deadline: October 30, 2009 at 5:00 p.m.

Response Filed:

- A. Debtors' Opposition to the Application of Federal Republic of Germany for an Order Pursuant to Fed. R. Bankr. P. 2004 Authorizing and Directing (A) the Production of Documents and (B) the Oral Examination of Individuals Designated by the Debtors and Believed to Have Knowledge of the Relevant Matters [**Docket No. 4325**]

Reply Filed:

Additional Document(s):

- B. Notice of Presentment of Order Pursuant to Rule 2004 of the Federal Rules of Bankruptcy Procedure Compelling the Production of Documents by, and a Deposition of, the Debtors [**Docket No. 3519**]

Status: This matter will be going forward.

- 2. Application of Florian Hinrichs for an Order Pursuant to Rule 2004 of the Federal Rules of Bankruptcy Procedure Authorizing and Directing (A) the Production of Documents and (B) the Oral Examination of Individuals Designated by the Debtors and Believed to Have Knowledge of the Relevant Matters [**Docket No. 4443**]

Response Deadline: December 9, 2009 at 5:00 p.m.

Response Filed:

- A. Debtors' Opposition to the Application of Florian Hinrichs for an Order Pursuant to Fed. R. Bankr. P. 2004 Authorizing and Directing (A) the Production of Documents and (B) the Oral Examination of Individuals Designated by the Debtors and Believed to have Knowledge of the Relevant Matters [**Docket No. 4633**]

Reply Filed:

- B. Reply to Debtors' Opposition to the Application of Florian Hinrichs for an Order Pursuant to Rule 2004 of the Federal Rules of Bankruptcy Procedure Authorizing and Directing (A) the Production of Documents and (B) the Oral Examination of Individuals Designated by the Debtors and Believed to have Knowledge of the Relevant Matters [**Docket No. 4656**]

Additional Document(s): None to date.

Status: This matter will be going forward.

II. UNCONTESTED MATTERS:

- 3. Motion by Debtors for Entry of Order Authorizing Rejection of Certain Personal Property Agreements and/or Abandonment of Equipment [**Docket No. 4328**]

Response Deadline: November 6, 2009 at 4:00 p.m.

Response Filed:

- A. Limited Objection of Wachovia Financial Services Inc. (“**Wachovia**”) to Motion by Debtors for Entry of Order Authorizing Rejection of Certain Personal Property Agreements and/or Abandonment of Equipment [**Docket No. 4401**]

Reply Filed: None to date.

Additional Document(s): None to date.

Status: This matter will be going forward on an uncontested basis. An agreed order resolving the Limited Objection of Wachovia will be submitted to the Court.

4. Debtors’ Ninth Omnibus Motion Pursuant to 11 U.S.C. § 365 to Reject Certain Executory Contracts and Unexpired Leases of Nonresidential Real Property (with respect to Fountain Lakes I, LLC, MTech Associates LLC, and Renover Shreveport, LLC only) [**Docket No. 4437**]

Response Deadline: November 18, 2009 at 4:00 p.m.

Response Filed:

- A. Objection of Fountain Lakes I, L.L.C. (“**Fountain Lakes**”) to Debtors’ Ninth Omnibus Motion Pursuant to 11 U.S.C. § 365 to Reject Certain Executory Contracts and Unexpired Leases of Nonresidential Real Property [**Docket No. 4495 & 4496**]

Reply Filed: None to date.

Additional Document(s):

- B. Stipulation to Adjourn Ninth Omnibus Motion Pursuant to 11 U.S.C. §365 to Reject Certain Executory Contracts and Unexpired Leases of Nonresidential Real Property as to MTech Associates LLC (“**MTech**”) Only [**Docket No. 4483**]

Status: The Debtors have reached an agreement with Fountain Lakes to resolve their Objection and intend to submit a stipulated order to the Court. The Motion with respect to MTech and Renover Shreveport, LLC will be adjourned to January 20, 2010 at 9:45 a.m.

5. Debtors’ Tenth Omnibus Motion Pursuant to 11 U.S.C. § 365 to Reject Certain Executory Contracts (with respect to Class Action Settlement Agreement with Castillo Claimants, and with DR International, Inc. and DRA, Inc. only) [**Docket No. 4458**]

Response Deadline: November 25, 2009 at 4:00 p.m.

Response Filed:

- A. Objection of Remy International, Inc. [DRA, Inc. and DR International] to Debtors' Tenth Omnibus Motion Pursuant to 11 U.S.C. § 365 to Reject Certain Executory Contracts [**Docket No. 4629**]

Reply Filed: None to date.

Additional Document(s): None to date.

Status: This matter is going forward on an uncontested basis. The Debtors have reached an agreement with the Castillo Claimants and intend to submit an agreed order to the Court. The Motion will be withdrawn with respect to DRA, Inc. and DR International.

III. ADJOURNED MATTERS:

- 6. Motion by Debtors for Entry of Order Authorizing Rejection of Certain Personal Property Agreements and/or Abandonment of Collateral to Secured Creditors [**Docket No. 3212**]

Response Deadline: July 29, 2009 at 4:00 p.m.

Response Filed:

- A. Objection of Wells Fargo Bank Northwest, N.A., to Motion by Debtors for Entry of Order Authorizing Rejection of Certain Personal Property Agreements and/or Abandonment of Collateral to Secured Creditors [**Docket No. 3534**]

Reply Filed:

- B. Debtors' Reply to Objection of Wells Fargo Bank Northwest, N.A., to Motion by Debtors for Entry of Order Authorizing Rejection of Certain Person Property Agreements and/or Abandonment of Collateral to Secured Creditors [**Docket No. 3585**]

Additional Document(s):

- C. Order Authorizing Rejection of Certain Personal Property Agreements and/or Abandonment of Collateral to Secured Creditors [**Docket No. 3619**]
- D. Stipulation to Adjourn Motion for Entry of Order Authorizing Rejection of Certain Personal Property Agreements and/or

Abandonment of Collateral to Secured Creditors [**Docket No. 3805**]

- E. Stipulation to Adjourn Motion for Entry of Order Authorizing Rejection of Certain Personal Property Agreements and/or Abandonment of Collateral to Secured Creditors [**Docket No. 4031**]
- F. Stipulation to Adjourn Motion for Entry of Order Authorizing Rejection of Certain Personal Property Agreements and/or Abandonment of Collateral to Secured Creditors [**Docket No. 4171**]

Status: This matter will be adjourned to January 13, 2010 at 11:00 a.m.

- 7. Status Conference regarding Motion of ACE American Insurance Company and Affiliated Companies to Compel Debtors to Assume or Reject Insurance Policies and Related Agreements [**Docket No. 3272**]

Response Deadline: N/A

Response Filed: None to date.

Reply Filed: None to date.

Additional Document(s):

- A. Notice of Withdrawal of Motion by ACE American Insurance Company and Affiliated Companies for an Order Requiring the Debtors to Assume or Reject Insurance Policies and Related Agreements [**Docket No. 4004**]

Status: This matter will be adjourned to a hearing date to be mutually agreed upon by the parties.

- 8. Application of the Ad Hoc Committee of Personal Injury Asbestos Claimants Pursuant to Rule 2004 of the Federal Rules of Bankruptcy Procedure Authorizing and Directing (A) the Production of Documents and (B) the Oral Examination of Individuals Designated by the Debtors and Believed to Have Knowledge of the Relevant Matters [**Docket No. 4189**]

Response Deadline: November 6, 2009 at 4:00 p.m.

Response Filed: None to date.

Reply Filed: None to date.

Additional Document(s): None to date.

Status: This matter will be adjourned to January 20, 2010 at 9:45 a.m.

9. Motion of Debtors for Entry of Order Authorizing Rejection of Certain Personal Property Agreements and/or Abandonment of Collateral to Secured Creditors [**Docket No. 4324**]

Response Deadline: November 6, 2009 at 4:00 p.m.

Response Filed: None to date.

Reply Filed: None to date.

Additional Document(s): None to date.

Status: This matter will be adjourned to January 13, 2010 at 11:00 a.m.

10. Debtors' Motion to Assume and Assign Certain Unexpired Leases of Equipment and Related Executory Contracts [**Docket No. 4331**]

Response Deadline: November 6, 2009 at 4:00 p.m.

Response Filed:

- A. Limited Objection of GE Capital Corporation and U.S. Bank, as Owner Trustee on its Behalf, to Debtors' Motion to Assume and Assign Certain Unexpired Leases of Equipment and Related Executory Contracts [**Docket No. 4386**]

Reply Filed: None to date.

Additional Document(s): None to date.

Status: This matter will be adjourned to January 13, 2010 at 11:00 a.m.

11. Motion of Napleton Investment Partnership for Allowance and Payment of Administrative Expense Claim [**Docket No. 4567**]

Response Deadline: December 11, 2009 at 4:00 p.m.

Response Filed: None to date.

Reply Filed: None to date.

Additional Document(s): None to date.

Status: The parties have reached a settlement agreement to resolve this matter. The Motion will be adjourned pending the parties entry into the settlement agreement.

Dated: December 14, 2009
New York, New York

/s/ Joseph H. Smolinsky
Harvey R. Miller
Stephen Karotkin
Joseph H. Smolinsky

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