

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

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In re: : Chapter 11
: :
A123 SYSTEMS, INC., et al., : Case No. 12-12859 (KJC)
: :
Debtors.¹ : Jointly Administered
: :
: :
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**NOTICE OF *AMENDED*² AGENDA OF MATTERS SCHEDULED FOR
HEARING ON JANUARY 15, 2013 AT 2:00 P.M. (EST)**

I. CONTINUED/RESOLVED MATTERS:

1. Corrected First Omnibus Motion of Debtors for Order Under 11 U.S.C. §§ 105(A) and 365 and Fed. R. Bankr. 6003 and 6006 Authorizing Rejection of Executory Contracts *Nunc Pro Tunc* to the Petition Date [Docket No. 31; filed 10/16/12]

Objection Deadline: October 30, 2012 at 4:00 p.m. (EDT);
Extended to November 5, 2012 at 4:00 p.m. (EST)
for BAE Systems;
Extended to November 6, 2012 at 11:00 a.m. (EST) for
the Office of the United States Trustee

Objections/Responses Received:

- A. Objection of BAE Systems Controls Inc. to the Corrected First Omnibus Motion of Debtors for Order Under 11 U.S.C. §§ 105(A) and 365 and Fed. R. Bankr. P. 6003 and 6006 Authorizing Rejection of Executory Contracts *Nunc Pro Tunc* to the Petition Date [Docket No. 225; filed 11/5/12]
- B. Joinder of Smith Electric Vehicles US Corp to Fisker Automotive, Inc.'s Objection to the Corrected First Omnibus Motion of Debtors for Order Under 11 U.S.C. §§ 105(A) and 365 and Fed. R. Bankr. P. 6003 and 6006 Authorizing Rejection of Executory Contracts *Nunc Pro Tunc* to the

¹ The Debtors in these Chapter 11 Cases, along with the last four digits of each Debtor's federal tax identification number, are: A123 Systems, Inc. (3876); A123 Securities Corporation (5388); and Grid Storage Holdings LLC (N/A). The above-captioned Debtors' mailing address is c/o A123 Systems, Inc., 200 West Street, Waltham, Massachusetts 02451.

² Amended/Added agenda items are noted in bold.

Petition Date and Request to File Objection Out of Time [Docket No. 240; filed 11/5/12]

Related Documents:

- i. Order Under 11 U.S.C. §§ 105(A) and 365 and Fed. R. Bankr. P. 6003 and 6006 Authorizing Debtors' Corrected First Omnibus Motion for Rejection of Executory Contracts *Nunc Pro Tunc* to the Petition Date [Docket No. 322; filed 11/8/12]
- ii. Order Approving Settlement Agreement Stipulation with Fisker Automotive, Inc. [Docket No. 375; filed 11/19/12]

Status: On November 8, 2012, the Court entered an order [Docket No. 322] granting the Motion, except with respect to certain contract parties (as identified in the order). The hearing on the Motion as it relates to these remaining contract parties is continued to the hearing scheduled for February 13, 2013 at 2:00 p.m. (EST).

2. Motion of Debtors for Entry of Order Pursuant to 11 U.S.C. §§ 105(a) and 362 Extending the Automatic Stay to Certain Litigation Against Non-Debtor Defendants [Docket No. 121; filed 10/22/12]

Objection Deadline: November 1, 2012 at 4:00 p.m. (EDT);
Extended to November 28, 2012

Objections/Responses Received:

- A. Opposition to Motion of Debtors for Entry of an Order Pursuant to 11 U.S.C. §§ 105(a) and 362 Extending the Automatic Stay to Certain Litigation Against Non-Debtor Defendants [Docket No. 268; filed 11/6/12]
- B. Supplemental Opposition to Motion of Debtors for Entry of Order Pursuant to 11 U.S.C. §§ 105(a) and 362 Extending the Automatic Stay to Certain Litigation Against Non-Debtor Defendants [Docket No. 780; filed 1/8/13]

Related Documents:

- iii. Declaration of Jennifer L. Young in Opposition to Motion of Debtors for Entry of an Order Pursuant to 11 U.S.C. §§ 105(a) and 362 Extending the Automatic Stay to Certain Litigation Against Non-Debtor Defendants [Docket No. 269; filed 11/6/12]

- iv. Order Pursuant to 11 U.S.C. §§ 105(a) and 362 Extending the Automatic Stay to Derivative Actions Against Non-Debtor Defendants [Docket No. 317; filed 11/8/12]
- v. Re-Notice of Motion and Hearing [Docket No. 337; filed 11/12/12]
- vi. Notice of Withdrawal [Docket No. 811; filed 1/11/13]

Status: On November 8, 2012, the Court entered an order granting the relief requested in the Motion, except with respect to the above-listed objecting parties (the "Objecting Parties"). The Debtors have withdrawn the Motion solely with respect to the Objecting Parties.

II. UNCONTESTED MATTERS WITH CERTIFICATIONS OF COUNSEL AND/OR CERTIFICATIONS OF NO OBJECTION:

- 3. Motion of Southern California Edison Co. for Relief from the Automatic Stay or, in the Alternative, for Adequate Protection, Pursuant to 11 U.S.C. Sections 361, 362 and 363 [Docket No. 501, filed 11/30/12]

Objection Deadline: December 11, 2012 at 4:00 p.m. (EST);
Extended for the Debtors

Objections/Responses Received:

Related Documents: None.

Status: The parties are negotiating a stipulation which resolves the Motion for purposes of this hearing. The stipulation will be submitted for approval under certification of counsel in advance of the hearing.

- 4. Motion of Debtors for Order Authorizing Release of Proceeds of Debtors' Management Protection Insurance Policy to Provide (I) Reimbursement of Derivative Investigation Costs and (II) Payment of Defense Costs and Loss to Debtors and Covered Persons [Docket No. 741; filed 12/27/12]

Objection Deadline: January 8, 2013 at 5:00 p.m. (EST)

Objections/Responses Received: None to date.

Related Documents:

- i. Certification of No Objection Regarding Motion of Debtors for Order Authorizing Release of Proceeds of Debtors' Management Protection Insurance Policy to Provide (I) Reimbursement of Derivative Investigation Costs and (II) Payment of Defense Costs and Loss to Debtors and Covered Persons [Docket No. 810; filed 1/11/13]

- ii. **Order Authorizing Release of Proceeds of Debtors' Management Protection Insurance Policy to Provide (I) Reimbursement of Derivative Investigation Costs and (II) Payment of Defense Costs and Loss to Debtors and Covered Persons [Docket No. 815; filed 1/11/13]**

Status: **As the Court has already entered an order with respect to the Motion, no hearing is necessary with respect to this matter.**

5. Application for Employment of Capitol Counsel LLC as Lobbyist for the Official Committee of Unsecured Creditors Nunc Pro Tunc to December 21, 2012 [Docket No. 755; filed 12/28/12]

Objection Deadline: January 8, 2013 at 4:00 p.m. (EST)

Objections/Responses Received: None to date.

Related Documents:

- i. Certification of No Objection on Application for Employment of Capitol Counsel LLC as Lobbyist for the Official Committee of Unsecured Creditors Nunc Pro Tunc to December 21, 2012 [Docket No. 800; filed 1/10/13]
- ii. **Order Approving the Application for Employment of Capitol Counsel LLC as Lobbyist for the Official Committee of Unsecured Creditors Nunc Pro Tunc to December 21, 2012 [Docket No. 817; filed 1/11/13]**

Status: **As the Court has already entered an order with respect to the Motion, no hearing is necessary with respect to this matter.**

III. CONTESTED MATTERS GOING FORWARD:

6. Motion of Debtors for Order (I) Under 11 U.S.C. §§ 105(a), 363, 365, 503, 507 and 1146(a), Fed. R. Bankr. P. 2002, 6004, 6006, 9007 and 9014 and Del. Bankr. L.R. 2002-1, 6004-1 and 9006-1 Authorizing and Approving (A) Bidding Procedures in Connection With the Sale of Certain Assets of the Debtors, (B) Stalking Horse Bid Protections, (C) the Form and Manner of Notice of the Sale Hearing and (D) Related Relief; and (II) Under 11 U.S.C. §§ 105(a), 363, 365, 503, 507 and 1146(a), Fed. R. Bankr. P. 2002, 6004, 6006, 9007 and 9014 and Del. Bankr. L.R. 2002-1, 6004-1 and 9006-1 Authorizing (A) the Sale of Certain Assets of the Debtors Free and Clear of All Claims, Liens, Liabilities, Rights, Interests and Encumbrances Except for Permitted Encumbrances; (B) the Debtors to Enter into and Perform Their Obligations Under the Asset Purchase Agreement; (C) the Debtors to Assume and Assign Certain Executory Contracts and Unexpired Leases; and (D) Related Relief [Docket No. 34; filed 10/16/12]

Sale Objection Deadline: November 26, 2012 at 12:00 p.m.

(EST)

Cure Amount Objection Deadline:

November 26, 2012 at 4:00 p.m. (EST);
Extended to November 28, 2012 at 5:00 p.m. (EST) for Niagara Thermal Systems and SAIC/Shanghai Advanced Traction Battery Systems Co., Ltd.;
Extended to November 30, 2012 at 12:00 p.m. (EST) for Intertek Testing Services NA, Inc.;
Extended to November 30, 2012 at 4:00 p.m. (EST) for AES Energy Storage, LLC;
Extended to December 1, 2012 at 4:00 p.m. (EST) for Daewoo International Company, Daichi Jitsugyo (America) Inc., Infineon Technology North America, JST Corporation and Northern Powergrid Limited

Objections/Responses Continued to this Hearing:

- A. Objection of Southwest Research Institute to the Debtors' Notice of (I) Cure Amount with Respect to Executory Contracts and Unexpired Leases to Be Assumed and Assigned and (II) Potential Assumption and Assignment of Executory Contracts and Unexpired Leases [Docket No. 391; filed 11/20/12]

Objection Status: This objection was partially resolved by the filing of a supplemental cure notice. The hearing on the balance of the objection is going forward. **The Debtors intend to present an agreed form of order at the hearing.**

- B. Airgas USA, LLC's Objection to the Debtors' Notice of (I) Cure Amount with Respect to Executory Contracts and Unexpired Leases to Be Assumed and Assigned and (II) Potential Assumption and Assignment of Executory Contracts and Unexpired Leases [Docket No. 398; filed 11/20/12]

Objection Status: This objection was partially resolved by the filing of a supplemental cure notice and the issue of adequate assurance has been addressed by the Court. The hearing on the balance of the objection is continued to the hearing scheduled for February 13, 2013 at 2:00 p.m. (EST).

- C. Limited Objection of Phillips Specialty Products, Inc. to Notice of (I) Cure Amount with Respect to Executory Contracts and Unexpired Leases to Be Assumed and Assigned and (II) Potential Assumption and Assignment of Executory Contracts and Unexpired Leases [Docket No. 406; filed 11/21/12]

Objection Status: The hearing on the objection is continued to the hearing scheduled for February 13, 2013 at 2:00 p.m. (EST).

- D. Objection of Microtech Staffing Group to the Debtor's Notice of (I) Cure Amount with Respect to Executory Contracts and Unexpired Leases to Be Assumed and Assigned and (II) Potential Assumption and Assignment of Executory Contracts and Unexpired Leases [Docket No. 419; filed 11/21/12]

Objection Status: This objection is moot, as the underlying agreements are not being assumed and assigned.

- E. Smith Electric Vehicles US Corp.'s Objection to Debtors' Notice of (I) Cure Amount with Respect to Executory Contracts and Unexpired Leases to Be Assumed and Assigned and (II) Potential Assumption and Assignment of Executory Contracts and Unexpired Leases [Docket No. 420; filed 11/21/12]

Objection Status: The hearing on the objection is continued to the hearing scheduled for February 13, 2013 at 2:00 p.m. (EST).

- F. Smith Electric Vehicles US Corp.'s Objection to Debtors' Notice of (I) Cure Amount with Respect to Executory Contracts and Unexpired Leases to Be Assumed and Assigned and (II) Potential Assumption and Assignment of Executory Contracts and Unexpired Leases [Docket No. 422; filed 11/21/12]

Objection Status: The hearing on the objection is continued to the hearing scheduled for February 13, 2013 at 2:00 p.m. (EST).

- G. Oracle's Objection to, and Rights of Reservation Regarding, Debtors' (1) Motion Authorizing (A) the Sale of Certain Assets of the Debtors Free and Clear of All Claims, Liens, Liabilities, Rights, Interests and Encumbrances Except for Permitted Encumbrances; (B) the Debtors to Enter into and Perform Their Obligations Under the Asset Purchase Agreement; (C) the Debtors to Assume and Assign Certain Executory Contracts and Unexpired Leases; and (D) Related Relief ("Sale Motion"); and the Related (2) Notice of (I) Cure Amount with Respect to Executory Contracts and Unexpired Leases to Be Assumed and Assigned and (II) Potential Assumption and Assignment of Executory Contracts and

Unexpired Leases ("Rights Reservation") [Docket No. 425; filed 11/26/12]

Objection Status: The issue of adequate assurance has been addressed by the Court. The hearing on the balance of the objection is continued to the hearing scheduled for February 13, 2013 at 2:00 p.m. (EST).

H. Objection of Banc of America Leasing & Capital LLC to, and Reservation of Rights Regarding, Debtors' (1) Motion Authorizing (A) the Sale of Certain Assets of the Debtors Free and Clear of All Claims, Liens, Liabilities, Rights, Interests and Encumbrances Except for Permitted Encumbrances; (B) the Debtors to Enter into and Perform Their Obligations Under the Asset Purchase Agreement; (C) the Debtors to Assume and Assign Certain Executory Contracts and Unexpired Leases; and (D) Related Relief ("Sale Motion"); and the Related (2) Notice of (I) Cure Amount with Respect to Executory Contracts and Unexpired Leases to Be Assumed and Assigned and (II) Potential Assumption and Assignment of Executory Contracts and Unexpired Leases [Docket No. 432; filed 11/26/12]

Objection Status: The issue of adequate assurance has been addressed by the Court. The hearing on the balance of the objection is continued to the hearing scheduled for February 13, 2013 at 2:00 p.m. (EST).

I. Limited Objection of BAE Systems Controls, Inc. to Notice of (I) Cure Amount with Respect to Executory Contracts and Unexpired Leases to Be Assumed and Assigned and (II) Potential Assumption and Assignment of Executory Contracts and Unexpired Leases [Docket No. 436; filed 11/26/12]

Objection Status: The parties have resolved this objection, except with respect to BAE's asserted warranty claims. The hearing is going forward with respect to the assumption and assignment of certain postpetition purchase orders with BAE **that were not subject to the objection**, and continued as to the balance of the objection **to the hearing scheduled for February 13, 2013 at 2:00 p.m. (EST)**.

J. Limited Objection of IHI Corporation to the Debtors' Notice of (I) Cure Amount with Respect to Executory Contracts and Unexpired Leases to Be Assumed and Assigned and (II) Potential Assumption and Assignment of Executory Contracts and Unexpired Leases [Docket No. 438; filed 11/26/12]

Objection Status: The hearing on the objection is **continued to the hearing scheduled for February 13, 2013 at 2:00 p.m. (EST).**

- K. Airgas USA, LLC's Amended Objection to the Debtors' Notice of (I) Cure Amount with Respect to Executory Contracts and Unexpired Leases to Be Assumed and Assigned and (II) Potential Assumption and Assignment of Executory Contracts and Unexpired Leases [Docket No. 442; filed 11/26/12]

Objection Status: This objection was partially resolved by the filing of a supplemental cure notice. The issue of adequate assurance has been addressed by the Court. The hearing on the balance of the objection is continued to the hearing scheduled for February 13, 2013 at 2:00 p.m. (EST).

- L. Boston Properties Limited Partnership's (I) Objection to Debtors' Proposed Cure Amount, and (II) Limited Objection to Potential Assumption and Assignment of Executory Contracts and Unexpired Leases to Johnson Controls, Inc. [Docket No. 443; filed 11/26/12]

Objection Status: The hearing on the objection is continued to the hearing scheduled for February 13, 2013 at 2:00 p.m. (EST).

- M. Limited Objection of Welsh Romulus, LLC to Debtors' (A) Sale Motion, (B) Notice of Cure Amount and Potential Assumption and Assignment, and (C) Requests for Relief [Docket No. 449; filed 11/26/12]

Objection Status: The hearing on the objection is going forward. The Debtors intend to present an agreed order at the hearing.

- N. Preliminary Objection and Reservation of Rights of Maxwell Technologies, Inc. to Assumption and Assignment of Executory Contract Pursuant to Section 365 of the Bankruptcy Code and Proposed Cure Amount [Docket No. 450; filed 11/26/12]

Objection Status: This objection was partially resolved by the filing of a supplemental cure notice. The hearing on the balance of the objection is continued to the hearing scheduled for February 13, 2013 at 2:00 p.m. (EST).

- O. General Motors LLC's Limited Objection to Debtors' (1) Motion Authorizing (A) the Sale of Certain Assets of the Debtors Free and Clear of All Claims, Liens, Liabilities, Rights, Interests and Encumbrances Except for Permitted Encumbrances; (B) the Debtors to Enter into and Perform Their Obligations Under the Asset Purchase Agreement; (C) the Debtors to Assume and Assign Certain Executory Contracts and Unexpired Leases; and (D) Related Relief; and the Related (2) Notice of

(I) Cure Amount with Respect to Executory Contracts and Unexpired Leases to Be Assumed and Assigned and (II) Potential Assumption and Assignment of Executory Contracts and Unexpired Leases [Docket No. 452; filed 11/26/12]

Objection Status: The issue of adequate assurance has been addressed by the Court. The hearing on the balance of the objection is continued to the hearing scheduled for February 13, 2013 at 2:00 p.m. (EST).

P. Microsoft's Limited Objection and Reservation of Rights with Respect to Debtors' Notice of (I) Cure Amount with Respect to Executory Contracts and Unexpired Leases to Be Assumed and Assigned and (II) Potential Assumption and Assignment of Executory Contracts and Unexpired Leases [Docket No. 456; filed 11/26/12]

Objection Status: The issue of adequate assurance has been addressed by the Court. The hearing on the balance of the objection is going forward.

Q. Daimler Purchasing Coordination Corp.'s Limited Objection to and Reservation of Rights with Respect to Debtors' Notice of (I) Cure Amount with Respect to Executory Contracts and Unexpired Leases to Be Assumed and Assigned and (II) Potential Assumption and Assignment of Executory Contracts and Unexpired Leases [Docket No. 470; filed 11/27/12]

Objection Status: The hearing on the objection is continued to the hearing scheduled for February 13, 2013 at 2:00 p.m. (EST).

R. OpTech, LLC's Objection to the Cure Amount Associated with Its Potentially Assumed Contracts with the Debtor [Docket No. 473; filed 11/28/12]

Objection Status: This objection is moot, as the underlying agreements are not being assumed and assigned.

S. Objection of SAIC Motor Co. Ltd and Shanghai Advanced Traction Battery Systems Co., Ltd. to the Debtors' Notice of (I) Cure Amount with Respect to Executory Contracts and Unexpired Leases to Be Assumed and Assigned and (II) Potential Assumption and Assignment of Executory Contracts and Unexpired Leases [Docket No. 476; filed 11/28/12]

Objection Status: This objection was partially resolved by the filing of a supplemental cure notice. **The hearing as to the balance of the motion is continued to the hearing scheduled for February 13, 2013 at 2:00 p.m. (EST).**

- T. Limited Objection of Jabil Circuit, Inc. to the Notice of (I) Cure Amount with Respect to Executory Contracts and Unexpired Leases to Be Assumed and Assigned and (II) Potential Assumption and Assignment of Executory Contracts and Unexpired Leases [Docket No. 480; filed 11/28/12]

Objection Status: The hearing on the objection is continued to the hearing scheduled for February 13, 2013 at 2:00 p.m. (EST).

- U. Daimler Purchasing Coordination Corp.'s Supplement to Limited Objection to and Reservation of Rights with Respect to Debtors' Notice of (I) Cure Amount with Respect to Executory Contracts and Unexpired Leases to Be Assumed and Assigned and (II) Potential Assumption and Assignment of Executory Contracts and Unexpired Leases [Docket No. 481; filed 11/28/12]

Objection Status: The hearing on the objection is continued to the hearing scheduled for February 13, 2013 at 2:00 p.m. (EST).

- V. Response filed by Securitas Security Services USA, Inc. [Docket No. 485; filed 11/29/12]

Objection Status: This objection is moot, as the underlying agreements are not being assumed and assigned.

- W. Limited Objection by Daewoo International Corporation and Daewoo International (America) Corp. to Debtors' Supplemental Notice of (I) Cure Amount with Respect to Executory Contracts and Unexpired Leases to Be Assumed and Assigned and (II) Potential Assumption and Assignment of Executory Contracts and Unexpired Leases [Docket No. 494; filed 11/30/12]

Objection Status: The hearing on the objection is going forward. The Debtors are hopeful to have an agreed order to present at the hearing.

- X. Michigan Strategic Fund and Michigan Economic Growth Authority's Objection to (A) Debtor's Notice of (1) Cure Amount with Respect to Executory Contracts and Unexpired Leases to Be Assumed and Assigned and (2) Potential Assumption and Assignment of Executory Contracts and Unexpired Leases and (B) Order (I) Approving Bid Procedures in Connection with Sale of Assets; (II) Approving Form and Manner of Notice Thereof (III) Approving Break-Up Fee and Expense Reimbursement and (V) Granting Related Relief [Docket No. 497; filed 11/30/12]

Objection Status: The hearing on the objection is continued to the hearing scheduled for February 13, 2013 at 2:00 p.m. (EST).

- Y. Limited Objection and Reservation of Rights of AES Energy Storage, LLC, AES ES Westover, LLC and AES Gener S.A. with Respect to the Debtors' Notice of (I) Cure Amount with Respect to Executory Contracts and Unexpired Leases to Be Assumed and Assigned and (II) Potential Assumption and Assignment of Executory Contracts and Unexpired Leases [Docket No. 500; filed 11/30/12]

Objection Status: The hearing on the objection is continued to the hearing scheduled for February 13, 2013 at 2:00 p.m. (EST).

- Z. Objection of 39000 Associates, LLC to Assumption and Assignment of Its Lease as Proposed in Debtors' Sale Motion and in Debtors' Notice of (I) Cure Amount with Respect to Executory Contracts and Unexpired Leases to Be Assumed and Assigned and (II) Potential Assumption and Assignment of Executory Contracts and Unexpired Leases, and Joinder in Limbach Company, LLC's Objection to Debtors' Cure and Assumption and Assignment Notice [Docket No. 551; filed 12/4/12]

Objection Status: The hearing on the objection is going forward.

- AA. Informal comments from Verizon

Objection Status: The hearing on the objection is going forward. The parties have resolved Verizon's concerns **via the adjusted cure amounts reflected in the notice of assignment filed with the Court on January 11, 2013.**

- BB. Informal comments from Praxair, Inc.

Objection Status: The hearing on the objection is continued to the hearing scheduled for February 13, 2013 at 2:00 p.m. (EST).

Related Documents:

- i. Order (I) Approving Bid Procedures in Connection with Sale of Certain Assets of the Debtors; (II) Scheduling Hearing to Consider Sale of Assets; (III) Approving Form and Manner of Notice Thereof; (IV) Approving Break-Up Fee and Expense Reimbursement; and (V) Granting Related Relief [Docket No. 314; filed 11/8/12]
- ii. Notice of Public Auction and Sale Hearing [Docket No. 323; filed 11/8/12]

- iii. Notice of (I) Cure Amount with Respect to Executory Contracts and Unexpired Leases to Be Assumed and Assigned and (II) Potential Assumption and Assignment of Executory Contracts and Unexpired Leases [Docket No. 330; filed 11/9/12]
- iv. Notice of Filing of Form Asset Purchase Agreement [Docket No. 332; filed 11/9/12]
- v. Affidavit of Albert Fox of Publication of Sale Notice in *The Wall Street Journal* [Docket No. 357; filed 11/16/12]
- vi. Notice of Filing Proposed Sale Order Relating to Stalking Horse Purchase Agreement [Docket No. 372; filed 11/17/12]
- vii. Supplemental Notice of (I) Cure Amount with Respect to Executory Contracts and Unexpired Leases to Be Assumed and Assigned and (II) Potential Assumption and Assignment of Executory Contracts and Unexpired Leases [Docket No. 424; filed 11/21/12]
- viii. Declaration of Emily Lough in Support of Preliminary Objection and Reservation of Rights of Maxwell Technologies, Inc. to Assumption and Assignment of Executory Contract Pursuant to Section 365 of the Bankruptcy Code and Proposed Cure Amount [Docket No. 451; filed 11/26/12]
- ix. United States of America's Statement Regarding Sale of Assets [Docket No. 495; filed 11/30/12]
- x. Second Supplemental Notice of (I) Cure Amount with Respect to Executor Contracts and Unexpired Leases to Be Assumed and Assigned and (II) Potential Assumption and Assignment of Executory Contracts and Unexpired Leases [Docket No. 508; filed 11/30/12]
- xi. Agreed Order Resolving Limited Objection of Daiichi Jitsugyo (America) Inc. to Supplemental Notice of (I) Cure Amount with Respect to Executory Contracts and Unexpired Leases to Be Assumed and Assigned and (II) Potential Assumption and Assignment of Executory Contracts and Unexpired Leases [Docket No. 517; filed 12/3/12]
- xii. Notice of Successful Bidders [Docket No. 593; filed 12/9/12]
- xiii. Debtors' Response to Michigan Strategic Fund's and Michigan Economic Growth Authority's Objection to (A) Debtors' Notice of (1) Cure Amount with Respect to Executory Contracts and Unexpired Leases to be Assumed and Assigned, and (2) Potential Assumption and Assignment of Executory Contracts and Unexpired Leases, and (B) Order (I) Approving Bid Procedures in Connection with Sale of Assets; (II) Approving Form and Manner of Notice Thereof; (III) Approving Break-Up Fee and

- Expense Reimbursement and (V) Granting Related Relief [Docket No. 594; filed 12/9/12]
- xiv. Notice of Adequate Assurance of Future Performance [Docket No. 600; filed 12/10/12]
- xv. Notice of Auction Transcript [Docket No. 610; filed 12/10/12]
- xvi. Corrected Notice of Filing of Successful Bidder's Asset Purchase Agreement [Docket No. 611; filed 12/10/12]
- xvii. Notice of Adequate Assurance of Future Performance [Docket No. 631; filed 12/11/12]
- xviii. Agreed Order Resolving Limited Objection of Hadlock Plastics, LLC to the Motion of Debtors to Sell Certain Assets [Docket No. 34] and Precautionary Objection to Cure Amount Notice [Docket No. 330] [Docket No. 635; filed 12/11/12]
- xix. Agreed Order Resolving Ferndale Electric Company, Inc.'s Limited Objection to the Debtors' Motion for an Order: (I) Authorizing and Approving (A) Bidding Procedures in Connection with the Sale of Certain Assets of the Debtors, (B) Stalking Horse Bid Protections, (C) the Form and Manner of Notice of the Sales Hearing and (D) Related Relief; and (II) Authorizing (A) the Sale of Certain Assets of the Debtors Free and Clear of all Claims, Liens, Liabilities, Rights, Interests and Encumbrances Under the Asset Purchase Agreement, (C) the Debtors to Assume and Assign Certain Executory Contracts and Unexpired Leases and (D) Related Relief [Docket No. 637; filed 12/11/12]
- xx. Agreed Order Resolving Objections and Responses by Auwahi Wind Energy, LLC to Notice of (I) Cure Amount with Respect to Executory Contracts and Unexpired Leases to be Assumed and Assigned and (II) Potential Assumption and Assignment of Executory Contracts and Unexpired Leases [Docket No. 638; filed 12/11/12]
- xxi. Order Authorizing (I) the Sale of Certain Assets of the Debtors Free and Clear of All Claims, Liens, Liabilities, Rights, Interests and Encumbrances, (II) the Debtors' Entry Into and Performance of Their Obligations Under the Asset Purchase Agreement and Ancillary Agreements, (III) the Debtors' Assumption and Assignment of Certain Executory Contracts and Unexpired Leases and (IV) Related Relief [Docket No. 640; filed 12/11/12]
- xxii. Order Authorizing (I) the Sale of Certain Assets of the Debtors Free and Clear of all Claims, Liens, Liabilities, Rights, Interests and Encumbrances, (II) the Debtors' Assumption and Assignment of Certain Executory

Contracts and Unexpired Lease and (IV) Related Relief [Docket No. 642; filed 12/11/12]

- xxiii. Agreed Order Resolving (A) Limbach Company LLC's Limited Objection to the Debtors' Motion for an Order: (I) Authorizing and Approving (A) Bidding Procedures in Connection with the Sale of Certain Assets of the Debtors, (B) Stalking Horse Bid Protections, (C) the Form and Manner of Notice of the Sales Hearing and (D) Related Relief; and (II) Authorizing (A) the Sale of Certain Assets of the Debtors Free and Clear of all Claims, Liens, Liabilities, Rights, Interests and Encumbrances, (B) the Debtors to Enter Into and Perform Their Obligations Under the Asset Purchase Agreement, (C) the Debtors to Assume and Assign Certain Executory Contracts and Unexpired Leases; and (D) Related Relief; and (B) Limbach Company LLC's Objection to the Debtors' Notice of (I) Cure Amount with Respect to Executory Contracts and Unexpired Leases to be Assumed and Assigned and (II) Potential Assumption and Assignment of Executory Contracts and Unexpired Leases [Docket No. 643; filed 12/11/12]
- xxiv. Agreed Order Resolving Objection of RMT, Inc. to Notice of (I) Cure Amount with Respect to Executory Contracts and Unexpired Leases to be Assumed and Assigned and (II) Potential Assumption and Assignment of Executory Contracts and Unexpired Leases [Docket No. 644; filed 12/11/12]
- xxv. Notice of Assumption and Assignment of Executory Contracts to Navitas Systems LLC [Docket No. 807; filed 1/11/13]
- xxvi. **Second Notice of Assumption and Assignment of Executory Contracts [Docket No. 822; filed 1/11/13]**

Status: On December 11, 2012, the Court entered orders [Docket Nos. 640 and 642] approving the sale of substantially all of the Debtors' assets. The status of all remaining cure and sale-related objections is listed above.

- 7. Motion of Debtors for Order Under 11 U.S.C. §§ 105(a) and 503(a) Establishing Deadlines for Filing Requests for Payment of Certain Administrative Expense and Procedures Relating Thereto and Approving Form and Manner of Notice Thereof [Docket No. 693; filed 12/20/12]

Objection Deadline: January 8, 2013 at 5:00 p.m. (EST)

Objections/Responses Received:

- A. Objection by the Internal Revenue Service to Motion to Establish Administrative Expense Bar Date [Docket No. 774; filed 1/8/13]

Related Documents: None to date.

Status: The hearing on this matter is going forward. The Debtors and the Internal Revenue Service (the "IRS") have negotiated language that resolves the IRS' objection to the Motion. The Debtors intend to present a revised form of order at the hearing.

8. Debtors' Omnibus Motion for an Order Pursuant to 11 U.S.C. § 365 Authorizing the Assumption and Assignment of Certain Executory Contracts [Docket No. 726; filed 12/21/12]

Objection Deadline: January 2, 2013 at 4:00 p.m. (EST)

Objections/Responses Received:

- A. Informal Objection of Jeff Sieber
- B. Informal Objection of Samuel Trinch
- C. Limited Conditional Objection of Porsche AG to Debtors' Omnibus Motion for an Order Pursuant to 11 U.S.C. § 365 Authorizing the Assumption and Assignment of Certain Executory Contracts [Docket No. 804; filed 1/10/13]
- D. Corrected Limited Conditional Objection of Porsche AG to Debtors' Omnibus Motion for an Order Pursuant to 11 U.S.C. § 365 Authorizing the Assumption and Assignment of Certain Executory Contracts [Docket No. 806; filed 1/11/13]

Related Documents: None to date.

Status: The hearing on this matter is going forward, except with respect to (i) Jeff Sieber, Samuel Trinch, Southeast Michigan Community Alliance, Emerson and Ellan Industrial Limited, as the underlying agreements are not being assumed and assigned; and (ii) BMW, Porsche AG, Fisker Automotive, Inc., Ferrari, Mercedes and Renault Sports F1, for which the hearing on the Motion is continued to February 13, 2013 at 2:00 p.m. (EST). **The Debtors intend to present a revised form of order at the hearing reflecting the contracts to be assumed and assigned to the prospective buyers.**

9. Motion of Kaydon Group, LLC for Immediate Relief from the Automatic Stay [Docket No. 742; filed 12/27/12]

Objection Deadline: January 8, 2013 at 4:00 p.m. (EST)

Objections/Responses Received:

- A. Debtors' Objection to Motion of Kaydon Group, LLC [Docket No. 769; filed 1/7/13]
- B. Objection of Flanders 155 LLC to Motion of Kaydon Group, LLC for Immediate Relief from Automatic Stay [Docket No. 776; filed 1/8/13]
- C. Joinder of Official Committee of Unsecured Creditors to Debtors' Objection to Motion of Kaydon Group, LLC [Docket No. 786; filed 1/8/13]

Related Documents: None to date.

Status: The hearing on this matter is going forward. **The parties are negotiating and the Debtors believe they will be in a position to hand up a revised form of order at the hearing.**

IV. ADDITIONAL MATTER TO BE HEARD:

- 10. Motion of the Official Committee of Unsecured Creditors Pursuant to Section 105(a) of the Bankruptcy Code for an Order Confirming that Amount Held in Escrow for the Break-Up Fee is to be Held until Further Order of the Court [Docket No. 796; filed 1/10/13]

Objection Deadline: **Objections may be raised at Hearing**

Objections/Responses Received:

- A. **Objection of Johnson Controls, Inc. to Motion of the Official Committee of Unsecured Creditors Pursuant to Section 105(a) of the Bankruptcy Code for an Order Confirming that Amount Held in Escrow for the Break-Up Fee is to be Held Until Further Order of Court [Docket No. 824; filed 1/14/13]**

Related Documents:

- i. The Official Committee of Unsecured Creditors' Motion for Expedited Consideration of Its Motion Pursuant to Section 105(a) of the Bankruptcy Code for an Order Confirming that Amount Held in Escrow for the Break-Up Fee is to be Held until Further Order of Court [Docket No. 497; filed 1/10/13]
- ii. Order Granting the Official Committee of Unsecured Creditors' Motion for Expedited Consideration of Its Motion Pursuant to Section 105(a) of the Bankruptcy Code for an Order Confirming that Amount Held in

Escrow for the Break-Up Fee is to be Held until Further Order of Court
[Docket No. 802; filed 1/10/13]

- iii. Notice of Hearing on Motion of the Official Committee of Unsecured Creditors Pursuant to Section 105(a) of the Bankruptcy Code for an Order Confirming that Amount Held in Escrow for the Break-Up Fee is to be Held until Further Order of the Court [Docket No. 803; filed 1/10/13]

Status: The hearing on this matter is going forward.

Dated: January 14, 2013
Wilmington, Delaware



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