ENTERED
06/01/2009

THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

In re:	§	**Case No. 05-21207**
	§	
ASARCO LLC, *et al.*,	§	**Chapter 11**
	§	
Debtors.	§	**Jointly Administered**
	§	

SECOND ORDER REVISING OBJECTION DEADLINES AND DISCOVERY PROCEDURES TO GOVERN THE DISCLOSURE STATEMENT HEARING, THE CONFIRMATION HEARING, AND RELATED MATTERS

The Court previously entered the following orders: (i) "*Order Establishing Objection Deadlines and Discovery Procedures to Govern the Disclosure Statement Hearing, the Confirmation Hearing, and Related Matters*" (the "Original Confirmation CMO") [Docket #10666]; (ii) "*Order Revising Objection Deadlines and Discovery Procedures to Govern the Disclosure Statement Hearing, the Confirmation Hearing, and Related Matters*" [Docket #11039] (the "First Revised Confirmation CMO"); and (iii) "*Order Approving the Adequacy of the Disclosure Statement in Support of the Debtors' Fifth Amended Plan of Reorganization*" [Docket #11234]. The Court has also set June 5, 2009 at 10:00 a.m., central time, as the hearing date and time for approval of the disclosure statements filed by Americas Mining Corporation and ASARCO Incorporated (together, the "Parent") and Harbinger Capital Partners Master Fund I, Ltd. and Citigroup Global Markets, Inc. (together, "Harbinger"). Given the nature of the relief requested and the complexity of these chapter 11 cases, and after due deliberation, and sufficient cause appearing therefor, the Court has determined to revise certain hearing dates and to establish procedures that will govern (i) approval of the Parent's Disclosure Statement[1] and

[1] The "Parent's Disclosure Statement" is the "*Disclosure Statement in Support of ASARCO Incorporated and Americas Mining Corporation's Third Amended Plan of Reorganization for the Debtors under Chapter 11 of the United States Bankruptcy Code*" [Docket #11302].

Harbinger's Disclosure Statement,[2] or alternatively, the Joint Disclosure Statement (the "Joint Disclosure Statement") and (ii) the confirmation hearing with respect to the Debtors' Plan, the Parent's Plan, and Harbinger's Plan (collectively, the "Plans") filed in these cases ("Plan Confirmation"), to the extent provided herein (the "Second Revised Confirmation CMO"). Accordingly, it is hereby ORDERED AS FOLLOWS:

Objection Deadlines and Hearing Dates

1. The Debtors, the Parent, and Harbinger shall use their reasonable best efforts to promptly develop a joint disclosure statement that describes the Plans (the "Joint Disclosure Statement") and promptly develop revised solicitation procedures with respect to the Plans that will be considered in connection with the hearing on the Joint Disclosure Statement (the "Joint Solicitation Procedures").

2. The Court hereby establishes the following objection deadlines and hearing dates for approval of the Joint Disclosure Statement (including the Joint Solicitation Procedures) and Plan Confirmation:

(a) Disclosure Statement Objections:

Written objections to the Parent's Disclosure Statement shall be filed no later than **May 29, 2009, at 4:00 p.m. (central time)**. Written objections to Harbinger's Disclosure Statement and/or to the Joint Disclosure Statement shall be filed no later than **June 3, 2009 at 5:00 p.m. (central time)**.

(b) Disclosure Statement Hearing on Parent's Disclosure Statement, Harbinger's Disclosure Statement, and Joint Disclosure Statement and Joint Solicitation Procedures and to address any unresolved disputes related to same: **June 5, 2009, at 10:00 a.m. (central time)**

(c) Deadline to File Objections to Confirmation of any of the three Plans ("Plan Objections"): **July 3, 2009, at 4:00 p.m. (central time)**

[2] The "Harbinger Disclosure Statement" is the "*Disclosure Regarding the Harbinger Plan*" [Docket #11429].

(d) Hearing Date for Confirmation of Plans: **July 15-17, 2009, starting at 9:00 a.m. (central time); July 20-24, 2009 (if necessary).**

No Discovery on the Disclosure Statements

3. Any party may request, in writing, modifications to the Parent's Disclosure Statement, Harbinger's Disclosure Statement, and/or the Joint Disclosure Statement and/or the Joint Solicitation Procedures by sending a letter or e-mail to counsel for the applicable plan proponent requesting such modification to the disclosure statements or Joint Solicitation procedures. The applicable plan proponent shall undertake to resolve all modification requests and any formal objections prior to the Disclosure Statement Hearing. No discovery will be permitted in connection with the Parent's Disclosure Statement, Harbinger's Disclosure Statement, and/or the Joint Disclosure Statement without compliance with this requirement and thereafter, leave of Court.

Process for Entry of the Section 524(g) Channeling Injunction

4. The Court may consult with the District Court as the Court deems appropriate regarding the procedure for entry or affirmation of the confirmation order in compliance with section 524(g), and concurrent with or before solicitation of the Plans commences, the Court shall, after considering the arguments of the parties, formulate such procedure.

Participation in Confirmation Discovery

5. **May 11, 2009**. Any party who timely files and serves a Notice of Intention to Participate in Confirmation Discovery ("Notice of Intent") on or before May 11, 2009 (the "Intent to Object Deadline") (a form of which is attached hereto) (each, a "Confirmation Participant" and collectively, the "Confirmation Participants") shall be entitled to seek discovery of the applicable plan proponent in connection with the Confirmation Hearing of

any proposed plan ("Confirmation Discovery") in accordance with the procedures set forth herein. The Debtors, the Parent, Harbinger, Sterlite (USA), Inc., ASARCO Committee, the Asbestos Committee, the FCR, the DOJ, the States, and the USW are deemed to have filed a Notice of Intent, are entitled to participate in Confirmation Discovery, and shall be deemed to be a "Confirmation Participant" hereunder.

6. Any party in interest not deemed to have filed a Notice of Intent and who does not timely file and serve a Notice of Intent on or before the Intent to Object Deadline shall not be permitted to seek Confirmation Discovery of the Debtors, the Parent, or Harbinger; provided, however, that, notwithstanding the foregoing, nothing contained in this Order shall inhibit the rights of any party not filing a Notice of Intent to attend, but not participate in, any Confirmation Depositions (defined below), provided, further, however, that (i) such party may prosecute its timely Plan Objections during the Confirmation Hearing and (ii) such party shall be excluded from portions of any depositions where confidential information is discussed unless such party executes a confidentiality agreement reasonably acceptable to the appropriate parties.

7. **May 14, 2009**. The "Confirmation Service List" shall include counsel for (a) each Confirmation Participant, (b) each non-timely Confirmation Participant, and (c) the United States Trustee. The Confirmation Service List shall be prepared, filed, and served by the Debtors on or before **May 14, 2009**.

Confirmation Discovery and Pre-Hearing Filings

8. **May 18, 2009**. (a) Any Confirmation Participant may serve on the Debtors or the Parent, and the Debtors and Parent may serve on any Confirmation Participant and one another, requests for production of documents ("Debtor and Parent Confirmation Document Requests") and requests for admission ("Debtor and Parent Confirmation Admission

Requests") (collectively, "Debtor and Parent Confirmation Discovery Requests") in connection with the Confirmation Participant's contemplated confirmation objection by no later than 4:00 p.m. (Central time) on **May 18, 2009** (the "Debtor and Parent Confirmation Discovery Request Cutoff"). Any Debtor and Parent Confirmation Discovery Requests served after the Debtor and Parent Confirmation Discovery Request Cutoff without prior authorization by the Court or agreement by the Debtor and the Parent and the applicable requesting parties shall be a nullity and the party on whom such request is served shall have no obligation to respond to such Debtor and Parent Confirmation Discovery Request.

(b) **May 26, 2009**. The Debtors, the Parent, and the Confirmation Participants shall serve their respective responses, admissions, and objections to each timely Debtor and Parent Confirmation Discovery Request by the earlier of (i) 20 days after being served with such Debtor and Parent Confirmation Discovery Request or (ii) **May 26, 2009**.

(c) **June 1, 2009**. Any Confirmation Participant may serve on Harbinger requests for production of documents ("Harbinger Confirmation Document Requests") and requests for admission ("Harbinger Confirmation Admission Requests") (collectively, "Harbinger Confirmation Discovery Requests") in connection with the Confirmation Participant's contemplated confirmation objection by no later than 4:00 p.m. (Central time) on **June 1, 2009** (the "Harbinger Confirmation Discovery Request Cutoff"). Any Harbinger Confirmation Discovery Requests served after the Harbinger Confirmation Discovery Request Cutoff without prior authorization by the Court or agreement by Harbinger and the applicable requesting parties shall be a nullity and the party on whom such request is served shall have no obligation to respond to such Harbinger Confirmation Discovery Request.

(d) **June 8, 2009**. Harbinger shall serve their respective responses, admissions, and objections to each timely Harbinger Confirmation Discovery Request by the earlier of (i) 20 days after being served with such Harbinger Confirmation Discovery Request or (ii) **June 8, 2009**.

9. **June 8, 2009.** The Debtors, the Parent, and the Confirmation Participants shall produce all non-objectionable and non-privileged documents responsive to such Confirmation Discovery Requests[3] as soon as reasonably practicable, but in all events by the earlier of (a) 30 days after being served with such Confirmation Discovery Request or (b) **June 8, 2009**. However, with regard to Harbinger, the parties agree that Harbinger will attempt to produce documents by June 8, 2009, but may need to complete production after that date, but in no event later than June 15, 2009. Production of any document containing confidential or privileged information shall not constitute a waiver of such confidentiality or privilege. All documents must be produced in compliance with Federal Rules of Bankruptcy Procedure 7026 and 7034 and Federal Rules of Civil Procedure 26 and 34. Nothing contained herein shall inhibit the rights of the Debtors, the Parent, Harbinger, or any Confirmation Participant to object or respond to any Confirmation Discovery Request as permitted by the Federal Rules of Civil Procedure governing discovery, as incorporated by the Federal Rules of Bankruptcy Procedure, provided that the time for all such objections and responses is consistent with the deadlines contained herein.

10. **June 12, 2009**. By **June 12, 2009**, the Debtors, the Parent, Harbinger, and any Confirmation Participant, as applicable, shall file and serve[4] a list of all witness(es) whose

[3] "Confirmation Discovery Requests" refers collectively to the Debtor and Parent Confirmation Discovery Requests and the Harbinger Confirmation Discovery Requests.

[4] For purposes of this Order, "file" or "filed" refers to the filing of a document with this Court, and "serve" or "served" refers to the service of a document, in accordance with this Court's procedures.

testimony such party anticipates presenting at the Confirmation Hearing (each such list, a "Confirmation Witness List" and collectively, "Confirmation Witness Lists"), together with a brief statement of the subject(s) that each listed witness is expected to testify to at the Confirmation Hearing. However, for good cause shown or agreement by the Debtors, the Parent, and Harbinger and the applicable requesting parties, the Confirmation Witness Lists and statements may be supplemented subsequent to June 12, 2009 ("the Supplemental Confirmation Witness List"). In such an event, the supplemental witness list will provide a brief statement of the subject(s) that each listed witness is expected to testify to at the Confirmation Hearing. In no event will the Debtors, the Parent, Harbinger, and Confirmation Participants be required to present the testimony of any person listed on their respective Confirmation Witness List or Supplemental Confirmation Witness List during the Confirmation Hearing or, unless the Court orders otherwise, be allowed to present during the Confirmation Hearing the testimony of any person not identified on the respective party's Confirmation Witness List or Supplemental Confirmation Witness List. The Debtors, the Parent, Harbinger, and the Confirmation Participants may present rebuttal witnesses that are not listed or whose expected testimony is not described on the Confirmation Witness Lists where the need for such rebuttal witnesses was not reasonably anticipated. A party that intends to present a rebuttal witness must present the rebuttal testimony through a written proffer and, unless the parties agree otherwise, make the rebuttal witness available for cross-examination at the Confirmation Hearing. The parties will reserve their respective rights to request to depose any such rebuttal witness and to oppose such a request for a deposition.

11. **June 15, 2009**. On or before 4:00 p.m. (Central time) on **June 15, 2009**, the Debtors, the Parent, Harbinger, and the Confirmation Participants shall exchange among

themselves their respective lists ("Confirmation Deposition Witness Lists") identifying the witnesses whom they wish to depose in connection with the Confirmation Hearing. The exchange of the Confirmation Deposition Witness Lists shall be in lieu of and shall be deemed to constitute Notice(s) for Depositions upon Oral Examination or subpoenas ("Confirmation Deposition Notices" and, together with Confirmation Discovery Requests, "Permitted Confirmation Discovery") pursuant to Federal Rules of Bankruptcy Procedure 7030 and 9014 and Federal Rule of Civil Procedure 30. However, for good cause shown or agreement by the Debtors, the Parent, Harbinger, and the applicable requesting parties, the Confirmation Deposition Witness Lists and statements may be supplemented subsequent to June 15, 2009 (the "Supplemental Deposition Witness Lists") and will be deemed to constitute Notice(s) for Depositions upon Oral Examination or subpoenas ("Supplemental Confirmation Deposition Notices"). Nothing in this Order will restrict the rights of the Debtors, the Parent, Harbinger, or the Confirmation Participants to object to a Confirmation Deposition Notice or Supplemental Confirmation Deposition Notice pursuant to grounds permissible under the Federal Rules of Civil Procedures, the Bankruptcy Code, or the Bankruptcy Rules, as applicable.

12. **June 16, 2009**. Promptly after the exchange of Confirmation Deposition Witness Lists, and in no event later than 4:00 p.m. (Central time) on **June 16, 2009**, the Debtors, the Parent, Harbinger, and Confirmation Participants shall meet and shall use their best efforts to reach agreement on the date, time, and place at which the deposition of each person identified in the Confirmation Deposition Witness Lists shall be held ("Confirmation Depositions") and the Debtors shall notify all parties on the Confirmation Service List of the date, time, and place of such depositions.

13. **June 18, 2009**. Deposition of fact witnesses may commence on or after **June 18, 2009**.

14. **June 19, 2009**. The Debtors, the Parent, Harbinger, and each Confirmation Participant shall file and serve expert reports by **June 19, 2009**. An expert's proffer or declaration shall be deemed to be an expert report for purposes of this Order. Draft reports of experts are not discoverable. In addition, communications to or from an expert are not discoverable unless relied upon by the expert.

15. **June 26, 2009**. The Debtors, the Parent, Harbinger, and each Confirmation Participant shall identify any rebuttal experts on or before **June 26, 2009**.

16. **June 29, 2009**. Rebuttal expert reports or responsive reports of previously identified experts shall be filed and served by June 29, 2009.

17. **June 30, 2009**. Depositions of expert witnesses shall be conducted on or after June 30, 2009.

18. **July 6, 2009**. Unless extended by the Court on good cause shown or by the Debtors, all Confirmation Depositions shall be complete by July 6, 2009 (the "Confirmation Deposition Cutoff Date"). Absent agreement of the parties, no individual in respect of whom a Confirmation Deposition Notice has been served shall be required to appear for more than one seven-hour deposition. The Confirmation Participants desiring to depose a witness will coordinate with one another to reach agreement regarding the division of the allotted time for the witness. If no agreement can be reached, either (a) the parties shall seek a ruling from this Court on the issue or (b) those Confirmation Participants who desire to question the witness shall divide up the time evenly.

19. Nothing contained in this Order prevents the Debtors, the Parent, Harbinger, or any Confirmation Participants from serving Confirmation Discovery Requests prior to any deadlines established in this Order, nor waives any objection to any such Confirmation Discovery Request.

20. The parties shall comply with the following procedures related to the Confirmation Hearing:

(a) For purposes of the Confirmation Hearing, the Debtors, the Parent, Harbinger, and Confirmation Participants must present the direct testimony of any designated fact or expert witness by submission of a declaration of such person (collectively, the "Confirmation Declarations") in lieu of direct testimony;

(b) all Confirmation Declarations shall be filed and served no later than three business days prior to the commencement of the Confirmation Hearing;

(c) all declarants shall be available for cross-examination at the Confirmation Hearing, unless the parties agree otherwise;

(d) a list identifying all exhibits that the party intends to introduce at the Confirmation Hearing, other than those to be used solely for impeachment or rebuttal, and of all witnesses previously identified by the applicable party as witnesses of the party shall be served on all parties on the Confirmation Service List (as defined above) no later than five business days prior to the commencement of the Confirmation Hearing;

(e) the parties shall meet and confer regarding the admissibility of any exhibits at least three business days prior to the commencement of the Confirmation Hearing and the parties shall prepare an exhibit list indicating which exhibits are admitted and which exhibits are the subject of objections;

(f) all pretrial briefs and motions (except Debtors', Parent's, and Harbinger's Responses to Plan Objections) shall by filed and served no later than three business days prior to the commencement of the Confirmation Hearing; and

(g) proposed findings of fact and conclusions of law shall by filed and served by each party not later than five business days after the completion of the Confirmation Hearing.

21. The applicable plan proponent shall file and serve responses to any Plan Objections on or before noon (Central time) on the third business day preceding the commencement of the Confirmation Hearing.

22. On JUNE 30 **2009**, the Court shall conduct a pre-Confirmation Status Conference at the United States Courthouse, 1133 N. Shoreline Blvd., Second Floor, Corpus Christi, Texas 78401, at 9:00 a.m. (Central time) or as soon thereafter as counsel may be heard, to (a) discuss the sequence of all trial issues, including the presentation of testimony in support and in opposition to confirmation of the Plan(s) (provided, however, that the applicable plan proponent shall not be deemed to have conceded that any Confirmation Participant has the right to be heard with respect to the sequencing of issues to be addressed at the Confirmation Hearing and provided further, however, that no Confirmation Participant shall be deemed to have conceded that the applicable plan proponent may unilaterally dictate the sequencing of issues to be addressed at the Confirmation Hearing), (b) discuss the issues of fact and law to be tried at the Confirmation Hearing, (c) establish a schedule for pre-trial motion practice, including motions in limine, (d) discuss the number of witnesses and the estimated time for presentation of each witness's testimony, and (e) to address pre-admission objections to admission of exhibits.

23. Notwithstanding any other provision of this Order, upon further order of this Court for good cause shown or agreement of the Debtors, the Parent, Harbinger, and the Confirmation Participant(s), the Debtors, the Parent, Harbinger, or any Confirmation Participant shall be permitted to conduct additional Confirmation Discovery, including but not limited to serving Confirmation Discovery Requests relating to any amendments or supplements to the Plan(s) filed prior to the Confirmation Hearing. To the extent that the Debtors produce or receive any documents in connection with the aforementioned additional Confirmation Discovery, the Debtors shall upload into the Database (defined below) any documents received or produced as soon as reasonably practicable.

24. Nothing contained herein shall prohibit any Confirmation Participant from seeking discovery from any other Confirmation Participant nor shall it prohibit the Debtors, the Parent, Harbinger, or any Confirmation Participant from seeking discovery from any third party, including depositions in connection with the Confirmation Hearing ("Third Party Confirmation Discovery") in accordance with the schedule set forth herein. It shall be the obligation of the Parent, Harbinger, or the Confirmation Participant who receives any documents from third parties pursuant to Third Party Confirmation Discovery requests propounded by that party to deliver copies of such documents to counsel for the Debtors and to notify all parties on the Confirmation Service List of the delivery of such documents to the Debtors' counsel. The Debtors shall upload into the Database any third party documents they receive directly from third parties and any third party documents received from the Parent or any Confirmation Participant as soon as reasonably practicable upon receipt. All Third Party depositions shall be completed by the Confirmation Deposition Cutoff Date.

25. Subject to the preceding paragraph, pursuant to Rule 16(c)(6) of the

Federal Rules of Civil Procedure, as incorporated by Rule 7016 of the Federal Rules of Bankruptcy Procedure, no party in interest shall serve any discovery request in connection with the Confirmation Hearing that is outside the scope of Permitted Confirmation Discovery herein. In the event that a party receives a discovery request that does not qualify as Permitted Confirmation Discovery, the Court hereby grants the applicable party protection from responding to any such request pursuant to Rules 16 and 26 of the Federal Rules of Civil Procedure, as incorporated by Rules 7016 and 7026 of the Federal Rules of Bankruptcy Procedure, absent further order of the Court.

Document Depository

26. The Debtors will establish a virtual document depository to facilitate the production of documents in connection with the Confirmation Hearing (the "Database"). The Debtors have created two folders: "ASARCO 9019 Documents" and "ASARCO Confirmation Documents." The Debtors will place all documents produced by the Debtors in the appropriate folder (the "Debtors' Production"). Any other party producing documents must deliver a CD ROM or DVD of the responsive documents in a single image .tif format to the requesting party and, if the requesting party is not the Debtors, also to the Debtors (each, a "Production" and, together with the Debtors' Production, the "Discovery Materials"). Upon receipt, the Debtors will place the responsive documents into the Database and notify the Confirmation Participants.

27. The Parent, Harbinger, and Confirmation Participants, and any non-timely Confirmation Participants, as well as anyone seeking Confirmation Discovery, who execute a confidentiality agreement (or who have already done so in connection with other litigation in these proceedings) will be provided access to the Database, including the Discovery Materials; provided, however, that to the extent that any party is seeking access to Discovery Materials that

were provided by a party other than the Debtors (a "Third-Party Producer"), the Debtors shall confirm with such Third-Party Producer that the relevant confidentiality agreement in place is acceptable to the Third-Party Producer before providing access to such Discovery Materials. To the extent any party, including an Confirmation Participant, the Parent or Harbinger, makes a Production and asserts that all or any portion of that Production is confidential, the party, including any Confirmation Participant, the Parent or Harbinger, shall confer with the applicable requesting parties on the terms of a mutually acceptable confidentially agreement and, if such agreement cannot be reached, shall present their dispute to the Court. To the extent that a party signed, or otherwise entered into, an agreement regarding the confidentiality or use of documents produced by the Debtors, the Parent, Harbinger, or any Confirmation Participant, in connection with the prior confirmation hearing, the agreement(s) shall remain in force and effect and be applicable for purposes of the Confirmation Hearing. In addition, the terms under which the Debtors, the Parent, Harbinger, or any Confirmation Participant produced documents in connection with the prior confirmation hearing shall apply with the same force and effect as to any documents any party, including the Debtors, the Parent, Harbinger, or any Confirmation Participant, produces in connection with the hearing on the Confirmation Hearing.

28. All documents that any previous Confirmation Participant retrieved from the Database in connection with the previously-scheduled confirmation hearing may be used for the Confirmation Hearing. The Debtors have removed the documents that were deposited in the Database in connection with the previously-scheduled confirmation hearing and are not required to deposit them in the Database or otherwise provide access to such documents in the Database again, provided, however, that the Debtors shall provide to any party such documents in DVD format, CD-ROM format, external hard-drive, or make such documents available on a website,

in Debtors' sole discretion within five business days of a written request from such Confirmation Participant.

Inadvertent Production

29. Erroneous or inadvertent production of any Discovery Materials entitled to protection under any privilege will not constitute waiver of such protection as to the subject matter of the material or to related documents. If any party, including the Debtors, the Parent, Harbinger, or any Confirmation Participants become aware that it inadvertently produced privileged material, that party must notify the party(ies) who received the privileged documents, in writing, by identifying the basis for the claimed protection, and request such material be promptly returned and not used in any way not later than the earlier of (a) five business days after becoming aware of such inadvertent production; or (b) five business days after the document is identified by any party for use as an exhibit. All parties who received the privileged document must return the inadvertently produced material to the party who produced the privileged document within five business days of such notice being given.

Discovery Disputes

30. In the event that a dispute arises concerning any requests for discovery, the disputing parties shall inform the Court of the existence of any such dispute via telephone and the Court shall schedule a chambers conference, telephonic or in-person, as soon as reasonably practicable to resolve or rule upon any such issues involved in such dispute. Pending resolution of any such dispute, the parties to such dispute shall cooperate and provide such discovery that is not the subject of any such dispute.

Amendments to this Order

31. The Court may vary the terms of this Order as necessary, *sua sponte* or on

motion of the Debtors, the Parent, Harbinger, any Confirmation Participant, or any other party in interest.

Notice

32. Upon entry hereof, the Debtors shall serve a copy of this Order upon the Parent, Harbinger, and all parties who have filed and served a notice of appearance in accordance with Bankruptcy Rule 2002 prior to the date of service hereof.

ALL HEARINGS WILL BE HELD IN CORPUS CHRISTI, TEXAS.

Dated: June 1, 2009

RICHARD S. SCHMIDT
UNITED STATES BANKRUPTCY JUDGE

FORM NOTICE OF INTENT

On behalf of my client _____, the undersigned hereby advises ASARCO LLC of its intent to participate in Confirmation Discovery as defined in that certain Order Revising Objection Deadlines and Discovery Procedures To Govern the Disclosure Statement Hearing, the Confirmation Hearing, and Related Matters entered on _____, 2009.

_____