

EXHIBIT 1

ISSUES THAT RELATE TO THE SUFFICIENCY OF REORGANIZED DEBTORS' PROPOSED AMENDED COMPLAINT AND ARE AMENABLE TO RESOLUTION AT THE FEBRUARY HEARING

1. Whether the proposed amended complaint ("PAC") should be barred, even if it includes facts sufficient to state a plausible claim, solely because the defendant states that it has not yet been able to identify in its own records the transfers the plaintiff alleges
2. Whether the plaintiff properly pled antecedent debt, to which the defendants have raised a broad range of arguments
3. Whether the statute of limitations bars the avoidance and recovery of claimed payments in the PAC if they were not claimed in the original complaint ("OC")
4. Whether plaintiff's claim to avoid and recover a preferential transfer must be dismissed solely because plaintiff does not specify the method by which the transfer was made
5. Whether the Rule 4(m) orders should be vacated and the PAC should be barred by the statute of limitations because the OC was dismissed without prejudice after the statute of limitations expired
6. Whether the PAC should be barred because the plaintiff alleged multiple entities as having been the debtor under contract with defendant
7. Whether certain claims in the PAC should be barred to the extent that the PAC identifies the beneficiary of a preferential transfer without identifying the transferee
8. Whether the plaintiff adequately alleged its insolvency during the preference period
9. Whether the plaintiff's argument that it filed the OC before *Twombly/Iqbal* is relevant to determining if leave to file the PAC is appropriate
10. Whether a named defendant must be dismissed from a PAC prior to discovery solely because PAC Exhibit 1 does not identify that defendant as a transferee, even though the defendant may have been a beneficiary of a preferential transfer
11. Whether the allegations in the PAC are otherwise insufficient with respect to the elements of a claim to avoid and recover a preference payment