

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MISSOURI**

| | | |
|--------------------------|----------|------------------------------|
| In re: | § | Case No. 10-41902-705 |
| | § | |
| US Fidelis, Inc., | § | Chapter 11 |
| | § | |
| Debtor. | § | [Docket #774] |

ORDER

On June 8, 2011, the Debtor filed its Fourth Motion for Final Order Authorizing Fifth Extension of (I) Use of Cash Collateral Pursuant to 11 U.S.C. § 363, and (II) Adequate Protection Pursuant to 11 U.S.C. §§ 363 and 364 (the “Motion”) [Docket #774]. On June 29, 2011, the Motion came for hearing, without objection. The Court ordered that the Motion be granted upon the submission of a proposed order. No proposed order was forthcoming.

On August 24, 2011, the Court held an in-chambers conference regarding the status of the Case. At this conference, counsel for the Official Committee of Unsecured Creditors (the “UCC”) and counsel for Mepco advised that they were unable to reach mutually acceptable language regarding the proposed order. The problem boils down to is this: over the course of the past few months, a potential legal issue between the UCC and Mepco has come to light. As a result, those parties now are concerned about how certain language in the proposed order on the Motion might play into that potential legal issue.

Unable to resolve their dispute over language, the UCC and Mepco proposed to submit competing versions of the proposed order on the Motion—asking the Court to craft the language over the disputed portions. At the status conference, the Court advised that it would receive the competing orders.

However, upon reconsideration, the Court declines the parties' invitation to resolve their drafting problem and will not consider competing versions of the proposed order.

If the parties cannot agree on the language for a proposed order on an uncontested motion in a chapter 11 case, the Court is not going to do it for them. The Court has already ruled from the bench that it will grant the Motion. There is no unresolved legal issue presented here for the Court to adjudicate. The only "issue" to be decided is how the order on the uncontested Motion should read to the satisfaction of the parties—an issue created primarily because the parties propose that the order include more relief than was actually requested in the Motion and now cannot reach terms on the precise relief.

Accordingly, the disposition on the Motion will be as follows: the Court **FINDS** the facts as alleged in the Motion, **HOLDS** that the relief requested in Prayer Paragraph (a) of the Motion is proper, and **ORDERS** that the Motion be **GRANTED** as to Prayer Paragraph (a) and **DENIED** as to all other requests.

DATED: Aug 26, 2011
St. Louis, Missouri
mtc


CHARLES E. RENDLEN, III
U.S. Bankruptcy Judge

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