

Emergency Motion for Entry of an Order Establishing Procedures for Interim Compensation and Reimbursement of Expenses for Professionals (the “Interim Compensation Motion”).

By the Interim Compensation Motion, the Debtors propose procedures for compensation of professionals, including attorneys and financial advisors for the Debtors or the Committee (the “Professionals”) during the chapter 11 cases.

The procedures that the Debtors propose include:

- On or before the 20th day of each month, each Professional retained under Bankruptcy Code section 327 or 1103 and approved by the Bankruptcy Court will serve a monthly statement detailing its fees and expenses incurred for the prior month on (i) the Debtors; (ii) Debtors’ counsel; (iii) the Office of the United States Trustee; and (iv) the Committee.
- The monthly statement need not be filed with the Bankruptcy Court.
- The parties receiving notice will have ten days to object to any fees.
- In the absence of any timely objection, the Debtors will be authorized to pay 80% of the fees and 100% of the expenses identified in each monthly statement to which no objection has been served.
- If the Debtors receive an objection to a particular fee statement, they will withhold payment of that portion of the fee statement, but will pay the remainder of the fees and expenses. All Professionals subject to the order will establish a separate billing number for time spent on the resolution of fee disputes. Fees incurred in connection with fees disputes will not be paid pursuant to the monthly statement, but may only be paid upon the filing of an interim fee application with the Bankruptcy Court.
- If an objection to a monthly fee statement is withdrawn, the Debtors may pay the fees and expenses that were subject to the objection. If the parties are unable to resolve the objection, the issue will be presented to the Bankruptcy Court.
- Professionals will file interim fee applications with the Bankruptcy Court on July 1, 2008 and November 1, 2008. Subsequent fee applications will be due in four-month increments. If a Professional does not file a fee application, the Professional will not be permitted to use the interim compensation procedures going forward.
- The Debtors will include Professional costs on their monthly operating reports.

An order approving the Interim Compensation Motion was entered in January 31, 2008.