

IN THE UNITED STATES BANKRUPTCY COURT

FOR THE DISTRICT OF DELAWARE

In re: ) Chapter 11  
)  
ACCREDITED HOME LENDERS ) Case No. 09-11516 (MFW)  
HOLDING CO., et al. )  
) Jointly Administered  
Debtors.<sup>1</sup> )

Objection Deadline: July 21, 2009 at 4:00 p.m. prevailing Eastern Time  
Hearing Date: July 28, 2009 at 11:30 a.m. prevailing Eastern Time

**DEBTORS' MOTION FOR AN ORDER (I) ESTABLISHING BAR DATES  
FOR FILING PROOFS OF CLAIM (II) APPROVING THE FORM AND  
MANNER OF NOTICE THEREOF, AND (III) PROVIDING CERTAIN  
SUPPLEMENTAL RELIEF**

The Debtors in the above-captioned cases, pursuant to section 501 of title 11 of the United States Code, 11 U.S.C. §§ 101-1532 (as amended, the "Bankruptcy Code"), Rules 2002, 3003(c) and 9007 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Rule 2002-1(e) of the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware (the "Local Rules") submit this motion (the "Motion") for the entry of an order: (i) establishing the general bar date by which all creditors must file proofs of claim in these chapter 11 cases (the "General Bar Date"); (ii) establishing the date by which governmental units must file proofs of claim in these Chapter 11 cases (the "Governmental Unit Bar Date"); (iii) establishing the date by which proofs of claim relating to the Debtors' rejection of executory contracts or unexpired leases must be filed in these Chapter

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<sup>1</sup> The Debtors in these cases, along with the last four digits of each Debtor's federal tax identification number, are Accredited Home Lenders Holding Co., a Delaware corporation (9482), Accredited Home Lenders, Inc., a California corporation (6859), Vendor Management Services, LLC d/b/a Inzura Settlement Services, a Pennsylvania limited liability company (8047), Inzura Insurance Services, Inc., a Delaware corporation (7089), and Windsor Management Co., d/b/a AHL Foreclosure Services Co., a California corporation (4056). The address for all Debtors is 9915 Mira Mesa Blvd., Ste. 100, San Diego, CA 92131. The bankruptcy cases for these debtors and debtors-in-possession are jointly administered under the bankruptcy case and style referenced above.

11 cases (the “Rejection Bar Date”); and (iv) establishing a bar date by which creditors holding claims that have been amended by the Debtors in their Schedules (as defined below) must be filed in these Chapter 11 cases (the “Amended Schedule Bar Date”; together with the General Bar Date, the Governmental Unit Bar Date and the Rejection Bar Date, the “Bar Dates”); (v) approving a tailored proof of claim form to be distributed to potential creditors; (vi) approving the manner of notice of the Bar Dates; and (vii) providing certain supplemental relief. In support of this Motion, the Debtors respectfully represent as follows:

### **JURISDICTION AND VENUE**

1. This Court has jurisdiction over the subject matter of the Motion pursuant to 28 U.S.C. §§ 157 and 1334. Consideration of this Motion is a core proceeding under 28 U.S.C. § 157(b)(2). Venue of this proceeding is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409.

### **FACTUAL BACKGROUND**

2. These bankruptcy cases were filed on May 1, 2009 (the “Petition Date”). The Debtors continue to operate their businesses and manage their property as debtors-in-possession. A creditor has moved to convert these cases to chapter 7. An Official Committee of Unsecured Creditors (the “Committee”) has been appointed. The Debtors’ schedules and statements of financial affairs were filed on June 1, 2009. The Debtors’ § 341(a) meeting of creditors was held on June 22, 2009.

### **RELIEF REQUESTED & APPLICABLE LAW**

3. By this Motion, the Debtors seek entry of an order (the “Bar Date Order”): (i) establishing the General Bar Date; (ii) establishing the Governmental Unit Bar Date (iii) establishing the Rejection Bar Date; (iv) establishing the Amended Schedule Bar Date; (v)

approving a tailored proof of claim form to be distributed to potential creditors; (vi) approving the manner of notice of the Bar Dates; and (vii) providing certain supplemental relief.

4. Bankruptcy Rule 3003(c)(3) provides that “[t]he court shall fix . . . the time within which proofs of claim or interest may be filed.” Local Bankruptcy Rule 2002-1 states:

In all cases under chapter 11, the debtor may request a bar date for the filing of proofs of claim or interest. The request may be granted without notice and hearing if (i) the request gives ten (10) days’ notice to the United States Trustee and the creditors’ committee (or the twenty (20) largest unsecured creditors if no creditors’ committee is formed), (ii) the request is filed after the Schedules and Statement of Financial Affairs have been filed and the 11 U.S.C. § 341(a) meeting of creditors has been held, and (iii) the request provides that the bar date shall be not less than sixty (60) days from the date that notice of the bar date is served (and not less than 180 days from the order for relief for governmental units). On entry of the bar date order, the debtor shall serve actual written notice of the bar date on (A) all known creditors and their counsel (if known), (B) all parties on the service list described in Local Rule 2002-1(c), (C) all equity security holders, (D) indenture trustees, (E) the United States Trustee and (F) all taxing authorities for the jurisdictions in which the debtor does business.

Del. Bankr. L. R. 2002-1.

5. Contemporaneously with the filing of this Motion, the Debtors are providing notice to the United States Trustee and counsel to the Committee. Thus, because the requirements specified in Local Bankruptcy Rule 2001-1(e) will have been satisfied, the Debtors submit that ten (10) days after this Motion is filed, absent any objections from the United States Trustee or the Committee, the Court may authorize the relief requested in this Motion without further notice or a hearing. Fixing the Bar Dates will provide certainty to all parties in interest and will enable the Debtors to proceed with timely and effective noticing of the Bar Dates.

**a. General Bar Date**

6. The Debtors request that the Court establish the General Bar Date at **5:00 p.m. (PT) on September 14, 2009**, which the Debtors submit will be no less than sixty (60) days after the date of mailing of the Bar Date Notice Package (as defined herein).

7. As set forth in the proposed Bar Date Order, submitted herewith and attached hereto as Exhibit C, the Debtors request that any person or entity (“Entity”) that asserts a claim against one or more of the Debtors that *arose prior to the Petition Date* (any such claim, a “Prepetition Claim”) be required to file an original, written proof of such Prepetition Claim, substantially in the form of the Proof of Claim Form (as defined below), so as to be received on or before the General Bar Date by either mail or delivery by hand, courier, or overnight service to AHL Claims Processing Center c/o Kurtzman Carson Consultants LLC, 2335 Alaska Avenue, El Segundo, CA 90245 (the “Claims Docketing Center”).

8. The proposed Bar Date Order provides that the Claims Docketing Center will not accept Proofs of Claim Forms sent by facsimile, telecopy, or other electronic means, and the Debtors request that the Court order that all proofs of claim be deemed timely filed only if the original Proof of Claim Form actually is received by the Claims Docketing Center on or before the General Bar Date.

9. Except as provided below, the General Bar Date would apply to all Entities holding Prepetition Claims (whether secured, unsecured priority, or unsecured nonpriority), including, but not limited to, the following:

- (a) creditors whose Prepetition Claims arise out of the rejection of executory contracts or unexpired leases by the Debtors prior to the entry of the Bar Date Order;
- (b) Entities whose Prepetition Claims arise out of the obligations of such Entities under a contract for the provision of liability insurance to a Debtor;
- (c) any Entity whose prepetition claim against the Debtors is not listed in the Schedules or whose prepetition claim is listed as disputed, contingent or unliquidated and that desires to participate in these chapter 11 cases or share in any distribution in these chapter 11 cases;

- (d) any Entity that believes that its prepetition claim is improperly classified in the Schedules or is listed in an incorrect amount and that desires to have its claim allowed in a classification or amount other than that identified in the Schedules; and
- (e) any Entity that asserts a claim against the Debtors under Bankruptcy Code section 503(b)(9) on account of goods delivered to the Debtors during the twenty (20) days prior to the Petition Date.

10. The General Bar Date would apply to all Prepetition Claims asserted by such Entities, except that the following Entities would not need to file proofs of claim:

- (a) any Entity that has already properly filed with the Claims Docketing Center a proof of claim against one or more of the Debtors for which no other or additional amounts or claims are sought;
- (b) any Entity (i) whose Prepetition Claim is not listed as “disputed,” “contingent,” or “unliquidated” in the Schedules and (ii) that agrees with the nature, classification, and amount of such Prepetition Claim set forth in the Schedules; and (iii) such entity does not dispute that its Prepetition Claim is an obligation only of the specific Debtor against which the Prepetition Claim is listed in the Schedules;
- (c) any Entity whose Prepetition Claim (including any Prepetition Claim listed in the Debtors’ Schedules) previously has been allowed by, or paid pursuant to, an order of this Court;
- (d) any Entity that asserts an administrative expense claim against the Debtors pursuant to section 503(b) of the Bankruptcy Code, unless such claim is pursuant to Bankruptcy Code section 503(b)(9) on account of goods delivered to the Debtors during the twenty (20) days prior to the Petition Date;
- (e) any of the Debtors that hold Prepetition Claims against one or more of the other Debtors.

**b. Governmental Unit Bar Date**

11. Section 502(b)(9) of the Bankruptcy Code provides that a governmental unit's ("Governmental Units")<sup>2</sup> claim is timely if it is filed before 180 days after the petition date or such later time as the Bankruptcy Rules may provide. 11 U.S.C. § 502(b)(9). Therefore, pursuant to section 502(b)(9) of the Bankruptcy Code, a claim filed by a Governmental Unit is timely if it is filed within 180 days after the Petition Date, or by October 28, 2009. The Debtors seek an order from this Court establishing **October 28, 2009 at 5:00 p.m. (PT)** as the Governmental Unit Bar Date in these chapter 11 cases. The Governmental Unit Bar Date would apply to all Governmental Units holding claims against the Debtors (whether secured, unsecured priority or unsecured non-priority) that arose prior to or on the Petition Date, including governmental units with claims against the Debtors for unpaid taxes, whether such claims arise from petition tax years or prepetition transactions to which the Debtors were a party.

12. The Debtors request that Governmental Units wishing to assert a claim be required to file an original, written request for payment of any such claim, substantially in the form of the Proof of Claim Form (as defined below), so as to be received on or before the Governmental Bar Date by either mail or delivery by hand, courier, or overnight service at the appropriate address identified above for the Claims Docketing Center.

13. The Bar Date Order provides that the Claims Docketing Center will not accept Proof of Claim Forms sent by facsimile, telecopy, or other electronic means, and the Debtors request that the Court order that all proofs of claim be deemed timely filed only if the original Proof of Claim Form actually is received by the Claims Docketing Center on or before the Governmental Bar Date.

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<sup>2</sup> The term "Governmental Unit," as used herein, has the meaning ascribed to it in section 101(27) of the Bankruptcy Code.

**c. Rejection Bar Date**

14. The Debtors anticipate that certain Entities may assert Prepetition Claims in connection with a Debtor's rejection of executory contracts and unexpired leases pursuant to section 365 of the Bankruptcy Code. The Debtors propose that, for any Prepetition Claim relating to a Debtor's rejection of an executory contract or unexpired lease (a "Rejection Damages Claim") that becomes effective after entry of the Bar Date Order but before confirmation of any plan proposed by the Debtors, the Rejection Bar Date for such Rejection Damages Claim shall be the later of (a) the General Bar Date or (b) thirty (30) days after the effective date of rejection of such executory contract or unexpired lease as provided by an order of this Court or pursuant to a notice under procedures approved by this Court.

15. The Debtors request that Entities wishing to assert a Rejection Damages Claim be required to file an original, written request for payment of any such Rejection Damages Claim, substantially in the form of the Proof Claim Form (as defined below), so as to be received on or before the Rejection Bar Date by either mail or delivery by hand, courier, or overnight service at the appropriate address identified above for the Claims Docketing Center.

16. The Bar Date Order provides that the Claims Docketing Center will not accept Proof of Claim Forms sent by facsimile, telecopy, or other electronic means, and the Debtors request that the Court order that all proofs of claim be deemed timely filed only if the original Proof of Claim Form is actually received by the Claims Docketing Center on or before the Rejection Bar Date.

**d. Amended Schedule Bar Date**

17. The Debtors propose further that they shall retain the right to: (a) dispute or assert offsets or defenses against any filed Prepetition Claim or any Prepetition Claim listed or

reflected in the Schedules as to nature, amount, liability, classification, or otherwise; (b) subsequently designate any Prepetition Claim as disputed, contingent or unliquidated; and (c) add a claim to the Schedules; *provided, however*, that if the Debtors amend the Schedules to reduce the undisputed, noncontingent, and liquidated amount, or change the nature or classification of a Prepetition Claim and/or add a claim to the Schedules, then the affected claimant will have until the Amended Schedule Bar Date to file a proof of claim or to amend any previously filed proof of claim (“Amended Schedule Claim”).

18. The Debtors request that the Court establish the Amended Schedule Bar Date as the later of (a) the General Bar Date or (b) thirty (30) days after the date that notice of the amendment is served on the affected claimant.<sup>3</sup> Notwithstanding the foregoing, nothing set forth herein would preclude the Debtors from objecting to any Prepetition Claim, whether scheduled or filed, on any grounds.

19. The Debtors request that Entities wishing to assert an Amended Schedule Claim be required to file an original, written request for payment of any such Amended Schedule Claim, substantially in the form of the Proof of Claim Form (as defined below), so as to be received on or before the Amended Schedule Bar Date by either mail or delivery by hand, courier, or overnight service at the appropriate address identified above for the Claims Docketing Center.

20. The Bar Date Order provides that the Claims Docketing Center will not accept Proof of Claim Forms sent by facsimile, telecopy, or other electronic means, and the Debtors request that the Court order that all proofs of claim be deemed timely filed only if the original

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<sup>3</sup> The imposition of the Amended Schedules Bar Date is consistent with Local Rule 1009-2, which provides a creditor with twenty (20) days to file a proof of claim after the date that notice of the applicable amendment is served on such creditor.

Proof of Claim Form is actually received by the Claims Docketing Center on or before the Amended Schedule Bar Date.

**e. Effect of Failure to File by Applicable Bar Date**

1. The Debtors propose that, pursuant to Bankruptcy Rule 3003(c)(2), any Entity that is required to file a proof of claim in these chapter 11 cases pursuant to the Bankruptcy Code, the Bankruptcy Rules or the order approving this Motion, but that fails to do so in a timely manner, shall be forever barred, estopped, and enjoined from asserting any Prepetition Claim against any of the Debtors (or filing a proof of claim with respect thereto), and the Debtors and their property shall be forever discharged from any and all indebtedness or liability with respect to such Prepetition Claim. Additionally, any holder of any Prepetition Claim who is required, but fails, to file a proof of such claim in accordance with the Bar Date Order on or before the applicable Bar Date shall not be permitted to vote to accept or reject any plan or plans or participate in any distribution in the Debtors' chapter 11 cases on account of such Prepetition Claim or to receive further notices regarding such Prepetition Claim.

**f. Tailored Proof of Claim Form**

21. The Debtors have prepared a proof of claim form tailored to these cases (the "Proof of Claim Form"), a copy of which is annexed as Exhibit A. The proposed Proof of Claim Form is based on Official Form No. 10. The substantive modifications to the Official Form proposed by the Debtors include the following:

- (a) personalizing the form to include the name and address of an Entity as shown in the Schedules (or other records of the Debtors if the Entity is not listed on the Schedules);
- (b) setting forth the basic information contained in the Schedules as to the Entity's Prepetition Claim (if the Entity's Prepetition Claim is listed on the Schedules);
- (c) including a space for the Entity to correct any incorrect

information regarding its name and address;

- (d) providing a space where a creditor may indicate whether its claim constitutes a claim pursuant of Bankruptcy Code section 503(b)(9) on account of goods delivered to the Debtors during the twenty (20) days prior to the Petition Date; and
- (e) providing additional instructions.

The Debtors request that the Court approve the Proof of Claim Form and the substantive modifications to Official Form No. 10 in a form substantially conforming to the Proof of Claim Form.

22. In accordance with the Proposed Bar Date Order, the Debtors request that the Court order that each proof of claim must (a) be written in the English language, (b) denominated in lawful currency of the United States, (c) conform substantially with the Proof of Claim Form provided and (d) attach copies of any writings upon which the claim is based.

**g. Actual Notice of Bar Date**

**1. Actual Notice of the General Bar Date, the Governmental Unit Bar Date and the Rejection Bar Date**

23. Pursuant to Bankruptcy Rule 2002(a)(7) and Local Rule 2002-1(e), the Debtors, with the help of KCC, propose to provide actual notice of the Bar Dates by mailing (a) a notice of the Bar Dates (the “Bar Date Notice”; together with a Proof of Claim Form, the “Bar Date Notice Package”) in substantially the form attached hereto as Exhibit B; and (b) the Proof of Claim Form to the:

- (a) the U.S. Trustee;
- (b) all holders of Prepetition Claims listed on the Schedules at the addresses stated therein;
- (c) all counterparties to executory contracts and unexpired leases;
- (d) all current and former employees of the Debtors to the extent that contact

information for former employees is available in the Debtors' records.

- (e) all taxing authorities for locations in which the Debtors do business;
- (f) all parties to litigation in which the Debtors are involved;
- (g) all providers of utility services to the Debtors;
- (h) all insurance providers;
- (i) all of the Debtors' ordinary course professionals;
- (j) all Entities requesting notice pursuant to Bankruptcy Rule 2002 as of the entry of the Bar Date Order;
- (k) all parties that have filed proofs of claim in these Cases as of the date of entry of the Bar Date Order; and
- (l) all parties on the Debtors' consolidated mailing matrix

(collectively, the "Bar Date Notice Parties").

24. The Debtors further reserve the right, out of an abundance of caution, to serve the Bar Date Notice to certain Entities not described above with which, prior to the Petition Date, the Debtors have done business or that may have asserted a claim against the Debtors in the recent past.

25. The proposed Bar Date Notice Package includes a proposed Bar Date Notice that notifies the parties of the Bar Dates and contains information regarding who must file a proof of claim, the procedures for filing a proof of claim, and the consequences of failure to timely file a proof of claim.

26. The Debtors request that the Court approve the form and use of the Bar Date Notice Package.

## 2. Actual Notice of Amended Schedule Bar Date, as necessary

27. If and when the Debtors amend their Schedules to reduce any undisputed, noncontingent, and liquidated amount, to change the nature or classification of a Prepetition

Claim or to add a claim, the Debtors will provide notice to the affected claimant of any such amended or added claim, which will include information regarding the Amended Schedule Bar Date and how to file a proof of claim or amend an existing proof of claim.

28. The Debtors request that the Court approve this method of notice of the Amended Schedule Bar Date.

**h. Timing of Proposed Notice by Mail**

29. Based upon the number of Entities to whom the Debtors propose to provide notice, including all creditors who are entitled to receive notice, the Debtors, pursuant to Bankruptcy Rule 2002(a)(7) and Local Rule 2002-1(e), intend to mail the Bar Date Notice Package to all known creditors within ten (10) business days of the entry of the Bar Date Order, but in no event later than July 16, 2009. With the General Bar Date on September 14, 2009 and the Governmental Unit Bar Date on October 28, 2009, all potential claimants should have no less than 60 days' notice of such Bar Dates. Such notice period is well in excess of the twenty (20) day notice period required under Bankruptcy Rule 2002(a)(7) and will provide creditors ample time within which to prepare and file proofs of claim, if necessary.

**i. Supplemental Mailings**

30. After the initial mailing occurs as provided for above, however, the Debtors anticipate that they may be required to make supplemental mailings of the Bar Date Notice Package in a number of situations including in the event that: (a) Bar Date Notice Packages are returned by the post office with forwarding addresses, necessitating a re-mailing to the new addresses, (b) certain parties acting on behalf of parties in interest decline to pass along Bar Date Notice Packages to such parties and instead return their names and addresses to the Debtors for direct mailing, and (c) additional potential claimants become known to the Debtors (collectively,

the “Special Bar Date Parties”). Therefore, the Debtors, with the help of KCC, request the right to make supplemental mailings of the Bar Date Notice Package up to twenty-three (23) days in advance of the applicable Bar Dates, with any such supplemental mailings being deemed timely.

31. While the Debtors anticipate there may be a need to establish one or more later special bar dates and request the right to do so below, the Debtors believe that the proposed supplemental mailing of the Bar Date Notice Package will serve to preserve the integrity of the Bar Dates, will reduce the number of special bar dates that may need to be established, will permit the claims process to be completed expeditiously, and will ease the administrative burden of these cases.

**j. Establishment of Special Bar Dates**

32. To minimize the time and expense associated with having to seek subsequent orders from this Court, the Debtors request that they be permitted to establish special bar dates with respect to the Special Bar Date Parties as to which a mailing or remailing of the Bar Date Notice Package is necessary and cannot be accomplished prior to thirty-three (33) days in advance of an applicable Bar Date. With respect to the Special Bar Date Parties, the Debtors request the right to establish special bar dates at least thirty-three (33) days after the date on which the Debtors mail the notice of each such special bar date. Such notice will substantially take the form of the Bar Date Notice (with necessary modifications to reflect the special bar date provisions).

33. The Debtors submit that thirty-three (33) days’ notice of each special bar date is appropriate, rather than the longer period provided in connection with the other Bar Dates, because any such special bar dates will be established later in these cases and must be structured so as not to delay the progress of these cases, and because such special bar dates will be

applicable to parties who will be receiving notice directly, presumably within three (3) days of mailing, rather than through intermediate channels that may delay ultimate receipt. Moreover, the Debtors anticipate establishing special bar dates on a very limited basis, and only if necessary to ensure adequate bar date noticing and discharge protection, to the extent applicable. The vast majority of parties in interest will be subject to the Bar Dates and will receive not less than sixty (60) days' notice.

34. The Debtors propose to advise this Court of the establishment of each special bar date by filing a notice, together with a list that specifically identifies the Special Bar Date Parties that are subject thereto and a copy of the bar date notice applicable to the special bar date. In addition to being filed with this Court, such notice will be served upon the U.S. Trustee, and counsel for the Committee. A certificate of service will be subsequently filed to evidence the mailing of each special bar date notice to the parties subject thereto.

35. Each of the special bar dates will apply only to the Special Bar Date Parties who are specifically identified as being subject thereto in the lists to be filed with the Court. However, as to any of such specifically identified parties who may be found to have received effective notice of the Bar Dates, the Debtors do not waive the right to assert that the Bar Dates, rather than the special bar date, govern. Moreover, the Bar Dates will remain effective, and it is the Debtors' intention that they be fully enforceable both with respect to known parties who have received actual notice thereof pursuant to the Bar Date Notice and with respect to unknown parties who are deemed to have received constructive notice of the Bar Date.

**k. Assistance of Claims Agent**

36. Pursuant to an Order of the Bankruptcy Court, entered on May 6, 2009, KCC is the authorized claims and noticing agent for the Court. In that capacity, Kurtzman Carson

Consultants, LLC (“KCC”) is responsible for, among other things, mailing the Bar Date Notice Packages as indicated herein.

37. To facilitate and coordinate the claims reconciliation and bar date notice functions, the Bar Date Notice Package or the Bar Date Notice only, as appropriate, will be mailed by KCC. This will ensure that each party will receive the Bar Date Notice Package, which will include (a) the Bar Date Notice and (b) a personalized Proof of Claim Form, printed with such party’s name and address and, if such party is included in the Schedules, the scheduled claim information.

38. To the extent that KCC requires any assistance with the preparation and mailing, the Debtors request that KCC be authorized to employ and pay necessary service providers, subject to prior approval from the Debtors, and to obtain reimbursement from the Debtors for any such payments on the same terms applicable to its direct services. The Debtors further request that KCC be authorized to take such other actions as may be necessary to ensure timely preparation and mailing of the Bar Date Notice Package.

**I. Filing Proofs of Claim against Multiple Debtors**

39. The Debtors propose that all Entities asserting claims against more than one Debtor be required to file a separate proof of claim, as applicable, with respect to each such Debtor. If Entities are permitted to assert claims against more than one Debtor in a single proof of claim, KCC may have difficulty maintaining separate claim registers for each Debtor, and all named Debtors will be required to object to a proof of claim, that may be applicable to only one of the named Debtors. Likewise, Entities should be required to identify on each proof of claim, as applicable, the particular Debtor against which their claim is asserted. Requiring Entities to identify the Debtor against which a claim is asserted will greatly expedite the Debtors’ review of

proofs of claim and requests for payment of an Administrative Expense in these cases. This requirement will not be unduly burdensome on claimants because such Entities will know or should know the identity of the Debtor against which they are asserting a claim.

**Notice of this Motion**

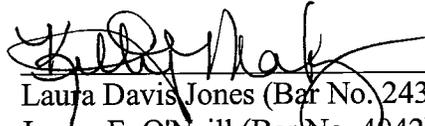
40. Pursuant to Local Rule 2002-1(e), the Debtors are providing notice of this Motion to the U.S. Trustee and counsel to the Committee. The Debtors otherwise meet all of the criteria set forth in Local Rule 2002-1(e) in that the Schedules have been filed, the 341 Meeting has been held and the General Bar Date provides creditors with not less than sixty (60) days notice thereof. A copy of the Motion has been made available on KCC's website. Accordingly, pursuant to Local Rule 2002-1(e), the Debtors submit that no other or further notice or hearing is required.

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WHEREFORE, the Debtors respectfully request that the Court enter an order, substantially in the form attached hereto as Exhibit C: (i) approving (a) the Bar Dates; (b) the Proof of Claim Form; (c) the manner of notice of the Bar Dates; and (ii) granting such other and further relief as the Court may deem proper.

Dated: June 29, 2009

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