

**IN RE:**

### Debtors.

**Case No. 09-12074 (KJC)**

**Ref. Docket No. 10**

institutions to receive, process, honor, and pay checks or electronic transfers used by the Debtors to pay the foregoing and to rely on the representations of such Debtors as to which checks are issued and authorized to be paid in accordance with this Order, all as set forth in the Motion; and upon the Street Declaration in support thereof; and the Court having found that venue of this proceeding and the Motion in this district is proper pursuant to 28 U.S.C. sections 1408 and 1409; and the Court having found that the relief requested in the Motion is in the best interests of the Debtors' estates, their creditors, and other parties in interest; and notice of the Motion and the opportunity for a hearing on the Motion was appropriate under the particular circumstances; and the Court having reviewed the Motion and having considered the statements in support of the relief requested therein at a hearing before the Court (the "**Hearing**"); and the Court having determined that the legal and factual bases set forth in the Motion and at the Hearing establish just cause for the relief granted herein; and upon all of the proceedings had before the Court; and after due deliberation and sufficient cause appearing therefor,

**IT IS HEREBY ORDERED:**

1. The Motion is granted as set forth below on an interim basis.
2. The Debtors are authorized to continue the current and prior year Policies uninterrupted (including any Certificates of Insurance issued to contractors) and, in their sole discretion, to pay any Insurance Obligations, including prepetition amounts, to the extent that the Debtors determine that such payment is necessary. The Debtors are also authorized to continue, in the ordinary course of business, their prepetition practices with respect to the Policies, including, without limitation, practices relating to the Cash Collateral Accounts.
3. The Debtors are authorized, but not directed, to honor the terms of the Premium Financing Agreements.

4. A final hearing with respect to the Motion shall be held on July 16, 2009 at 4:30 p.m. prevailing Eastern Time. Any objections or responses to the Motion shall be filed on or before July 9, 2009 at 4:00 p.m. prevailing Eastern Time, and served on the parties, as required by the Local Rules of Bankruptcy Practice and Procedure for the United States Bankruptcy Court for the District of Delaware.

5. All applicable banks and other financial institutions are hereby authorized, when requested by the Debtors, to receive, process, honor, and pay any and all checks and transfer requests evidencing amounts paid by the Debtors under this Order whether presented prior to or after the Petition Date. Such banks and financial institutions may rely on the representations of the Debtors with respect to whether any check or other payment order drawn or issued by the Debtors prior to the Petition Date should be honored pursuant to this order, and such bank or financial institution shall not have any liability to any party for relying on such representations by the Debtors as provided for herein.

6. The Debtors are authorized to issue postpetition checks, or to effect postpetition fund transfer requests, in replacement of any checks or fund transfer requests in respect of the Policies and the Financing Agreements that are dishonored or rejected.

7. Nothing in the Motion or this Order, nor as a result of the Debtors' payment of any prepetition amounts pursuant to this Order, shall be deemed or construed as an admission as to the validity or priority of any claim against the Debtors, a waiver of the right to dispute any claim, or an approval or assumption of any agreement, contract, or lease pursuant to section 365 of the Bankruptcy Code.

9. Pursuant to section 362(d) of the Bankruptcy Code, the Debtors' employees are authorized to proceed with their workers' compensation claims in the appropriate judicial or

administrative forum under the Workers' Compensation Programs and the Debtors are authorized to continue the Workers' Compensation Programs and the stay (to the extent applicable) is lifted with respect to workers' compensation claims to permit the insurers (to the extent such claims are covered by the Policies) and third party claims administrators, as applicable, to adjust, settle and pay such workers compensation claims in the ordinary course of business under and subject to the terms of the parties' insurance Policies and applicable agreements.

10. Nothing in this Order shall prohibit the Debtors from seeking Court authority to increase the prepetition amounts authorized to be paid hereunder.

11. The Debtors are authorized to take all actions necessary to effectuate the relief granted pursuant to this Order in accordance with the Motion.

12. Rule 6003(b) of the Federal Rules of Bankruptcy Procedure (the "**Bankruptcy Rules**") has been satisfied.

13. Notice of the Motion as provided therein shall be deemed good and sufficient notice of such motion and the requirements of applicable rules.

14. Pursuant to Bankruptcy Rule 6004(h), the terms and conditions of this Order shall be immediately effective and enforceable upon its entry.

15. This Court shall retain jurisdiction with respect to all matters arising from or relating to the interpretation or implementation of this Order.

Dated: Wilmington, Delaware  
June 17, 2009



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KEVIN J. CAREY  
CHIEF UNITED STATES BANKRUPTCY JUDGE