

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

AgFeed USA, LLC, *et al.*,¹

Debtors.

Chapter 11

Case No. 13-11761 (BLS)

Jointly Administered

**NOTICE OF AGENDA OF MATTERS SCHEDULED
FOR HEARING ON OCTOBER 27, 2014 AT 10:30 A.M. (ET)**

CONTINUED/RESOLVED MATTERS

1. Amended Motion of the United States Trustee for an Order Directing the Appointment of a Trustee [D.I. 550; 11/5/13]

Related Documents:

None.

Response Deadline:

December 11, 2013 at 4:00 p.m. (ET); Extended to November 17, 2014 at 4:00 p.m. (ET) for Debtors, Official Committee of Unsecured Creditors and Official Committee of Equity Security Holders

Responses Received:

None.

Status: By agreement between the Debtors and the U.S. Trustee, this matter is adjourned to November 24, 2014 at 10:00 a.m. (ET).

2. Debtors' Motion for Entry of an Order, Pursuant to Section 105 of the Bankruptcy Code and Bankruptcy Rule 9019, Approving and Authorizing the Stipulation and Release By and Between the Debtors, the Equity Security Holders' Committee and McGladrey LLP Settling (I) Any Potential Causes of Action the Debtors or the Equity Security Holders' Committee May Have Against McGladrey LLP, (II) Claim Number 87 Filed by McGladrey LLP, and (III) Related Issues [D.I. 1395; 9/26/14]

Related Documents:

¹ The Debtors and the last four digits of their federal tax identification numbers are: AgFeed USA, LLC (8748), AgFeed Industries, Inc. (7168); TS Finishing, LLC (8748); New York Finishing, LLC (8748); Pork Technologies, LC (2076); New Colony Farms, LLC (9246); Heritage Farms, LLC (8141); Heritage Land, LLC (8129); Genetics Operating, LLC (1921); M2P2 Facilities, LLC (8748); MGM, LLC (8748); M2P2 General Operations, LLC (8748); New Colony Land Company, LLC(5834); M2P2 AF JV, LLC (8748); Midwest Finishing, LLC (8748); and Genetic Land, LLC (1921). The Debtors' mailing address is 816 Congress Ave, Suite 1280, Austin, Texas 78701.

- A. Certificate of No Objection [D.I. 1444; 10/15/14]
- B. Order, Pursuant to Section 105 of the Bankruptcy Code and Bankruptcy Rule 9019, Approving and Authorizing the Stipulation and Release By and Between the Debtors, the Equity Security Holders' Committee and McGladrey LLP Settling (I) Any Potential Causes of Action the Debtors or the Equity Security Holders' Committee May Have Against McGladrey LLP, (II) Claim Number 87 Filed by McGladrey LLP, and (III) Related Issues [D.I. 1447; 10/16/14]

Response Deadline: October 10, 2014 at 4:00 p.m. (ET)

Responses Received: None.

Status: An order has been entered by the Court. No hearing is required.

- 3. Debtors' Application to Employ and Retain Epiq Class Action & Claims Solutions, Inc., as the Debtors' Class Action Noticing & Claims Administration Agent and Related Relief Retroactive to September 16, 2014 [D.I. 1396; 9/26/14]

Related Documents:

- A. Certificate of No Objection [D.I. 1445; 10/15/14]
- B. Order Authorizing & Approving Employment and Retention of Epiq Class Action & Claims Solutions, Inc., as the Debtors' Class Action Noticing & Claims Administration Agent and Related Relief, Nunc Pro Tunc to September 16, 2014 [D.I. 1448; 10/16/14]

Response Deadline: October 10, 2014 at 4:00 p.m. (ET)

Responses Received: None.

Status: An order has been entered by the Court. No hearing is required.

- 4. Debtors' Fifth Motion for an Order, Pursuant to 28 U.S.C. § 1452 and Bankruptcy Rules 9006 and 9027, Further Extending the Debtors' Time to File Notices of Removal of Claims and Causes of Action Related to the Debtors' Chapter 11 Proceedings [D.I. 1425; 10/2/14]

Related Documents:

- A. Certificate of No Objection [D.I. 1461; 10/20/14]
- B. Order, Pursuant to 28 U.S.C. § 1452 and Bankruptcy Rules 9006 and 9027, Further Extending the Debtors' Time to File Notices of Removal of Claims

and Causes of Action Related to the Debtors' Chapter 11 Proceedings [D.I. 1470; 10/21/14]

Response Deadline: October 16, 2014 at 4:00 p.m. (ET)

Responses Received: None.

Status: An order has been entered by the Court. No hearing is required.

5. Debtors' Motion, Pursuant to Section 362 of the Bankruptcy Code, for an Order Modifying the Automatic Stay to Allow Advancement Under Directors and Officers Insurance Policy by Certain Underwriters at Lloyd's London [D.I. 1450; 10/17/14]

Related Documents:

- A. Debtors' Motion for an Order Shortening Notice Period for, and Scheduling Expedited Hearing on, Debtors' Motion, Pursuant to Section 362 of the Bankruptcy Code, for an Order Modifying the Automatic Stay to Allow Advancement Under Directors and Officers Insurance Policy by Certain Underwriters at Lloyd's London [D.I. 1451; 10/17/14]
- B. Order Shortening Notice Period for, and Scheduling Expedited Hearing on, Debtors' Motion, Pursuant to Section 362 of the Bankruptcy Code, for an Order Modifying the Automatic Stay to Allow Advancement Under Directors and Officers Insurance Policy by Certain Underwriters at Lloyd's London [D.I. 1455; 10/17/14]
- C. Notice of Withdrawal [D.I. 1469; 10/21/14]

Response Deadline: October 24, 2014 at 12:00 p.m. (ET)

Responses Received: None.

Status: This matter has been withdrawn. No hearing is required.

6. Motion – Request the Court to Declare Claims Filed Under Bankruptcy Code Title 11 Chapter 5 Subchapter II Sections 523(a)(2)(A)(B) and their Related Sections are Exceptions to Discharge, the Claims are Non-Dischargeable [by James Regnante] [D.I. 1419; 10/2/14]

Related Documents: None.

Response Deadline: October 25, 2014

Responses Received:

- A. Debtors' Objection to the Motion – Request the Court to Declare Claims Filed Under Bankruptcy Code Title 11 Chapter 5 Subchapter II Sections 523(a)(2)(A)(B) and their Related Sections are Exceptions to Discharge, the Claims are Non-Dischargeable by James Regnante [D.I. 1472; 10/21/14]

Status: As this matter relates to agenda item #7 below, it is adjourned to November 4, 2014 at 1:30 p.m. (ET) and will be heard in connection with Confirmation.

- 7. Confirmation of Debtors' Revised Second Amended Chapter 11 Plan of Liquidation and Support by the Official Committee of Equity Security Holders [D.I. 1370; 9/15/14]

Related Documents:

- A. Order Lifting the Automatic Stay for the Class Action Plaintiffs in the Tennessee Class Action Litigation [D.I. 1218; 7/28/14]
- B. Order (I) Approving the Disclosure Statement; (II) Approving Solicitation and Voting Procedures, Including (A) Fixing the Voting Record Date, (B) Approving the Solicitation Packages and Procedures for Distribution, (C) Approving the Form of Ballots and Establishing Procedures for Voting, and (D) Approving Procedures for Vote Tabulation; (III) Scheduling a Confirmation Hearing and Establishing Notice and Objection Procedures; and (IV) Granting Related Relief [D.I. 1367; 9/15/14]
- C. Disclosure Statement Pursuant to Section 1125 of the Bankruptcy Code with Respect to the Debtors' Revised Second Amended Chapter 11 Plan of Liquidation and Support by the Official Committee of Equity Security Holders [D.I. 1371; 9/15/14]
- D. Notice of Order (I) Approving the Disclosure Statement; (II) Approving Solicitation and Voting Procedures, Including (A) Fixing the Voting Record Date, (B) Approving the Solicitation Packages and Procedures for Distribution, (C) Approving the Form of Ballots and Establishing Procedures for Voting, and (D) Approving Procedures for Vote Tabulation; (III) Scheduling a Confirmation Hearing and Establishing Notice and Objection Procedures; and (IV) Granting Related Relief [D.I. 1376; 9/22/14]
- E. Notice of Filing of Verification of Publication in The New York Times in Regard to Notice of Order (I) Approving the Disclosure Statement; (II) Approving Solicitation and Voting Procedures, Including (A) Fixing the Voting Record Date, (B) Approving the Solicitation Packages and Procedures for Distribution, (C) Approving the Form of Ballots and Establishing Procedures for Voting, and (D) Approving Procedures for Vote Tabulation; (III) Scheduling a Confirmation Hearing and Establishing Notice and Objection Procedures; and (IV) Granting Related Relief [D.I. 1392; 9/26/14]

- F. Notice of Filing of Plan Supplement for Debtors' Revised Second Amended Chapter 11 Plan of Liquidation and Support by the Official Committee of Equity Security Holders [D.I. 1454; 10/17/14]
- G. Declaration of Lyle Roberts in Support of Objection of Edward J. Pazdro to the Debtors' Revised Second Amended Chapter 11 Plan of Liquidation [D.I. 1462; 10/20/14]
- H. Declaration of Gregory S. Bruch in Support of K. Ivan Gothner's Objection to the Debtors' Revised Second Amended Chapter 11 Plan of Liquidation [D.I. 1465; 10/20/14]

Response Deadline: October 20, 2014 at 4:00 p.m. (ET); Extended to October 21, 2014 at 11:59 p.m. (ET) for Employers Insurance Company of Wausau

Responses Received:

- I. Motion – Objecting to Liquidation Plan; Objection to Payments to Attorneys & FTI Consulting Claims; Objecting to NERA Fee Application; Attorney and Related Fees are at 28% Net Assets; Fees Should be at 3-4% Demand Accountability of Attorney Fees by the Court [by James Regnante] [D.I. 1139; 6/11/14]
- J. Motion – Demand Court Reprimand and Ban Debtors Counsel from These Proceedings for Submitting an Unlawful, Outrageous and Unethical Motion, (Docket No. 1199), Objection to Motion to Have Certain Claims Be Reduced to \$1.00 (Docket No. 1199), Objection to Shorten Time for Hearing (Docket No. 1196); Objection to Debtors Tenth Omnibus Hearing (Docket No. 1197), Objection to Debtors Eleventh Omnibus Hearing (Docket No. 1198), Objection to Second Amended Liquidation Plan-Blacklined (Docket No. 1200), Objection to Liquidation Plan, Disclosure, Etc. (Docket No. 1195) [by James Regnante] [D.I. 1238 & 1247; 7/31/14]
- K. Motion – (1) Objecting to Liquidation Plan; (2) Objecting to No Provisions in Liquidation Plan to Pay in Full Bankruptcy Fraud Claims Filed Under Title 11 Chapter 5, Subchapter II Sections 523(a)(2)(B)(C) [by James Regnante] [D.I. 1434; 10/10/14]
- L. Limited Objection and Reservation of Rights of Jefferies Leveraged Credit Products, LLC and Claims Recovery Group, LLC to the Debtors' Revised Second Amended Chapter 11 Plan of Liquidation Supported by the Official Committee of Equity Security Holders [D.I. 1456; 10/20/14]
- M. Objection by the Internal Revenue Service to the Debtors' Revised Second Amended Plan of Liquidation [D.I. 1457; 10/20/14]

- N. Objection of Edward J. Pazdro to the Debtors' Revised Second Amended Chapter 11 Plan of Liquidation [D.I. 1460; 10/20/14]
- O. Joinder of John A. Stadler in the Objection of Edward J. Pazdro to the Debtors' Revised Second Amended Chapter 11 Plan of Liquidation [D.I. 1463; 10/20/14]
- P. K. Ivan Gothner's: (A) Objection to the Debtors' Revised Second Amended Chapter 11 Plan of Liquidation; and (B) Joinder to the Objection of Edward J. Pazdro [D.I. 1464; 10/20/14]
- Q. Joinder in Objection of Edward J. Pazdro to the Debtors' Revised Second Amended Chapter 11 Plan of Liquidation [by Clayon Marshall] [D.I. 1466; 10/20/14]
- R. Limited Objection of Employers Insurance Company of Wausau to Confirmation of Debtors' Revised Second Amended Chapter 11 Plan of Liquidation [D.I. 1471; 10/21/14]

Status: This matter is adjourned to November 4, 2014 at 1:30 p.m. (ET).

MATTERS GOING FORWARD

- 8. Motion of Federal Insurance Company for Relief from the Stay [D.I. 1382; 9/24/14]

Related Documents: None.

Response Deadline: October 20, 2014 at 4:00 p.m. (ET)

Responses Received:

- A. Objecting to Federal Insurance Company Payments of Attorney's Fees without Submitted Invoices or Audit [by James Regnante] [D.I. 1420; 10/2/14]

Status: This matter is going forward.

- 9. Motion of the Debtors for Entry of a Sixth Order, Pursuant to Section 1121(d) of the Bankruptcy Code, Further Extending the Exclusive Periods for the Filing of a Chapter 11 Plan and Solicitation and Acceptance Thereof [D.I. 1426; 10/2/14]

Related Documents: None.

Response Deadline: October 16, 2014 at 4:00 p.m. (ET)

Responses Received:

- A. Response and Reservation of Rights of Jefferies Leveraged Credit Products, LLC and Claims Recovery Group, LLC to the Motion of the Debtors for Entry of a Sixth Order, Pursuant to Section 1121(d) of the Bankruptcy Code, Further Extending the Exclusive Periods for the Filing of a Chapter 11 Plan and Solicitation and Acceptance Thereof [D.I. 1446; 10/16/14]

Status: This matter is going forward.

10. AgFeed Industries, Inc.'s Motion for an Order, Pursuant to Section 105(a) of the Bankruptcy Code and Bankruptcy Rule 9019, Authorizing and Approving the Global Settlement By and Among AgFeed Industries, Inc., Good Charm International Development, Ltd., and Ningbo Tech-Bank Co., Ltd. and Resolving Related Litigation [D.I. 1440; 10/14/14]

Related Documents:

- A. Motion for an Order Shortening Notice Period for, and Scheduling Expedited Hearing on, AgFeed Industries, Inc.'s Motion for an Order, Pursuant to Section 105(a) of the Bankruptcy Code and Bankruptcy Rule 9019, Authorizing and Approving the Global Settlement By and Among AgFeed Industries, Inc., Good Charm International Development, Ltd., and Ningbo Tech-Bank Co., Ltd. and Resolving Related Litigation [D.I. 1441; 10/14/14]
- B. Order Shortening Notice Period for, and Scheduling Expedited Hearing on, AgFeed Industries, Inc.'s Motion for an Order, Pursuant to Section 105(a) of the Bankruptcy Code and Bankruptcy Rule 9019, Authorizing and Approving the Global Settlement By and Among AgFeed Industries, Inc., Good Charm International Development, Ltd., and Ningbo Tech-Bank Co., Ltd. and Resolving Related Litigation [D.I. 1442; 10/15/14]
- C. Notice of Filing of (I) Revised Proposed Form of Order, Pursuant to Section 105(a) of the Bankruptcy Code and Bankruptcy Rule 9019, Authorizing and Approving the Global Settlement By and Among AgFeed Industries, Inc., Good Charm International Development, Ltd., and Ningbo Tech-Bank Co., Ltd. and Resolving Related Litigation, and (II) Proposed Settlement Agreement [D.I. 1478; 10/23/14]

Response Deadline: October 24, 2014 at 12:00 p.m. (ET)

Responses Received: None.

Status: The Debtors and NTB/Good Charm have filed a revised form of order and stipulation (Agenda Item 10(C) above) which will be presented for the Court's consideration at the hearing. This matter is going forward.

Dated: Wilmington, Delaware
October 23, 2014

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