IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re:	Chapter 11
AgFeed USA, LLC, *et al.*,	Case No. 13-11761 (BLS)
Debtors.	Jointly Administered
	Req. Hearing Date: March 26, 2015 at 12:00 p.m. ***Requested Objection Deadline: At the Hearing*** **Related Docket No. 1715**

MOTION TO SHORTEN NOTICE AND SCHEDULE HEARING ON THE MOTION OF K. IVAN F. GOTHNER FOR LEAVE TO FILE SUR-REPLY IN OPPOSITION TO THE LIQUIDATING TRUSTEE'S REPLY IN SUPPORT OF THE DEBTORS' TWELFTH OMNIBUS (SUBSTANTIVE) OBJECTION TO CLAIMS PURSUANT TO SECTION 502(b) OF THE BANKRUPTCY CODE, BANKRUPTCY RULES 3003 AND 3007, AND LOCAL RULE 3007-1

K. Ivan F. Gothner ("Mr. Gothner"), by and through his undersigned counsel, hereby moves this Court (the "Motion to Shorten"), pursuant to section 105(a) of title 11 of the United States Code, 11 U.S.C. §§ 101 *et seq.* (as amended, the "Bankruptcy Code"), Rules 2002 and 9006 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules") and Rule 9006-1 of the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware (the "Local Rules"), for entry of an order, substantially in the form attached hereto as **Exhibit A**, (i) shortening notice of, and scheduling a hearing on, the *Motion of K. Ivan F. Gothner for Leave to File Sur-Reply in Opposition to the Liquidating Trustee's Reply in Support of the Debtors' Twelfth Omnibus (Substantive) Objection to Claims Pursuant to Section 502(b) of the Bankruptcy Code, Bankruptcy Rules 3003 and 3007, and Local Rule 3007-1* (the "Motion for Leave") [Docket No. 1715][1] for March 26, 2015 at 12:00 p.m. (the

[1] Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the Motion for Leave.

"Hearing"); and (ii) requiring that objections, if any, to the Motion for Leave be raised at the Hearing. In support thereof, Mr. Gothner respectfully represents as follows:

1. This Court has jurisdiction over these matters pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b). Venue is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409. The predicates for the relief requested herein are Bankruptcy Code Section 105, Bankruptcy Rules 2002 and 9006 and Local Rule 9006-1.

2. By this Motion to Shorten, Mr. Gothner respectfully requests that the Court enter an order in the form attached hereto: (i) permitting the Motion for Leave to be heard at the omnibus hearing to be held on March 26, 2015 at 12:00 p.m.; and (ii) requiring that objections, if any, to the Motion for Leave be raised at the Hearing.

3. In accordance with Local Rule 9006-1(c) and Bankruptcy Rule 2002, parties generally are required to provide a total of 18 days notice of motions (plus three days if service is by mail) to parties in interest specified in Local Rule 2002-1(b). However, Local Rule 9006-1(e) provides that the Court may shorten this notice period "on written motion (served on all interested parties) specifying the exigencies justifying shortened notice." DEL. BANKR. L.R. 9006-1(e). Mr. Gothner respectfully submits that sufficient cause exists for shortening notice of, and scheduling a hearing on, the Motion for Leave and approving the requested objection deadline.

4. By the Motion for Leave, Mr. Gothner requests that the Court grant leave for him to file a sur-reply to the *Liquidating Trustee's Reply in Support of the Debtors' Twelfth Omnibus (Substantive) Objection to Claims Pursuant to Section 502(b) of the Bankruptcy Code, Bankruptcy Rules 3003 and 3007, and Local Rule 3007-1* (the "Reply") [Docket No. 1705], which raises numerous new defenses to allowance of Mr. Gothner's timely filed proof of claim.

As set forth in the Motion for Leave, Mr. Gothner has had no opportunity to respond to any of these newfound arguments.

5. A status conference on the *Twelfth Omnibus (Substantive) Objection to Claims Pursuant to Section 502(b) of the Bankruptcy Code, Bankruptcy Rules 3003 and 3007, and Local Rule 3007-1* (the "Objection") [Docket No. 1496], as it relates to Mr. Gothner's claim, is currently scheduled for March 26, 2015 at 12:00 p.m. The objection to the Employment Claim has been briefed – the Debtors filed the Objection, Mr. Gothner filed a response [Docket No. 1666] and the Liquidating Trustee recently filed the Reply. Mr. Gothner submits that consideration of the Sur-Reply at the March 26 status conference in conjunction with the briefing on the Employment Claim will significantly aid the Court and parties-in-interest regarding adjudication of the Employment Claim, which is expected to be addressed on March 26. Thus, it is necessary for the Court to shorten notice to consider the Motion for Leave at the Hearing.

6. The requested hearing date of March 26 provides interested parties with ten days notice. Shortening notice by only a few days will not prejudice any party in interest, especially in light of the fact that undersigned counsel will serve both this Motion to Shorten and the Motion for Leave by hand delivery and/or electronic mail on both the United States Trustee and counsel to the Liquidating Trustee. In any event, the requested objection deadline of March 26 provides interested parties ten days in which to prepare and file an objection to the Motion for Leave. This is ample time as the Motion for Leave is largely procedural in nature, and the relief requested therein is not complex.

7. Notice of this Motion to Shorten has been provided to (i) the Office of the United States Trustee; (ii) counsel to the Liquidating Trustee; (iii) and those parties entitled to notice pursuant to Bankruptcy Rule 2002, in accordance with Local Rule 2002-1(b). In light of the

nature of the relief requested herein, Mr. Gothner submits that no other or further notice need be provided.

8. No prior request for the relief sought in the Motion to Shorten has been made to this Court or any other court.

WHEREFORE, Mr. Gothner respectfully requests entry of an order, substantially in the form attached hereto as **Exhibit A**, (i) shortening notice of, and scheduling a hearing on, the Motion for Leave for March 26, 2015 at 12:00 p.m.; (ii) requiring that objections, if any, to the Motion for Leave be raised at the Hearing; and (iii) granting such other and further relief as the Court deems appropriate.

Dated: March 16, 2015
Wilmington, Delaware

ASHBY & GEDDES, P.A.

/s/ Stacy L. Newman

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