

U.S. Bankruptcy Court - District of Kansas
Court Room Minute Sheet
10/07/2008
Honorable Dale L. Somers, Presiding
K.C. Room 144

02:00 PM

Case Information:

08-22579 Gateway Ethanol, L.L.C. Chapter: 11

Judge: DLS Filed: 10/05/2008 Pln Confirmed:

Appearances: (Telephonic Appearance**)**

XX Laurence M. Frazen, Tammee E McVey representing Gateway Ethanol, L.L.C.

XX **David Parham, Scott Pohl representing Lurgi**

XX **George Singer**, Edward Nazar representing Noble Americas

X Edward Nazar representing Ninnescah Electric

X **Dorothea Vidal representing Trinity Industries**

XXX David Ferguson, Steven Meyer, Paul Ratelle representing Dougherty Funding

X Brian Fenimore representing Cargill

X Christopher Allman representing Internal Revenue Service

X William Schantz representing United States Trustee

Also Present: Frederick Loomis, Chairman of the Board; Kelly Martin and Geoffrey Richards
w/William Blair & Company

Issue(s):

#1 Application to Employ Bryan Cave LLP as Counsel for Gateway Ethanol, L.L.C., Pursuant to 11 U.S.C. § 327(a) and 328(a) and Fed. R. Bankr. P. 2014 as Counsel to the Debtor Filed on behalf of Debtor Gateway Ethanol, L.L.C. (Attachments: # (1) Exhibit A - Affidavit of Laurence M. Frazen# (2) Exhibit B - Affidavit of Tammee E. McVey). [Doc#7]

#2 Emergency Motion for Order Authorizing Maintenance of Cash Management System and Continued Use of Certain Existing Bank Accounts, Investment and Deposit Practices and Certain Business Forms Filed on behalf of Debtor Gateway Ethanol, L.L.C.. [Doc#8]

#3 Emergency Motion for Order Authorizing Payment of Pre-Petition Wages, Salaries, Reimbursable Employee Expenses and Medical and Other Employee Benefits Filed on behalf of Debtor Gateway Ethanol, L.L.C.. [Doc#9]

#4 Emergency Motion for Authority to Perform Obligations Necessary to Maintain Existing Insurance Filed on behalf of Debtor Gateway Ethanol, L.L.C.. [Doc#10]

Courtroom Deputy: Susan A. Franklin

ECRO/Court Reporter: Dawn Cockrell, John M. Bowen & Associates

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Issue(s):

#5 Emergency Motion for Order Approving Debtor's Method of Furnishing Adequate Assurance of Payment for Postpetition Utility Services Filed on behalf of Debtor Gateway Ethanol, L.L.C.. [Doc#11]

#6 Motion to Pay Taxing Authorities Filed on behalf of Debtor Gateway Ethanol, L.L.C.. [Doc#12]

#7 Motion to Extend Deadline to File Schedules or Provide Required Information for Filing Schedules of Assets and Liabilities, Schedules of Current Income and Expenditures, Statements of Financial Affairs and Statements of Executory Contracts Filed on behalf of Debtor Gateway Ethanol, L.L.C.. [Doc#13]

#8 Motion to Impose Automatic Stay and Authorize Debtor to Operate Its Business Filed on behalf of Debtor Gateway Ethanol, L.L.C.. [Doc#14]

#9 Motion for Order Authorizing Retention of Professionals Utilized by Debtor in the Ordinary Course of Business Filed on behalf of Debtor Gateway Ethanol, L.L.C.. [Doc#15]

#10 Motion for Approval of Standing Order No. 1 to Establish Limited Notice and Motion Procedures Filed on behalf of Debtor Gateway Ethanol, L.L.C.. [Doc#16]

#11 Motion for Approval of Standing Order No. 2 Establishing Procedures for Interim Compensation and Establishing Fee and Expense Guidelines Filed on behalf of Debtor Gateway Ethanol, L.L.C.. [Doc#17]

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Issue(s):

#12 Application to Employ William Blair & Company, L.L.C. as as Investment Banker and Financial Advisor for Debtor and Debtor in Possession Filed on behalf of Debtor Gateway Ethanol, L.L.C. (Attachments: # (1) Exhibit A - William Blair Agreement# (2) Exhibit B - Affidavit of Geoffrey A. Richards). [Doc#18]

#13 Emergency Motion to Borrow maximum principal amount of \$5,242,803.00 from Dougherty Funding LLC to Approve Stipulated Order Granting Expedited Relief and Interim Order (I) Authorizing Debtor (A) to Obtain Secured Postpetition Financing Pursuant to 11 U.S.C. Sections 105, 361, 363, and 364(c) and (d); and (B) to Grant Security Interests, Superpriority Claims and Adequate Protection; and (II) Scheduling a Final Hearing Pursuant to Bankruptcy Rule 4001(c), Filed on behalf of Debtor Gateway Ethanol, L.L.C. (Attachments: # (1) Exhibit A - DIP Loan and Security Agreement# (2) Exhibit B - Interim DIP Order). [Doc#29]

#14 Motion for Relief from Stay Filed on behalf of Creditor Cargill, Incorporated [Doc#35]

Notes/Decision:

Issue#2 - Motion for Maintenance...[Doc#8]: Granted, order by debtors' atty.

Issue#3 - Motion for Payment...[Doc#9]: Approved, order by debtors' atty.

Issue#4 - Motion to Perform...[Doc#10]: Approved, order by debtors' atty.

Issue#5 - Motion Approving Method...[Doc#11]: Agreed order to be submitted.

Issue#6 - Motion to Pay Taxing Authorities...[Doc#12]: Approved, order by debtors' atty.

Issue#7 - Motion to Extend Deadlines...[Doc#13]: Granted, order by debtors' atty.

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Notes/Decisions:

Issue#8 - Motion to Impose Automatic Stay...[Doc#14]: Granted, order by debtors' atty.

Issue#9 - Motion for Retention...[Doc#15]: Denied as to Grant Thornton and Morison Cogan; Granted as to Stull Law Office - order by debtors' atty.

Issue#10 - Motion for Approval of Standing Order No 1...[Doc#16]: Matter taken under advisement.

Issue#11 - Motion for Approval of Standing Order No 2...[Doc#17]: Matter taken under advisement.

Issue#12 - Application to Employ Wm Blair & Co...[Doc#18]: Retention approved, order by debtors' atty.

Issue#14 - Motion for Relief from Stay filed by Cargill Incorporated [Doc#35]: Agreed order to be submitted w/waiver of 10 day stay.

Continued Issues:

Issue#1 - Application to Employ Bryan Cave LLP as Counsel for Gateway Ethanol LLC....[Doc#7]: Continued to 10/28/2008 @ 10:00am.

Issue#13 - Emergency Motion to Borrow....[Doc#29]: Witness testimony of Geoffrey Richards with Blair & Company. Debtors' Exhibit Nos. 1, 2, 3, 4 identified/offered/admitted into evidence. Proffered testimony of Frederick Loomis and Affidavit accepted by the Court. Interim Order approved by the Court. Final hearing scheduled for 10/28/2008 @ 10:00am.

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