



SO ORDERED.

SIGNED this 08 day of October, 2008.

*Dale L. Somers*

Dale L. Somers  
UNITED STATES BANKRUPTCY JUDGE

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF KANSAS

In re:	)	In Proceedings Under Chapter 11
	)	
GATEWAY ETHANOL, L.L.C.	)	Case No. 08-22579-DLS
	)	
Debtor.	)	

**ORDER ON DEBTOR’S MOTION FOR ORDER  
AUTHORIZING RETENTION OF PROFESSIONALS  
UTILIZED BY DEBTOR IN THE ORDINARY COURSE OF BUSINESS**

Now on this 7th day of October, 2008, this matter having come before the Court upon Debtor’s Motion for Order Authorizing Retention of Professionals Utilized by Debtor in the Ordinary Course of Business (the “Motion”), and the Court having considered the issue, the Affidavit of Frederick S. Loomis in Support of First Day Applications and Motions, the evidence, the arguments of counsel, and it further appearing that notice of the Motion has been appropriate; and after due deliberation thereon, it is hereby

ORDERED THAT:

1. Debtor is hereby authorized and empowered to employ and retain, pursuant to Sections 105 and 327(e) of the Bankruptcy Code, the Stull Law Office, as needed by Debtor

2. in the ordinary course of its business without the need to file a retention application. Nonetheless, the Stull Law Office will be required to file with the Court a verified statement under Federal Rule of Bankruptcy Procedure 2014, a form of which is attached as **Exhibit A** hereto.

3. The Stull Law Office shall be entitled to receive reasonable compensation for its services and to receive reimbursement of actual, necessary expenses subject to the provisions and requirements of 11 U.S.C. § 330, Fed. R. Bankr. P. 2016, and any other applicable or related statutes and rules. The Stull Law Office shall file fee applications on a monthly basis.

4. The Court's approval of a fee application filed by the Stull Law Office that states an intention to be compensated at a specific hourly rate does not constitute approval of the hourly rate or other terms of compensation, and approval of the terms of compensation will be considered by the Court when a final allowance of compensation is made.

5. The Motion seeking to employ Grant Thornton and Morison Cogon as ordinary course professionals is DENIED.

# # #

**ORDER SUBMITTED BY:**

Laurence M. Frazen, KS Fed. #70114  
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Attorneys for Debtor and Debtor in Possession

**Exhibit A**

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF KANSAS**

**In re:** ) **In Proceedings Under Chapter 11**  
 )  
**GATEWAY ETHANOL, L.L.C.** ) **Case No. 08-22579-DLS**  
 )  
**Debtor.** )

**AFFIDAVIT OF [PROPOSED PROFESSIONAL]  
AND DISCLOSURE STATEMENT**

STATE OF \_\_\_\_\_ )  
 ) ss.:  
COUNTY OF \_\_\_\_\_ )

\_\_\_\_\_, being duly sworn, deposes and says:

1. I am a \_\_\_\_\_ of \_\_\_\_\_ (“\_\_\_\_\_”), which firm maintains offices at \_\_\_\_\_.

2. Neither I, “\_\_\_\_\_,” nor any partner, auditor or other member thereof, insofar as I have been able to ascertain, has any connection with the above-captioned Debtor and Debtor in Possession (the “Debtor”), its creditors, or any other party in interest, or its attorneys, except as set forth in this affidavit.

3. “\_\_\_\_\_,” through me, and members of the firm, has represented and advised the Debtor as “\_\_\_\_\_” with respect to a broad range of aspects of the Debtor’s business.

4. The Debtor has requested, and “\_\_\_\_\_” have agreed, to continue to represent and advise the Debtor pursuant to section 327(a) of title 11 of the United States Code

(the “Bankruptcy Code”) with respect to such matters. Additionally, the Debtor has requested, and \_\_\_\_\_ proposes, to render the following services to the Debtor:

[INSERT SERVICES TO BE RENDERED TO DEBTOR]

5. “\_\_\_\_\_’s” current customary hourly rates, subject to change from time to time, are \_\_\_\_\_. In the normal course of business, “\_\_\_\_\_” revised its regular hourly rates on \_\_\_\_\_ of each year and requests that, effective \_\_\_\_\_ of each year, the aforementioned rates to be revised to the regular hourly rates which will be in effect at that time.

6. In connection with this case, “\_\_\_\_\_” has rendered services that have not yet been billed or that have been billed but with respect to which payment has not been received. The value of such services does not exceed \$\_\_\_\_\_.

7. Except as set forth herein, no promises have been received by “\_\_\_\_\_” or any partner, auditor or other member thereof as to compensation in connection with these chapter 11 cases other than in accordance with the provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, the Local Rules, orders of this Court, and the Fee Guidelines promulgated by the Executive office of the United States Trustee.

8. “\_\_\_\_\_” has no agreement with any entity to share with such entity any compensation received by “\_\_\_\_\_”.

9. “\_\_\_\_\_” and its partners, auditors and other members may have in the past represented, currently represent, and may in the future represent entities that are claimants of the Debtor in matters totally unrelated to this pending chapter 11 case. “\_\_\_\_\_” does not and will not represent any such entity in connection with this pending chapter 11 case and does

not have any relationship with any such entity, attorneys, or accountants that would be adverse to the Debtor or its estate.

10. Neither I, “\_\_\_\_\_,” nor any partner, auditor or other member thereof, insofar as I have been able to ascertain, holds or represents any interest adverse to the Debtor, or its estate in the matters upon which “\_\_\_\_\_” is to be engaged.

11. The foregoing constitutes the statement of “\_\_\_\_\_” pursuant to sections 329 and 504 of the Bankruptcy Code and Bankruptcy Rules 2014 and 2016(b).

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[NAME OF AFFIANT]

SWORN TO BEFORE ME this  
\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

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Notary Public