

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

In re:

J.L. FRENCH AUTOMOTIVE CASTINGS,
INC., *et al.*,

Debtors.

Chapter 11

Case No. 09-12445 (KG)
Jointly Administered

Objections Due: September 16, 2009 at 4:00 p.m.
Hearing Date: September 23, 2009 at 10:00 a.m.

**MOTION OF AMERICAN MATERIALS, INC. TO
COMPEL PAYMENT OF CHAPTER 11 ADMINISTRATIVE RENT**

COMES NOW American Materials, Inc. (öAMIö), by and through its counsel, Rachel B. Mersky of Monzack Mersky McLaughlin and Browder, and hereby moves this Honorable Court to enter an Order compelling the above-captioned Debtors to pay Chapter 11 administrative rent (the öMotionö). In support thereof, AMI respectfully represents as follows:

JURISDICTION AND VENUE

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334.
2. This is a core proceeding pursuant to 28 U.S.C. §§ 157(b)(2) and 1334.
3. Venue of this case and this Motion is proper in this District pursuant to 28 U.S.C. §§ 1408 and 1409.

BACKGROUND

4. On or about April 1, 2008, AMI entered into a lease (the öLeaseö) with (öDebtorö) for non-residential real property of which AMI is the owner and located at 200 American Avenue, Glasgow, Barren County, Kentucky 42141.
5. On or about July 13, 2009, Debtors commenced a case under Chapter 11 of the Bankruptcy Code in this Court.

6. On or about September 3, 2009, Debtors effectively rejected the Lease.

7. Debtor failed to pay certain rental charges due and payable during the post-petition period.

A. Post-Petition, Pre-Rejection Rent. Post-petition, but pre-rejection, the following came due under the Lease:

Rental due beginning July 13, 2009, through and including September 3, 2009 at the contractual monthly rate of \$26,035.20, with the total rental due being as follows:

- i. July "Stubö Rental: 18 days at \$839.845/day (31 day month) = \$15,117.21
- ii. August full monthly contractual rental = \$26,035.20
- iii. September "Stubö Rental: 3 days at \$867.84/day (30-day month) = \$2,603.52

TOTAL: \$43,755.93

ARGUMENT

8. AMI requests allowance and payment of its administrative claim itemized above in the amount of \$43,755.93 pursuant to 11 U.S.C. § 365(d)(3), 11 U.S.C. § 503(b)(1). In re Montgomery Ward Holding Corp., Debtor, Centerpoint Properties v. Montgomery Ward Holding Corp., 268 F.3d 205, 211 (3d Cir. 2001), In re Goody's Family Clothing, Inc., 2008 WL 3906676 (Bkrtcy.D.Del 2008).

WHEREFORE, for the above-stated reasons, AMI requests that this Honorable Court enter an Order for an allowance and payment of its administrative rent claim in the amount of \$43,755.93 and for such other and further relief this Court deems just and proper.

Dated: September 3, 2009

**MONZACK MERSKY McLAUGHLIN
AND BROWDER, P.A.**

/s/ Rachel B. Mersky

Rachel B. Mersky, Esquire (DE #2049)

1201 N. Orange Street, Suite 400

Wilmington, DE 19801-1155

Telephone: (302) 656-8162

Facsimile: (302) 656-2769

Email: rmersky@monlaw.com

Attorneys for American Materials, Inc.

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

In re:

J.L. FRENCH AUTOMOTIVE CASTINGS,
INC., *et al.*,

Debtors.

Chapter 11

Case No. 09-12445 (KG)
Jointly Administered

Objections Due: September 16, 2009 at 4:00 p.m.
Hearing Date: September 23, 2009 at 10:00 a.m.

**NOTICE OF MOTION OF AMERICAN MATERIALS, INC.
TO COMPEL PAYMENT OF CHAPTER 11 ADMINISTRATIVE RENT**

TO: Office of the United States Trustee and all parties requesting notice pursuant to Bankruptcy Rule 2002.

American Materials, Inc. has filed their **Motion to Compel Payment of Chapter 11 Administrative Rent** (the "Motion") which seeks to compel the above-captioned Debtors to pay Chapter 11 administrative rent.

Any responses or objections thereto must be filed **on or before September 16, 2009 at 4:00 p.m.** At the same time, you must also serve a copy of the response upon the following:

**MONZACK MERSKY MCLAUGHLIN
AND BROWDER, P.A.**

Rachel B. Mersky, Esquire
1201 N. Orange Street, Suite 400
Wilmington, DE 19801
Telephone: (302) 656-8162
Facsimile: (302) 656-2769
Email: rmersky@monlaw.com

If any responses or objections are timely filed, a hearing on this matter will be held on **September 23, 2009 at 10:00 a.m.**

IF YOU FAIL TO RESPOND IN ACCORDANCE WITH THIS NOTICE, THE COURT MAY GRANT THE RELIEF DEMANDED BY THE MOTION WITHOUT FURTHER NOTICE OR HEARING.

Dated: September 3, 2009

MONZACK, MERSKY, MCLAUGHLIN AND
BROWDER, P.A.

/s/ Rachel B. Mersky

Rachel B. Mersky (DE#2049)

1201 N. Orange Street, Suite 400

Wilmington, DE 19801

Telephone: (302) 656-8162

Facsimile: (302) 656-2769

Email: rmersky@monlaw.com

**ATTORNEYS FOR AMERICAN
MATERIALS, INC.**

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

In re:

J.L. FRENCH AUTOMOTIVE CASTINGS,
INC., *et al.*,

Debtors.

Chapter 11

Case No. 09-12445 (KG)
Jointly Administered

Related to Docket No. _____

**ORDER APPROVING MOTION OF
AMERICAN MATERIALS, INC. TO COMPEL
PAYMENT OF CHAPTER 11 ADMINISTRATIVE RENT**

Upon consideration of the Motion of American Materials, Inc. to Compel Payment of Chapter 11 Administrative Rent (the "Motion"); and the Court being satisfied, based upon the representations in the Motion and made at the hearing; and it appearing that due and sufficient notice of the Motion has been given, and that no further notice need be given; and good cause having been shown, it is hereby

ORDERED that the Motion is APPROVED as indicated below; and it is further

ORDERED that the Administrative Claim of American Materials, Inc. is ALLOWED in the amount of Forty-Three Thousand Seven Hundred and Fifty-Five Dollars and Ninety-Three Cents (\$43,755.93) and are to be paid immediately; and

ORDERED, that this Court retains jurisdiction with respect to all matters arising from or related to the implementation of this Order.

Dated: _____, 2009

The Honorable Kevin Gross

J.L. French (2nd) 2002 First Class Mail

Case No. 09 ó 12445

Doc No. 150513

09 ó Hand Delivery

66 ó First Class Mail

04 ó Foreign First Class Mail

(Counsel for the Debtors)

Laura Davis Jones, Esquire

James E. O'Neill, Esquire

Curtis A. Hehn, Esquire

Mark M. Billion, Esquire

Pachulski Stang Ziehl & Jones LLP

919 North Market Street, 17th Floor

P.O. Box 8705

Wilmington, DE 19899-8705

Hand Delivery

(Copy Service)

Parcels, Inc.

Vito I. DiMaio

230 N. Market Street

Wilmington, DE 19801

Hand Delivery

(United States Trustee)

David Klauder, Esquire

Office of the United States Trustee

J. Caleb Boggs Federal Building

844 King Street, Suite 2207

Wilmington, DE 19801

Hand Delivery

(United States Attorney)

Ellen W. Slights, Esq.

United States Attorney's Office

District of Delaware

1007 N. Orange Street, Suite 700

Wilmington, DE 19801

Hand Delivery

(Counsel for DIP Agent)

Eric Lopez Schnabel, Esquire

Robert Mallard, Esquire

Dorsey & Whitney LLP

1105 N. Market Street, Suite 1600

Wilmington, DE 19801

Hand Delivery

(Counsel for CapitalSource Bank)

Norman M. Monhait, Esquire

Rosenthal, Monhait & Goddess, PA

919 N. Market Street, Suite 1401

P.O. Box 1070

Wilmington, DE 19899

Hand Delivery

(Counsel for Airgas, Inc.)

Kathleen M. Miller, Esquire

Smith, Katzenstein & Furlow

800 Delaware Avenue, 7th Floor

Wilmington, DE 19899

Hand Delivery

(Counsel for Brenting Mid-South, Inc.)

Laurie A. Krepto, Esquire

Montgomery, McCracken, Walker &

Rhoads, LLP

1105 N. Market Street, Suite 1500

Wilmington, DE 19801

Hand Delivery

(Counsel for International Union, United

Automobile, Aerospace and Agricultural

Implement Workers of America)

Susan E. Kaufman, Esquire

Cooch and Taylor, P.A.

The Brandywine Building

1000 West Street, 10th Floor

Wilmington, DE 19801

Hand Delivery

(Counsel for General Electric Capital Corporation)

Kathleen A. Murphy, Esquire

Reed Smith LLP

1201 N. Market St., Suite 1500

Wilmington, DE 19801

First Class Mail

([Proposed] Counsel for the Debtors)

Gregory A. Bray, Esquire

Fred Neufeld, Esquire

Haig M. Maghakian, Esquire

Milbank Tweed Hadley & McCloy LLP

601 South Figueroa Street, 30th Floor

Los Angeles, CA 90017

First Class Mail

(Counsel for DIP Agent)

Richard A. Levy, Esquire

Caroline Reckler, Esquire

Latham & Watkins

Sears Tower, Suite 5800

233 South Wacker Drive

Chicago, IL 60606

First Class Mail

(Counsel for CapitalSource)

Gilbert Backenroth

Hahn & Hessen LLP

488 Madison Avenue

New York NY 10022

First Class Mail

(United States Attorney General)

Eric H. Holder, Jr., Esquire

Office of the Attorney General

U.S. Department of Justice

950 Pennsylvania Avenue, N.W.

Washington, DC 20530-0001

First Class Mail

Secretary of State

Division of Corporations

Franchise Tax

P.O. Box 7040

Dover, DE 19903

First Class Mail

Secretary of Treasury

P.O. Box 7040

Dover, DE 19903

First Class Mail

Secretary of Treasury

15th & Pennsylvania Avenue, N.W.

Washington, DC 20220

First Class Mail

Internal Revenue Service

P.O. Box 21126

Philadelphia, PA 19114-0326

First Class Mail

Attn: Insolvency

Internal Revenue Service

1352 Marrows Road, 2nd Floor

Newark, DE 19711-5445

First Class Mail

Mark Schonfeld, Esq.

Regional Director

Securities & Exchange Commission

New York Regional Office

3 World Financial Center, Suite 400

New York, NY 10281-1022

First Class Mail

Michael A. Berman, Esq.

Securities & Exchange Commission

Office of General Counsel-Bankruptcy

100 F Street, N.E.

Washington, DC 20549

First Class Mail

Matthew Berry, Esq.
Office of General Counsel
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

First Class Mail

Office of the General Counsel
Pension Benefit Guaranty Corp.
1200 K Street, N.W.
Washington, DC 20005-4026

First Class Mail

(Top 40)
Morgan Stanley Capital Services Inc.
Attn: Chief Legal Officer
Transaction Mgmt Group
1585 Broadway
New York, NY 10036-8293

First Class Mail

(Top 40)
Strohwig Industries, Inc
3285 Industrial Road
PO Box 38
Richfield, WI 53076

First Class Mail

(Top 40)
Tool North Inc
2475 N Aero Park Court
Traverse City, MI 49686

First Class Mail

(Top 40)
Edco, Inc
5244 Enterprise Boulevard
Toledo, OH 43612

First Class Mail

(Top 40)
Delaware Machinery Corp
700 South Mulberry
Munice, IN 47307

First Class Mail

(Top 40)
Alter Trading Corporation
700 Office Parkway
St. Louis, MO 63141

First Class Mail

(Top 40)
Standard Resources
1155 Marlkress Road
Cherry Hill, NJ 08003

First Class Mail

(Top 40)
Internet Columbus Foundry
1600 Northside Industrial
Columbus, GA 31904

First Class Mail

(Top 40)
Meredith Machinery
2600 Technology Drive
Louisville, KY 40299

First Class Mail

(Top 40)
Metal Exchange
111 West Port Plaza, Suite 704
St. Louis, MO 63146

First Class Mail

(Top 40)
G W Smith & Sons Inc
1700 Spaulding Road
Dayton, OH 45432

First Class Mail

(Top 40)
Jernberg Bolingbrook
455 Gibraltar Drive
Bolingbrook, IL 60440

First Class Mail

(Top 40)

Jus-Rite Engineering Inc
56977 Elk Court
Elkhart, IN 46516

First Class Mail

(Top 40)

Kentucky State Treasurer
803 Schenkel Lane
Frankfort, KY 40601

First Class Mail

(Top 40)

Honold & Lapage
1128 S 11th Street
PO Box 491
Sheboygan, WI 53082

First Class Mail

(Top 40)

Motion Industries Inc - W
3669 Enterprise Drive
Sheboygan, WI 53083

First Class Mail

(Top 40)

INA USA Corporation
308 Springhill Farm Rd
Plant 6
Fort Hill, SC 29715

First Class Mail

(Top 40)

Schad Boiler Setting Co
15240 Castleton
Detroit, MI 48227

First Class Mail

(Top 40)

Roush Industries, Inc
12011 Market Street
Livonia, MI 48150

First Class Mail

(Top 40)

Feichtner Fredrick Corp
3227 14th Ave
Kenosha, WI 53140

First Class Mail

(Top 40)

Model Die & Mold
3859 Roger B Chaffee SE
Grand Rapids, MI 49548

First Class Mail

(Top 40)

Parker Hannifin-Sealing S
3700 Mayflower Drive
Lynchburg, VA 24501

First Class Mail

(Top 40)

Jamak Fabrication, Inc
1401 North Bowie Drive
Weatherford, TX 76086

First Class Mail

(Top 40)

Automated Systems and Des
6222 Webster Street
Dayton, OH 45414

First Class Mail

(Top 40)

Packaging Systems of Wisc
3706 Enterprise Dr
Sheboygan, WI 53083

First Class Mail

(Top 40)

Leader Engr Inc
PO Box 670
Napoleon, OH 43545

First Class Mail

(Top 40)

Magna Tech Mfg
3333 Crocker Ave
Sheboygan, WI 53082

First Class Mail

(Top 40)

Pridgeon and Clay
50 Cottage Grove SW
Grand Rapids, MI 49507

First Class Mail

(Top 40)

Fischer Tool and Die
7155 Industrial Drive
Temperance, MI 48182

First Class Mail

(Top 40)

Constellation Newenergy Gas Division
9960 Corporate Campus Drive
Louisville, KY 40223

First Class Mail

(Top 40)

E Roberts Alley & Assoc.
300 10th Avenue SO
Nashville, TN 37203

First Class Mail

(Top 40)

Mark IV Automotive / Dayc
1955 Enterprise Drive
Rochester Hills, MI 48309

First Class Mail

(Top 40)

ITW Powertrain Fastening
2001 Buck Lane
Lexington, KY 40511

First Class Mail

(Top 40)

Freudenberg NOK ó Manches
50 Almond Drive
Manchester, NH 03103

First Class Mail

(Top 40)

Federal-Mogul
300 Industrial Park Road
Blacksburg, VA 24060

First Class Mail

(Counsel for Wilmington Trust FSB)

Alice Decker Burke, Esquire
Barbara Becker, Esquire
Latham & Watkins LLP
Sears Tower
233 South Wacker Drive
Chicago, IL 60606

First Class Mail

(Counsel for Ford Motor Company)

Jonathan S. Green, Esquire
Miller, Canfield, Paddock and Stone, PLC
150 W. Jefferson Avenue, Suite 2500
Detroit, MI 48226

First Class Mail

(Counsel for General Motors Company)

Robert B. Weiss, Esquire
Tricia A. Sherick, Esquire
Honigman Miller Schwartz and Cohn LLP
660 Woodward Avenue
2290 First National Building
Detroit, MI 48226

First Class Mail

(Counsel for Airgas, Inc.)

Mr. David Boyle
Airgas, Inc.
259 Radnor-Chester Road, Suite 100
P.O. Box 6675
Radnor, PA 19087

First Class Mail

(Counsel for Motion Industries, Inc.)
Kimberly J. Robinson, Esquire
Barack Ferrazzano Kirschbaum &
Nagelberg LLP
200 West Madison Street, Suite 3900
Chicago, IL 60606

First Class Mail

(Counsel for Constellation NewEnergy ó
Gas Division, LLC)
Bruce J. Ruzinsky, Esquire
D. Elaine Conway, Esquire
Jackson Walker LLP
1401 McKinney Street, Suite 1900
Houston, TX 77010

First Class Mail

(Counsel for Constellation NewEnergy ó
Gas Division, LLC)
Heather M. Forrest, Esquire
Jackson Walker LLP
901 Main Street, Suite 6000
Dallas, TX 75202

First Class Mail

William McCarron Jr., Esquire
Pension Benefit Guaranty Corporation
Office of the Chief Counsel
1200 K Street, N.W.
Washington, D.C. 20005

First Class Mail

(Counsel for Model Die & Mold, Inc.)
John T. Gregg, Esquire
Barnes & Thornburg LLP
171 Monroe Avenue, NW, Suite 1000
Grand Rapids, MI 49503

First Class Mail

(Counsel for Hyundai Motor Manufacturing
Alabama, LLC)
D. Christopher Carson, Esquire
Jennifer B. Kimble, Esquire
Burr & Forman LLP
420 North 20th Street, Suite 3400
Birmingham, AL 35203

First Class Mail

)
Attn: Olga Gold
Account Resolution
Travelers
One Tower Square, 5MN
Hartford, CT 06183

First Class Mail

(Counsel for International Union, United
Automobile, Aerospace and Agricultural
Implement Workers of America)
Niraj R. Ganatra, Esquire
International Union UAW
8000 E. Jefferson Avenue
Detroit, MI 48214

First Class Mail

(Counsel for Integrys Energy Services, Inc.)
Samuel C. Wisotzkey, Esquire
Kohner, Mann & Kailas, S.C.
Washington Building
Barnabas Business Center
4650 North Port Washington Road
Milwaukee, WI 53212

First Class Mail

(Counsel for Exco Extrusion Die)
H. Buswell Roberts, Esquire
Shumaker, Loop & Kendrick, LLP
1000 Jackson
Toledo, OH 43604

First Class Mail

(Creditor for Lowes BRC)
GE Money Bank
c/o Recovery Management Systems Corp.
25 SE 2nd Avenue, Suite 1120
Miami, FL 33131

First Class Mail

(Counsel for Air Hydro Power, Inc.)
Cathy S. Pike, Esquire
Weber & Rose, P.S.C.
471 West Main Street, Suite 400
Louisville, KY 40202

First Class Mail

(Counsel for General Electric Capital Corporation)
Ann E. Pille, Esquire
Reed Smith LLP
10 South Wacker Drive, 40th Floor
Chicago, IL 60606

First Class Mail

(Counsel for Linamar Corporation)
Susan M. Cook, Esquire
Lambert, Leser, Isackson, Cook & Giunta,
P.C.
916 Washington Avenue, Suite 309
Bay City, MI 48708

Foreign First Class Mail

(Top 40)
Magnetis Marelli Cofap
Cam Rúa García Lorca,
105 S Paulo
Brazil, 969
Brazil

Foreign First Class Mail

(Top 40)
Comtech Mfg
355 Silvercreek Parkway N
Guelph, ON N1H 1E6
Canada

Foreign First Class Mail

(Top 40)
Litens Automotive ó WOODB
730 Rowntree Dairy Road
Woodbridge, ON L4L 5T7
Canada

Foreign First Class Mail

(Top 40)
Proceco Limited
7300 RUE Tellier Montreal
QC H1N 3T7