

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

In re:	)	Chapter 11
	)	
MET-COIL SYSTEMS CORPORATION,	)	Case No. 03- 12676 (MFW)
	)	
Debtor.	)	Hearing Date: March 8, 2004 at 12:30 p.m.
	)	Objections Due: March 7, 2004 at 4:00 p.m.

**EMERGENCY MOTION FOR ORDER SHORTENING NOTICE WITH  
RESPECT TO THE DEBTOR'S (I) JOINDER IN MOTION FOR  
PROTECTIVE ORDER RELATED TO DISCOVERY REQUESTS OF  
MEJDRECH PLAINTIFFS FILED BY THE LEGAL REPRESENTATIVE  
OF FUTURE CLAIMANTS, AND (II) MOTION FOR PROTECTIVE  
ORDER ON NOTICE OF DEPOSITION WITH ATTACHED DOCUMENT  
REQUESTS ISSUED AGAINST DEBTOR (RE: D.I. 605)**

The above-captioned debtor and debtor-in-possession (the “Debtor”) hereby moves (the “Motion to Shorten”) this Court for the entry of an order, pursuant to Rules 2002 and 9006 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Rule 9006-1 of the Local Rules of the United States Bankruptcy Court for the District of Delaware (the “Local Rules”), shortening notice with respect to the **Debtor’s (I) Joinder in Motion for Protective Order Related to Discovery Requests of Mejdrech Plaintiffs Filed by the Legal Representative of Future Claimants, and (II) Motion for Protective Order on Notice of Deposition with Attached Document Requests Issued Against Debtor** (the “Motion”).<sup>1</sup> In support of the Motion to Shorten, the Debtor represents as follows:

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<sup>1</sup> Unless otherwise defined, capitalized terms used herein shall have the meanings ascribed to them in the Motion.

### **Relief Requested**

1. The Debtor requests, by this Motion to Shorten, that the Court exercise its discretion and enter an order shortening the five-day notice period normally required by Local Rule 9006-1 so that the Motion may be heard at the previously scheduled hearing set in this case of March 8, 2004 at 12:30 p.m. (the "Hearing").

### **Basis for Relief**

2. Pursuant to the Motion, the Debtor seeks a protective order on the deposition notice and document requests issued against the Debtor by Theresa Mejdrech, Daniel Mejdrech, Mary Beno and Mark Beno, individual and on behalf of all persons similarly situated (collectively, the "Mejdrech Plaintiffs"), which are noticed to occur prior to the Hearing presently scheduled by this Court to hear argument on the Debtor's Motion to Enforce the Section 362(A)(3) Automatic Stay, Or in the Alternative, for Preliminary Relief Under Sections 362(A)(1) and 105 Extending Stay of Mejdrech Litigation, and on the Mejdrech Plaintiffs' Motion to Modify the Automatic Stay (collectively, the "March 8 Motions"). Good cause exists to schedule the hearing on the Motion at the previously scheduled Hearing on the March 8 Motions within this shortened period.

3. The Debtor believes that sufficient cause exists and that it is in the best interest of its estate and creditors to shorten the normal five-day notice period so that the Court may consider the Motion at the Hearing. The March 8 Motions this Court is scheduled to hear relate to an issue of fundamental importance to the Debtor: whether the automatic stay should be extended to preclude further activity in the Mejdrech Plaintiffs' federal trial which is now scheduled to commence on April 19, 2004; or whether the automatic stay should be modified to allow that trial to proceed. Allegedly in support of their motion to modify the automatic stay, the

Mejdrech Plaintiffs have sought expedited and burdensome discovery on issues that are wholly irrelevant to the Court's resolution of the March 8 Hearing and which are the subject of the Motion. Specifically, the Mejdrech Plaintiffs are seeking to discover the basis and formulation of the Debtor's negotiations with Mestek and the legal representative for future claimants, Eric D. Green, with respect to the Trust. In order to resolve the Motion and determine whether the discovery filed by the Mejdrech Plaintiffs is necessary or appropriate, the Court should hear argument on the underlying March 8 Motions themselves. Only upon understanding of the full significance of the March 8 Motions will the Court be able to assess whether it needs to conduct an evidentiary hearing to resolve those Motions. Since all of the relevant parties will be traveling to Delaware on March 8 to argue the March 8 Motions, the Debtor respectfully requests that the Court shorten the time period for presenting the Motion and to allow the same parties to argue the Motion as well as the March 8 Motions at the Hearing.

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WHEREFORE, the Debtor respectfully requests that the Court (i) exercise its discretion and enter an order approving the form, manner, sufficiency and shortening of the notice of the Motion as contemplated hereby such that the hearing on the Motion may be convened on March 8, 2004 at 12:30 p.m. with objections, if any, to be filed and served on the undersigned prior to the hearing; and (ii) grant such other and further relief as the Court deems appropriate.

Dated: Wilmington, Delaware  
March 2, 2004

**MORRIS, NICHOLS, ARSHT & TUNNELL**

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