

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re : Chapter 11
Metaldyne Corporation, *et al.*, : Case No. 09-13412 (MG)
Debtors. : (Jointly Administered)
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**ORDER, PURSUANT TO
SECTIONS 105(a) AND 503 OF THE BANKRUPTCY
CODE AND BANKRUPTCY RULES 3002 AND 3003, ESTABLISHING
PROCEDURES FOR THE ASSERTION OF SECTION 503(b)(9) CLAIMS RELATING
TO GOODS RECEIVED WITHIN TWENTY DAYS PRIOR TO THE PETITION DATE**

This matter coming before the Court on the Motion of Debtors and Debtors in Possession, Pursuant to Sections 105(a) and 503 of the Bankruptcy Code and Bankruptcy Rules 3002 and 3003, for an Order Establishing Procedures for the Assertion of Section 503(b)(9) Claims Relating to Goods Received Within Twenty Days Prior to the Petition Date (the "Motion"),¹ filed by the debtors and debtors in possession in the above-captioned cases (collectively, the "Debtors"); the Court having reviewed the Motion and the Affidavit of Thomas A. Amato filed in support of the Debtors' first day papers (the "Affidavit") and having considered the statements of counsel with respect to the Motion at a hearing before the Court on the Motion (the "Hearing"); and the Court having found that (a) the Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334, (b) this is a core proceeding pursuant to 28 U.S.C. § 157(b), (c) the procedures set forth in the Motion will allow the Debtors the opportunity to address the allowance of claims in an orderly and efficient way and will ensure that similarly situated creditors receive equal treatment and (d) notice of the Motion and the Hearing was

¹ Capitalized terms not otherwise defined herein shall have the meanings given to them in the Motion.

sufficient under the circumstances; and the Court having determined that the legal and factual bases set forth in the Motion and the Affidavit and at the Hearing establish just cause for the relief granted herein;

IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED as set forth herein.
2. Except as may otherwise be provided in orders of the Court authorizing procedures for claims under section 503(b)(9) of the Bankruptcy Code (the "Twenty Day Claims"), all the Debtors are authorized to resolve all Twenty Day Claims in accordance with the following procedures (the "Procedures"):

- (a) All Twenty Day Claims shall be filed by the bar date, which will be set for all prepetition claims in these cases in accordance with Bankruptcy Rules 3002 and 3003 and Local Bankruptcy Rule 3003-1.
- (b) Twenty Day Claimants shall utilize the proof of claim form to be developed by the Debtors in connection with the general bar date process, which form will permit all parties to assert their claims, and the priority (including priority under section 503(b)(9) of the Bankruptcy Code) of such claims, in one standardized form.
- (c) The Twenty Day Claimants shall not file a motion to compel allowance or payment of administrative expenses for their Twenty Day Claims or schedule a hearing to consider such claims. All timely filed Twenty Day Claims shall be deemed allowed unless objected to by the Debtors or any other party in interest pursuant to section 502(c) of the Bankruptcy Code, Bankruptcy Rule 3007 or in accordance with further procedures for claim allowance established by the Court. Should such an objection be filed, such claim shall be adjudicated and allowed in accordance with the Bankruptcy Code, the Bankruptcy Rules, the Local Bankruptcy Rules and with any further procedures for claim allowance established by the Court.
- (d) To the extent a Twenty Day Claim is allowed, the claim shall be paid pursuant to a further order of the Court or as provided for in any plan confirmed by the Court.

- (e) Nothing in these Procedures shall affect the rights and remedies of the Debtors, the Creditors' Committee or any other party in interest with regard to avoidance, and nothing in these Procedures shall provide a Twenty Day Claimant a *prima facie* defense to the same.

3. The Procedures are the sole and exclusive method for the assertion, determination and, if necessary, the payment of the Twenty Day Claims. All Twenty Day Claimants are prohibited from seeking any other means for the allowance or treatment of their Twenty Day Claims, unless otherwise provided by the Court.

4. All Twenty Day Claim proceedings, whether currently pending or initiated in the future, except those proceeding initiated by the Debtors in accordance with these Procedures or those the Debtors already consensually resolved, are stayed and the Twenty Day Claims asserted therein shall be resolved exclusively by the means outlined in this Order.

5. The Court retains jurisdiction with respect to all matters arising from or related to the implementation of this order.

Dated: New York, New York

June 15, 2009

/s/Martin Glenn
UNITED STATES BANKRUPTCY JUDGE