

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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In re: :
: Chapter 11
: :
Metaldyne Corporation, *et al.*, : Case No. 09-3412 (MG)
: :
: Jointly Administered
: :
Debtor :
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**CASE MANAGEMENT ORDER #1 REGARDING CURE
AND ASSUMPTION AND ASSIGNMENT DISPUTES**

This Case Management and Scheduling Order is entered by the Court, following a hearing held on August 7, 2009, in accordance with Fed. R. Civ. P. 16(b) and 26(f). The Court has scheduled a hearing at 2:00 p.m., on August 20, 2009, to resolve disputes regarding cure amounts and assumption and assignment of unexpired executory contracts with respect to the following contract counterparties:

- Dyne (DE) LP [ECF Docs. #467, 505]
- Perot Systems Corporation [ECF Docs. # 487, 488, 545, 546]
- Oracle [ECF Doc. #586]
- General Electric Capital Corporation [ECF Docs. #507, 509, 620, 622]
- Key Equipment Finance [ECF Docs. #579, 580]
- SKF USA, Inc. [ECF Doc. #500]

All parties are required to abide by the terms of this Order.

1. Pursuant to Fed. R. Bankr. P. 9014, the Court hereby finds that all objections to cure disputes and disputes regarding assumption and assignment of unexpired executory contracts are contested matters.

2. Pursuant to Local Bankruptcy Rule 9014-2(a), the hearing on August 20, 2009, will therefore be an evidentiary hearing.

3. Filings Prior to Hearing: No later than 12:00 p.m., August 19, 2009, each party shall file, and provide two courtesy copies to chambers, of:
- a. A pretrial memorandum, including a statement of the elements of each claim or defense involving such party, together with a summary of the facts relied upon to establish each element, and addressing any evidentiary issues anticipated to arise during trial;
 - b. Proposed findings of fact and conclusions of law for each claim and defense;
 - c. Each party shall provide the Court (but not file) with two copies of (i) the final witness and exhibit lists, and (ii) two copies of the pre-marked exhibits, assembled sequentially in notebooks and tabbed, or, if too voluminous, with each exhibit placed in a separate manila folder with number or letter visible on the lip, and the folder placed in a suitable container or box for ready reference. One copy of the witness and exhibit lists and one set of exhibits should be provided to opposing counsel.

4. Use of Exhibits During Hearing

Counsel is responsible for marking his or her own exhibits. Counsel must identify for the Court and opposing counsel, and give a copy to the witness, of each exhibit before using it at trial. All exhibits that will be shown to a witness should, if possible, be placed before the witness at the start of counsel's witness examination. Questions and arguments should be delivered from the lectern, but counsel may approach the witness or the Clerk without asking leave whenever it is necessary. And, if counsel is standing near

the witness for the purpose of pointing something out on an exhibit, opposing counsel may also be present to observe first-hand what is being pointed out.

5. This ORDER may not be modified or the dates herein extended, except by further Order of this Court for good cause shown.

Dated: August 11, 2009
New York, New York

/s/ Martin Glenn
United States Bankruptcy Judge