

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

In re: : Chapter 11
: :
NIPPON ELECTRIC GLASS : Case No. 04-63851
OHIO, INC., : :
: :
Debtor. : Judge John E. Hoffman, Jr.

**MOTION FOR AN ORDER SCHEDULING AN EXPEDITED HEARING TO
CONSIDER DEBTOR'S MOTION PURSUANT TO 11 U.S.C. §§ 105, 363, 364, 1107 AND
1108 FOR AUTHORIZATION TO CONTINUE USING EXISTING BANK ACCOUNTS
AND EXISTING BUSINESS FORMS**

Nippon Electric Glass Ohio, Inc. (the "Debtor"), debtor and debtor in possession, by and through counsel, hereby moves this Court, pursuant to Local Bankruptcy Rule 9073-1(a), for an order, attached hereto as Exhibit A, scheduling an expedited hearing to consider the *Debtor's Motion Pursuant to 11 U.S.C. §§ 105, 363, 364, 1107 and 1108 for Authorization to Continue Using Existing Bank Accounts and Existing Business Forms* (the "Bank Account Motion"), and approving the form and manner of notice. A memorandum in support of this expedited hearing motion is provided below.

Dated: Columbus, Ohio
September 3, 2004

Respectfully submitted,

/s/ Lisa M. Diem

Kenneth R. Cookson (0020216)

Lisa M. Diem (0069283)

KEGLER, BROWN, HILL & RITTER

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Proposed Local Counsel for Nippon Electric
Glass, Inc.

and

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Proposed Counsel for Nippon Electric Glass
Ohio, Inc.

MEMORANDUM IN SUPPORT

In support of the expedited hearing motion, the Debtor respectfully represents the following:

I. Background

1. The Debtor filed a voluntary petition for relief under Chapter 11 of Title 11 (the “Bankruptcy Code”) of the United States Code on September 1, 2004 (the “Petition Date”). The Debtor continues to operate its business and manage its properties as a debtor in possession under sections 1107 and 1108 of the Bankruptcy Code.

2. Contemporaneously herewith, the Debtor is filing the Bank Account Motion and the *Declaration of Katsuo Takeda in Support of Debtor’s Motion Pursuant to 11 U.S.C. §§ 105, 363, 364, 1107 and 1108 for Authorization to Continue Using Existing Bank Accounts and Existing Business Forms* (the “Takeda Declaration”). The Takeda Declaration provides support for the relief requested in the Bank Account Motion and is incorporated herein by reference.

3. No creditors’ committee, trustee or examiner has been appointed in this Chapter 11 case.

II. Law and Argument

4. As described in detail in the Bank Account Motion, the relief requested is essential to avoid disruption in the Debtor's business, expense, delay and confusion. To require the Debtor to close existing bank accounts and create new ones will provide no corresponding benefit to creditors or those with whom the Debtor does business. The Bank Account Motion is the type of motion routinely heard on an expedited type basis and delay in authorizing the relief requested could have a severe and irreparable effect on the Debtor's operations in Chapter 11.

5. The Debtor has not yet filed its schedules and is serving this motion upon (a) the United States Trustee for the Southern District of Ohio, Eastern Division, (b) those parties listed on the Debtor's list of twenty (20) largest creditors, and (c) all other parties having requested notice in this case.

6. The Debtor believes that the Bank Account Motion involves critical issues and that an expedited hearing is appropriate under the circumstances. The Debtor, therefore, respectfully requests that the Court schedule a hearing to be conducted on the Bank Account Motion as soon as the Court's schedule will permit, and approve the form of notice of the expedited hearing on the Bank Account Motion.

7. A summary of the evidence that will be presented at an expedited hearing is outlined in the Bank Account Motion and the Takeda Declaration filed contemporaneously herewith.

WHEREFORE, based on the foregoing, the Debtor respectfully requests that the Court enter an Order, substantially in the form attached hereto as Exhibit A, (a) scheduling an expedited hearing on the Bank Account Motion, (b) approving the form and manner of notice substantially in the form attached hereto as Exhibit B, and (c) granting such other and further relief as the Court deems just and proper.

Dated: Columbus, Ohio
September 3, 2004

Respectfully submitted,

/s/ Lisa M. Diem

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Proposed Counsel for Nippon Electric Glass
Ohio, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing *Motion for an Order Scheduling Expedited Hearing on Debtor's Motion Pursuant to 11 U.S.C. §§ 105, 363, 364, 1107 and 1108 for Authorization to Continue Using Existing Bank Accounts and Existing Business Forms* was served by regular U.S. Mail and/or facsimile service and/or electronic mail service as indicated on the receipt of filing, on all parties whose names are listed on the attached service list this 3rd day of September, 2004.

/s/ Lisa M. Diem

Lisa M. Diem

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International Cooperation
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Daniel A. DeMarco, Esq.
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Cleveland, Ohio 44114-2301

United States Trustee
170 N. High Street, Suite 200
Columbus, Ohio 43215-2403

EXHIBIT A

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

In re:	:	Chapter 11
	:	
NIPPON ELECTRIC GLASS	:	Case No. 04-63851
OHIO, INC.,	:	
	:	
Debtor.	:	Judge John E. Hoffman, Jr.

**ORDER SCHEDULING AN EXPEDITED HEARING TO CONSIDER DEBTOR'S
MOTION PURSUANT TO 11 U.S.C. §§ 105, 363, 364, 1107 AND 1108 FOR
AUTHORIZATION TO CONTINUE USING EXISTING BANK ACCOUNTS AND
EXISTING BUSINESS FORMS**

Upon consideration of the motion (the "Motion") for an expedited hearing on the *Debtor's Motion Pursuant to 11 U.S.C. §§ 105, 363, 364, 1107 and 1108 for Authorization to Continue Using Existing Bank Accounts and Existing Business Forms* (the "Bank Account Motion") filed by Nippon Electric Glass Ohio, Inc. (the "Debtor"), debtor and debtor in possession; and it appearing that the relief requested is in the best interest of the Debtor's estate, its creditors and other parties in interest; and it appearing the Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334; and it appearing that due and sufficient notice of

the Motion having been given; and after due deliberation and cause appearing therefore; it is hereby ORDERED that:

1. The Motion is granted and an expedited hearing on the Bank Account Motion is scheduled for September ____, 2004 at ____m. in Courtroom __, United States Bankruptcy Court, 170 North High Street, Columbus, Ohio 43215. This Court shall retain jurisdiction with respect to all matters arising from or related to the implementation of this Order.

2. The Debtor shall serve the Notice, prescribed in the form attached to the Motion. The Debtor shall serve the Notice upon the Offices of the United States Trustee, the list of twenty largest unsecured creditors, and other parties requesting notice in this case by regular U.S. Mail, postage prepaid on September 3, 2004.

3. Interested parties shall file and serve their responsive pleadings and/or objections to the Bank Account Motion on or before September ____, 2004, upon counsel for the Debtor, the Office of the United States Trustee, and the list of twenty largest creditors.

4. The Debtor is authorized and empowered to take all actions and execute all documents or refrain from any actions necessary or appropriate to implement the relief granted in this Order.

IT IS SO ORDERED.

cc: United States Trustee, 170 N. High Street, Suite 200, Columbus, Oh 43215
Lisa Diem and Kenneth Cookson, 65 East State Street, Suite 1800, Columbus, Ohio 43215
Adam Lewis and Patricia Mar, 425 Market Street, 33rd Floor, San Francisco, California 94105
Japan Bank for International Cooperation, 4-1, Ohtemachi 1-Chrome, Chiyoda-ku,
Tokyo 100-8144 Japan
Thomson, Inc., PO Box 972630, El Paso, TX 79997
Transportes Juan Carlos De Mixicali, SA de CV, Blvd. Hector Teran Teran, #2382 Fracc. Laguna
Xochimilco, Mexicali, B.C. Mexico
Daniel DeMarco and Christopher Wick, 3300 BP Tower, 200 Public Square, Cleveland,
Ohio 44114

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EXHIBIT B

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

In re: : Chapter 11
: :
NIPPON ELECTRIC GLASS : Case No. 04-63851
OHIO, INC., : :
: :
Debtor. : Judge John E. Hoffman, Jr.

**NOTICE OF EXPEDITED HEARING ON DEBTOR'S MOTION PURSUANT TO 11
U.S.C. §§ 105, 363, 364, 1107 AND 1108 FOR AUTHORIZATION TO CONTINUE
USING EXISTING BANK ACCOUNTS AND EXISTING BUSINESS FORMS**

Please take notice that the *Debtor's Motion Pursuant to 11 U.S.C. §§ 105, 363, 364, 1107 and 1108 for Authorization to Continue Using Existing Bank Accounts and Existing Business Forms* (the "Bank Account Motion") was served by regular U.S. Mail, postage prepaid, on the 3rd day of September, 2004.

The Bank Account Motion has been set for hearing on September ___, 2004, at ___ __.m. in Courtroom ___, U.S. Bankruptcy Court, 170 North High Street, Columbus, Ohio, 43215. (See attached Order Granting Expedited Hearing).

The last date to object to the Bank Account Motion has been set by the Court for _____, 2004. (See attached Order Granting Expedited Hearing).

Dated: Columbus, Ohio
September ___, 2004

Respectfully submitted,

Kenneth R. Cookson (0020216)
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jkayes@mofocom

Proposed Counsel for Nippon Electric Glass
Ohio, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing *Notice of Expedited Hearing on Debtor's Motion Pursuant to 11 U.S.C. §§ 105, 363, 364, 1107 and 1108 for Authorization to Continue Using Existing Bank Accounts and Existing Business Forms* was served by regular U.S. Mail and/or facsimile service and/or electronic mail service as indicated on the receipt of filing, on all parties whose names are listed on the attached service list this ____ day of September, 2004.

Lisa M. Diem

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