

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

In re)	Case No. 04-63851
)	
NIPPON ELECTRIC GLASS OHIO, INC.)	Federal I.D. No. 95-4658750
)	
Debtor.)	Chapter 11
)	
)	Judge John E. Hoffman, Jr.

MOTION FOR ENTRY OF FINAL DECREE CLOSING CHAPTER 11 CASE

Nippon Electric Glass Ohio, Inc., debtor-in-possession (the "Debtor"), hereby moves the Court for entry of a final decree, substantially in the form attached as Exhibit A hereto, closing the Debtor's Chapter 11 case. pursuant to 11 U.S.C. §§ 350(a), Rule 3022 of the Federal Rules of Bankruptcy Procedure, and Local Bankruptcy Rule 3022-1.

A memorandum in support of this Motion is provided below.

November 16, 2005

NIPPON ELECTRIC GLASS OHIO, INC.

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MEMORANDUM IN SUPPORT

JURISDICTION

1. On September 1, 2004 (the "Petition Date"), the Debtor filed a voluntary petition in this Court for reorganization relief under Chapter 11 of the Bankruptcy Code. 11 U.S.C. §§ 101, *et seq.* The Debtor continues to operate its business and manage its affairs as a debtor-in-possession pursuant to 11 U.S.C. §§ 1107(a) and 1109.

2. No creditor's committee has been appointed in this case. No trustee or examiner has been appointed in this case.

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

4. The statutory predicates for the relief requested herein are 11 U.S.C. §§ 105 and 350(a), Bankruptcy Rule 3022 and Local Bankruptcy Rule 3022-1.

BACKGROUND

5. On October 7, 2005, following a confirmation hearing on October 6, 2005, the Court entered an order (the "Confirmation Order") confirming the First Amended Joint Plan of Reorganization (the "Plan"), dated August 22, 2005, filed by the Debtor and its affiliates, Techneglas, Inc. and Nippon Electric Glass America, Inc.

6. The Effective Date of the Plan was November 1, 2005. On and following the Effective Date, the Debtor commenced distributions to creditors as required by the Plan.

7. The Debtor has assumed the business and management of the property dealt with by the Plan and revested in the Debtor.

8. There are no motions, contested matters and adversary proceedings that remain unresolved in the case, and subject to the Court's review and approval of final fee

applications of attorneys employed by the Debtor, the Court's role in the administration of the case is complete. Concurrent with the filing of this Motion, the attorneys for the Debtor are filing their final fee applications for consideration and approval by the Court.

LAW AND ARGUMENT

9. Under Section 350(a) of the Bankruptcy Code and Rule 3022 of the Federal Rules of Bankruptcy Procedure, the Bankruptcy Court "shall" close the bankruptcy case and enter a final decree after "an estate is fully administered." Entry of a final decree closing a Chapter 11 case does not require that all payments under a Chapter 11 plan be completed or that the plan be fully performed.

10. The Advisory Committee Note to the 1991 amendments to Rule 3022 lists six factors the Court should consider in determining whether an estate has been "fully administered" in a Chapter 11 case:

- a. Whether the order confirming the plan has become final;
- b. Whether deposits required by the plan have been distributed;
- c. Whether the property proposed by the plan to be transferred has been transferred;
- d. Whether the debtor or the successor of the plan under the plan has assumed the business or management of the property dealt with by the plan;
- e. Whether payments under the plan have commenced; and
- f. Whether all motions, contested matters and adversary proceedings have been finally resolved.

11. The Confirmation Order, entered on October 7, 2005, became final and non-appealable as of October 18, 2005, thereby satisfying the first of the Advisory Committee guidelines. No deposits were required of the Debtor under the Plan and no property was

required to be transferred by the Debtor under the Plan, and thus the second and third guidelines are inapplicable.

12. The Debtor has assumed the business and management of the property and assets revested in the Debtor, thus satisfying the fourth guideline. The payments under the Plan have been commenced, thus satisfying the fifth guideline. There are no motions, contested matters and adversary proceedings remaining unresolved, and thus the sixth guideline has been satisfied.

13. Therefore, the Debtor submits that the estate is “fully administered,” and the Debtor’s Chapter 11 case is ready to be closed.

14. Pursuant to Local Bankruptcy Rule 3022-1(b), the Debtor certifies that, subject to the Court’s review and approval of final fee applications filed concurrently herewith by the attorneys for the Debtor, the Court’s role in the administration of the case is complete, and no contested matters or adversary proceedings are pending.

CONCLUSION

For the reasons discussed above, the Debtor respectfully requests that this Court enter a final decree, substantially in the form attached here as Exhibit A, closing the Debtor’s Chapter 11 case.

Dated: November 16, 2005

Respectfully submitted,

NIPPON ELECTRIC GLASS OHIO, INC.

By: /s/ Kenneth R. Cookson

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NOTICE AND CERTIFICATE OF SERVICE

Nippon Electric Glass Ohio, Inc. is filing the foregoing *Motion for Entry of Final Decree Closing Chapter 11 Case*. Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.) If you do not want the Court to rule against you, or if you want the Court to consider your views on the applications, then on or before December 9, 2005, you or your attorney must file with the Court a response explaining your position at:

United States Bankruptcy Court
170 North High Street
Columbus, Ohio 43215

If you mail your response to the Court for filing, you must mail it early enough so the Court will **receive** it on or before the deadline stated above. You must also serve a copy on the following:

United States Trustee
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If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the applications and may enter an order granting that relief.

The undersigned hereby certifies that a copy of the *Motion for Entry of Final Decree Closing Chapter 11 Case* was served by regular U.S. Mail, postage prepaid, on November 16, 2005, on the parties listed below.

/s/ Kenneth R. Cookson
Kenneth R. Cookson

EXHIBIT A

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