

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 (I) APPLICATIONS TO EMPLOY (a) MORRISON & FOERSTER LLP AND (b) KEGLER BROWN HILL & RITTER, AND (II) MOTION FOR AN ADMINISTRATIVE ORDER ESTABLISHING PROCEDURES FOR INTERIM COMPENSATION AND REIMBURSEMENT OF EXPENSES OF PROFESSIONALS

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 following pleadings: (i) *Application for Order Under 11 U.S.C. §§ 327(a) and 329 Authorizing the Employment of Morrison & Foerster LLP as Counsel for Debtor* (the “Morrison Application”), (ii) *Application for an Order Authorizing Employment of Kegler Brown Hill & Ritter as Local Counsel for Nippon Electric Glass Ohio, Inc., as Debtor and Debtor in Possession* (the “Kegler Brown Application”), and (ii) *Motion for an Administrative Order Establishing Procedures for Interim Compensation and Reimbursement of Expenses of Professionals* (the “Compensation Procedures 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 10, 2004

Respectfully submitted,

/s/ Lisa M. Diem

Kenneth R. Cookson (0020216)
Lisa M. Diem (0069283)
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Proposed Local Counsel for Nippon Electric
Glass, Inc.

and

Adam A. Lewis (CA #88736)
Patricia S. Mar (CA #45593)
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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 Morrison Application, the Kegler Brown Application, and the Compensation Procedures Motion.

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 Morrison Application and the Kegler Brown Application, it is critical to have counsel employed by the Debtor in order to avoid disruption in the Debtor’s business and legal representation in this case and the cases by Techneglas, Inc. (“Techneglas”) and Nippon Electric Glass America, Inc. (“NEG America”). Morrison & Foerster LLP and Kegler Brown Hill & Ritter are each qualified and possess the requisite experience to represent the Debtor in this Chapter 11 case. Both firms have provided the Debtor with legal counsel for a period preceding and from the Petition Date. At this juncture, it is appropriate to hear the Morrison Application and the Kegler Brown Application on an expedited basis since both firms have appeared before this Court on behalf of the Debtor and all parties are advised of the proposed retention of each firm. The Debtor requests these matters be set on

September 23, 2004 at 2:00 p.m., or as soon thereafter as the Court's docket permits, in conjunction with any hearings scheduled in the Techneglas and NEG America cases.

5. The Debtor requests that the Compensation Procedures Motion be heard at the same time in order to conserve judicial time and resources. Also, the next scheduled hearing for Techneglas and NEG America is not set until November 4, 2004, and the Debtor would like to have this Court hear the Compensation Procedures Motion before that date.

6. The Debtor 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.

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 Morrison Application, the Kegler Brown Application and the Compensation Procedures 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 10, 2004

Respectfully submitted,

/s/ Lisa M. Diem

Kenneth R. Cookson (0020216)
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pmar@mofocom

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Proposed Counsel for Nippon Electric Glass
Ohio, Inc.

NOTICE OF MOTION FOR EXPEDITED HEARING AND CERTIFICATE OF SERVICE

Nippon Electric Glass Ohio, Inc. has filed the foregoing *Motion for an Order Scheduling an Expedited Hearing to Consider Debtor's (I) Applications to Employ (a) Morrison & Foerster LLP and (b) Kegler Brown Hill & Ritter, and (II) Motion for an Administrative Order Establishing Procedures for Interim Compensation and Reimbursement of Expenses of Professionals* seeking an order setting an expedited hearing on September 23, 2004 at 2:00 p.m., or as soon thereafter as the Court's docket permits. 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 to Court to rule against you, or if you want the Court to consider your views on the Motion, then on or before September 23, 2004, 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
170 North High Street, Suite 200
Columbus, Ohio 43215

Kenneth R. Cookson
Lisa M. Diem
Kegler Brown Hill
& Ritter
65 East State St.,
Suite 1800
Columbus, OH 43215

Adam Lewis
Patricia Mar
Morrison & Foerster LLP
425 Market St., 33rd Floor
San Francisco, CA 94105-
2482

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

The undersigned hereby certifies that a copy of the foregoing *Motion for an Order Scheduling an Expedited Hearing to Consider Debtor's (I) Applications to Employ (a) Morrison & Foerster LLP and (b) Kegler Brown Hill & Ritter, and (II) Motion for an Administrative Order Establishing Procedures for Interim Compensation and Reimbursement of Expenses of Professionals* was served by regular U.S. Mail, postage prepaid, or by electronic filing, as indicated on the receipt of filing, on September 10, 2004, on the parties listed below.

Nippon Electric Glass Ohio, Inc.
Attn: Katsuo Takeda
P.O. Box 220
El Centro, CA 92444

Adam Lewis
Patricia S. Mar
Morrison & Forrester LLP
235 Market Street, 33rd Floor
San Francisco, CA 94104

Japan Bank for
International Cooperation
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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 A. DeMarco, Esq.
Christopher B. Wick, Esq.
Hahn Loeser & Parks LLP
3300 BP Tower
200 Public Square
Cleveland, Ohio 44114-2301

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

/s/ Lisa M. Diem

Lisa M. Diem

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 (I) APPLICATIONS TO EMPLOY (a) MORRISON & FOERSTER LLP AND (b) KEGLER BROWN HILL & RITTER, AND (II) MOTION FOR AN ADMINISTRATIVE ORDER ESTABLISHING PROCEDURES FOR INTERIM COMPENSATION AND REIMBURSEMENT OF EXPENSES OF PROFESSIONALS

Upon consideration of the motion (the “Motion”) for an expedited hearing on the *Debtor’s (I) Applications To Employ (a) Morrison & Foerster LLP and (b) Kegler Brown Hill & Ritter, and (II) Motion For An Administrative Order Establishing Procedures For Interim Compensation And Reimbursement Of Expenses Of Professionals* 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 Morrison Application¹, the Kegler Brown Application and the Compensation Procedures 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 ___, 2004.

3. Interested parties shall file and serve their responsive pleadings and/or objections to the Morrison Application, the Kegler Brown Application and the Compensation Procedures 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
Nippon Electric Glass Ohio, Inc., Attn: Katsuo Takeda, P.O. Box 220, El Entro, CA 92444
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

¹ Capitalized terms not otherwise defined herein are given those meanings as defined in the Motion.

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
(I) APPLICATIONS TO EMPLOY (a) MORRISON & FOERSTER LLP AND
(b) KEGLER BROWN HILL & RITTER, AND (II) MOTION FOR AN
ADMINISTRATIVE ORDER ESTABLISHING PROCEDURES FOR INTERIM
COMPENSATION AND REIMBURSEMENT OF EXPENSES OF PROFESSIONALS**

Please take notice that the *Debtor's (I) Applications To Employ (a) Morrison & Foerster LLP and (b) Kegler Brown Hill & Ritter, and (II) Motion For An Administrative Order Establishing Procedures For Interim Compensation And Reimbursement Of Expenses Of Professionals* (the "Motion"), the Morrison Application, the Kegler Brown Application and the Compensation Procedures Motion (all as defined in the Motion), were served by regular U.S. Mail, postage prepaid, on the 10th day of September, 2004.

The Morrison Application, the Kegler Brown Application and the Compensation Procedures Motion have 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 Morrison Application, the Kegler Brown Application and the Compensation Procedures 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)
Lisa M. Diem (0069283)
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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 *Notice Of Expedited Hearing On Debtor's (I) Applications To Employ (a) Morrison & Foerster LLP and (b) Kegler Brown Hill & Ritter, and (II) Motion For An Administrative Order Establishing Procedures For Interim Compensation And Reimbursement Of Expenses Of Professionals* 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

Nippon Electric Glass Ohio, Inc.
Attn: Katsuo Takeda
P.O. Box 220
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