

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.

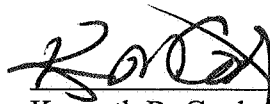
**MOTION FOR AN ORDER SCHEDULING AN EXPEDITED HEARING TO  
CONSIDER MOTION AUTHORIZING DEBTOR TO (1) SELL SCRAP MACHINERY  
AND INVENTORY DESTROYED BY FIRE LOSS AND PAY RELATED EXPENSES  
THERE TO, AND (2) ADVANCE FUNDS TO SUBSIDIARY FOR SEVERANCE  
PAYMENTS TO TERMINATED EMPLOYEES  
AND OTHER FIRE-RELATED MATTERS**

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 *Motion Authorizing Debtor to (1) Sell Scrap Machinery and Inventory Destroyed by Fire Loss and Pay Expenses Relating Thereto, and (2) Advance Funds to Subsidiary for Severance Payments to Terminated Employees and Other Fire-Related Expenses* (the “Scrap Sale and Advance Motion”), and approving the form and manner of notice.

A memorandum in support of this expedited hearing motion is provided below.

Dated: Columbus, Ohio  
October 25 2004

Respectfully submitted,



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Lisa M. Diem (0069283)  
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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. No creditors’ committee, trustee or examiner has been appointed in this Chapter 11 case.

3. The Debtor is in the business of manufacturing glass parts for cathode ray tubes used in television sets. The Debtor has gross revenue of approximately \$20 million a year from sales to manufacturers of television sets.

4. The Debtor's manufacturing operations are conducted pursuant to a "maquila" agreement with its wholly owned subsidiary, NEG Mexico, at NEG Mexico's plant located in Mexicali, Mexico. Under the agreement, the Debtor supplies all equipment, machinery, raw materials and components used in the manufacturing operation. Thus, the Debtor owns the machinery and equipment and inventory, consisting of finished and unfinished glass parts, at the Mexicali facility, while NEG Mexico owns the building and real property. The Debtor pays NEG Mexico for its services in an amount equal to NEG Mexico's costs of operations, plus an 8% fee.

5. Employees working at the Mexicali facility are NEG Mexico employees. The Debtor has only two employees of its own, namely its two executive officers, Mr. Katsuo Takeda, the president, and Mr. Akira Murakami, the vice president.

6. On October 7, 2004, a fire was started by a spark in a lighting fixture. It severely damaged, and for practical purposes, destroyed the Mexicali facility and all contents located inside the building. All of the Debtor's inventory and manufacturing equipment located in the building was destroyed and was transformed into broken glass and scrap metal. The building itself, owned by NEG Mexico, is also a total loss and will be torn down. The fire caused a total cessation of production at the Mexicali facility.

## **II. Law and Argument**

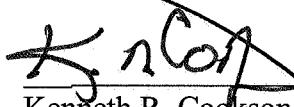
7. As described in detail in the Scrap Sale and Advance Motion, the Debtor seeks authority to sell certain scrap items and to advance certain funds. The Debtor requests these matters be set for hearing on November 4, 2004 at 10:00 a.m., or as soon thereafter as the Court's docket permits.

8. 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 Scrap Sale and Advance 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  
October 25, 2004

Respectfully submitted,



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and

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Counsel for Nippon Electric  
Glass Ohio, Inc.

**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 MOTION  
AUTHORIZING DEBTOR TO (1) SELL SCRAP MACHINERY AND INVENTORY  
DESTROYED BY FIRE LOSS AND PAY EXPENSES RELATING THERETO, AND (2)  
ADVANCE FUNDS TO SUBSIDIARY FOR SEVERANCE PAYMENTS TO  
TERMINATED EMPLOYEES AND OTHER FIRE-RELATED EXPENSES**

Upon consideration of the motion (the "Motion") for an expedited hearing on the *Motion Authorizing Debtor to (1) Sell Scrap Machinery and Inventory Destroyed by Fire Loss and Pay Expenses Relating Thereto, and (2) Advance Funds to Subsidiary for Severance Payments to Terminated Employees and Other Fire-Related Expenses* (the "Scrap Sale and Advance 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 Scrap Sale and Advance Motion is scheduled for November 4, 2004 at 10:00 a.m., at the 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 or before October 27, 2004.

3. Interested parties shall file and serve their responsive pleadings and/or objections to the Scrap and Advance Motion on or before noon, November 4, 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.

Copies to attached Service List

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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 MOTION AUTHORIZING DEBTOR TO (1) SELL SCRAP MACHINERY AND INVENTORY DESTROYED BY FIRE LOSS AND PAY EXPENSES RELATING THERETO, AND (2) ADVANCE FUNDS TO SUBSIDIARY FOR SEVERANCE PAYMENTS TO TERMINATED EMPLOYEES AND OTHER FIRE-RELATED EXPENSES**

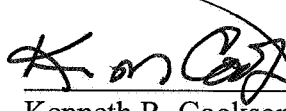
Please take notice that the *Motion Authorizing Debtor to (1) Sell Scrap Machinery and Inventory Destroyed by Fire Loss and Pay Expenses Relating Thereto, and (2) Advance Funds to Subsidiary for Severance Payments to Terminated Employees and Other Fire-Related Expenses* (the "Scrap Sale and Loan Motion") was served by regular U.S. Mail, postage prepaid, on the 25 day of October, 2004.

The Scrap Sale and Advance Motion has been set for hearing on November 4, 2004, at 10:00 a.m., at the U.S. Bankruptcy Court, 170 North High Street, Columbus, Ohio, 43215. (See attached Order Granting Expedited Hearing).

The last date to object to the Scrap Sale and Advance Motion has been set by the Court for noon on November 3, 2004. (See attached Order Granting Expedited Hearing).

Dated: Columbus, Ohio  
October 25, 2004

Respectfully submitted,



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and

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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 Authorizing Debtor to (1) Sell Scrap Machinery and Inventory Destroyed by Fire Loss and Pay Expenses Relating Thereto, and (2) Advance Funds to Subsidiary for Severance Payments to Terminated Employees and Other Fire-Related Expenses* seeking an order setting an expedited hearing on November 4, 2004 at 10:00 a.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 noon on November 3, 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  
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Adam Lewis  
Patricia Mar  
Morrison & Foerster LLP  
425 Market St., 33<sup>rd</sup> 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 Authorizing Debtor to (1) Sell Scrap Machinery and Inventory Destroyed by Fire Loss and Pay Expenses Relating Thereto, and (2) Advance Funds to Subsidiary for Severance Payments to Terminated Employees and Other Fire-Related Expenses* was served by regular U.S. Mail, postage prepaid, or by electronic filing, as indicated on the receipt of filing, on October 25, 2004, on the parties listed below.

  
\_\_\_\_\_  
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COOPERATION, OSAKA BRANCH  
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1-CHOME, KITA-KU,  
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