

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:) Case No. 05-20050 (MFW)
)
NOBEX CORPORATION,¹) Chapter 11
)
Debtor.)

NOTICE OF **AMENDED**² AGENDA OF MATTERS SCHEDULED
FOR HEARING ON DECEMBER 21, 2005 AT 3:00 P.M.

MATTERS GOING FORWARD:

1. Motion for Order Under 11 U.S.C. §§ 105, 362, and 366 (A) Establishing Procedures for Determining Requests for Assurance of Payment, (B) Prohibiting Utilities From Altering, Refusing or Discontinuing Services and Deeming Them to Have Adequate Assurance of Payment Pending Negotiation or Determination of Adequate Assurance of Payment and (C) Modifying the Amount of Assurance of Payment Demanded by a Utility (D.I. 6, filed 12/2/05).

Related Pleadings:

- a) Bridge Order (A) Establishing Procedures for Determining Requests for Assurance of Payment, (B) Prohibiting Utilities From Altering, Refusing or Discontinuing Services and Deeming Them to Have Adequate Assurance of Payment Pending Negotiation or Determination of Adequate Assurance of Payment and (C) Modifying the Amount of Assurance of Payment Demanded by a Utility (D.I. 26, filed 12/6/05); and
- b) Notice of Hearing (D.I. 32, filed 12/6/05).

Objection Deadline: December 19, 2005 at 12:00 noon (Eastern Time).

Responses Received: None to date.

Status: This matter is going forward.

¹ The Debtor's address is 617 Davis Drive, Ste. 100, Durham, NC 27713 and the last four digits of the Debtor's tax identification number is 9773.

² Modifications to the Notice of Agenda of matters are indicated in **bold** type face.

2. Motion for an Order Authorizing the Debtor to Retain, Employ and Compensate Certain Professionals Utilized by the Debtor in the Ordinary Course of Business Nunc Pro Tunc to the Petition Date (D.I. 8, filed 12/2/05).

Related Pleadings:

- a) Notice of Hearing (D.I. 32, filed 12/6/05).

Objection Deadline: December 19, 2005 at 12:00 noon (Eastern Time).

Responses Received: None to date.

Status: This matter is going forward.

3. Debtor's Emergency Motion for Interim and Final Relief (I) Authorizing Debtor in Possession to (A) Obtain Postpetition Financing from Biocon Limited Pursuant to 11 U.S.C. §§ 105, 361, 362, 364(c)(1), and 364(c)(2), (II) Granting Liens, and (III) Scheduling the Hearing on the Debtor's Motion to Incur Such Financing on a Permanent Basis and Approving the Form and Method of Notice Thereof (D.I. 12, filed 12/2/05).

Related Pleadings:

- a) Interim Order (A) Authorizing Postpetition Financing and Granting Security Interests and Superpriority Administrative Expense Status Pursuant to 11 U.S.C. §§ 361, 362, and 364; (B) Authorizing Use of Cash Collateral; (C) Modifying the Automatic Stay Pursuant to 11 U.S.C. § 362; and (D) Scheduling Final Hearing Pursuant to Bankruptcy Rule 4001 (D.I. 31, filed 12/6/05); and
- b) Notice of Hearing (D.I. 32, filed 12/6/05).

Objection Deadline: December 19, 2005 at 12:00 noon (Eastern Time).

Responses Received:

- a) **Objection Of The Official Committee Of Unsecured Creditors To Debtor's Emergency Motion For Interim And Final Relief (I) Authorizing Debtor To (A) Obtain Postpetition Financing From Biocon Ltd. Pursuant To 11 U.S.C. §§ 105, 361, 362, And 364, And (B) Grant Liens, And (II) Scheduling A Final Hearing On The Motion (D.I. 79, filed 12/19/05);**
- b) **Objection Of The United States Trustee To Debtor's Motion For Final Relief (I) Authorizing Debtor In Possession To (A) Obtain Postpetition Financing From Biocon Limited Pursuant To 11 U.S.C.**

§§ 105, 361, 362, 364(c)(1), And 364(c)(2), (II Granting Liens, And (III) Scheduling The Hearing On The Debtor's Motion To Incur Such Financing On A Permanent Basis And Approving The Form And Method Of Notice Thereof (D.I. 83); and

- c) The Founder's Group Omnibus Objection To (1) Debtor's Expedited Motion To Establish Bidding Procedures In Connection With Sale Of Substantially All Of The Assets Of The Debtor, And Related Relief, And (2) Debtor's Emergency Motion For Interim And Final Relief Authorizing Debtor In Possession To Obtain Postpetition Financing From Biocon Limited Pursuant To 11 USC Sections 105, 361, 362, 364(c)(1), And 364(c)2, And Related Relief (D.I. 86, filed 12/19/05).**

Status: This matter is going forward.

4. Debtor's Expedited Motion to: (I) (A) Establish Bidding Procedures in Connection with Sale of Substantially All of the Assets of the Debtor, Including Certain Bidding Incentives, (B) Approve the Form and Manner of Notices, (C) Approve the Form of the Asset Purchase Agreement, (D) Set a Sale Hearing, and (E) Grant Related Relief; (II) Approve the Sale of Substantially All of the Assets of the Debtor Free and Clear of Liens, Claims and Encumbrances to the Successful Bidder; (III) Authorize the Assumption and Assignment of Certain Executory Contracts and Leases; and (IV) Approve Procedures for the Rejection of Certain Contracts and Leases (D.I. 13, filed 12/2/05).

Related Pleadings:

- a) Notice of Hearing (D.I. 32, filed 12/6/05).

Objection Deadline: December 19, 2005 at 12:00 noon (Eastern Time).

Responses Received:

- a) **Objection Of The Official Committee Of Unsecured Creditors To Debtor's Expedited Motion To Establish Bidding Procedures In Connection With Sale Of Substantially All Of The Assets Of The Debtor And For Related Relief (D.I. 78, filed 12/19/05);**
- b) **Objection Of The United States Trustee To Debtor's Expedited Motion to: (I) (A) Establish Bidding Procedures in Connection with Sale of Substantially All of the Assets of the Debtor, Including Certain Bidding Incentives, (B) Approve the Form and Manner of Notices, (C) Approve the Form of the Asset Purchase Agreement, (D) Set a Sale Hearing, and (E) Grant Related Relief; (II) Approve the Sale of Substantially All of the Assets of the Debtor Free and Clear of Liens, Claims and Encumbrances to the Successful Bidder; (III) Authorize the Assumption and Assignment of Certain Executory Contracts and**

Leases; and (IV) Approve Procedures for the Rejection of Certain Contracts and Leases (D.I. 84, filed 12/19/05); and

- c) **The Founder's Group Omnibus Objection To (1) Debtor's Expedited Motion To Establish Bidding Procedures In Connection With Sale Of Substantially All Of The Assets Of The Debtor, And Related Relief, And (2) Debtor's Emergency Motion For Interim And Final Relief Authorizing Debtor In Possession To Obtain Postpetition Financing From Biocon Limited Pursuant To 11 USC Sections 105, 361, 362, 364(c)(1), And 364(c)2, And Related Relief (D.I. 86, filed 12/19/05).**

Status: This matter is going forward.

5. Motion for Order Authorizing Payment of Sale-Related Incentive Pay to Senior Management Pursuant to 11 U.S.C. §§ 105, 363(b) and 503(c)(3) (D.I. 51, filed 12/9/05).

Related Pleadings:

- a) Motion for Order Shortening Notice With Respect to Motion for Order Authorizing Payment of Sale-Related Incentive Pay to Senior Management Pursuant to 11 U.S.C. §§ 105, 363(b) and 503(c)(3) (D.I. 50, filed 12/9/05); and
- b) Order Shortening Notice With Respect to the Motion for Order Authorizing Payment of Sale-Related Incentive Pay to Senior Management Pursuant to 11 U.S.C. §§ 105, 363(b) And 503(c)(3) (D.I. 65, filed 12/13/05).

Objection Deadline: December 19, 2005 at 12:00 noon (Eastern Time).

Responses Received:

- a) Objection of the United States Trustee to Debtor's Motion for Order Shortening Notice With Respect to Motion for Order Authorizing Payment of Sale-Related Incentive Pay to Senior Management Pursuant to 11 U.S.C. §§ 105, 363(b) and 503(c)(3) (D.I. 59, filed 12/12/05);
- b) **Objection Of The Official Committee Of Unsecured Creditors To Debtor's Motion For Order Authorizing Payment Of Sale-Related Incentive Pay To Senior Management Pursuant To 11 U.S.C. §§ 105, 363(b) and 503(c)(3) (D.I. 81, filed 12/19/05); and**
- c) **Objection Of The United States Trustee To Debtor's Motion For Order Authorizing Payment Of Sale-Related Incentive Pay To Senior Management Pursuant To 11 U.S.C. §§ 105, 363(b) And 503(c)(3) (D.I. 85, filed 12/19/05).**

Status: This matter is going forward.

6. Motion for Order Authorizing Payment of Retention Bonuses and Sale-Related Incentive Pay to Non-Insider Employees Pursuant to 11 U.S.C. §§ 105 and 363(b) (D.I. 53, filed 12/9/05).

Related Pleadings:

- a) Motion for Order Shortening Notice With Respect to Motion for Order Authorizing Payment of Retention Bonuses and Sale-Related Incentive Pay to Non-Insider Employees Pursuant to 11 U.S.C. §§ 105 and 363(b) (D.I. 52, filed 12/9/05); and
- b) Order Shortening Notice With Respect to the Motion for Order Shortening Notice With Respect to Motion for Order Authorizing Payment of Retention Bonuses and Sale-Related Incentive Pay to Non-Insider Employees Pursuant to 11 U.S.C. §§ 105 and 363(b) (D.I. 63, filed 12/13/05).

Objection Deadline: December 19, 2005 at 12:00 noon (Eastern Time).

Responses Received:

- a) Objection of the United States Trustee to Debtor's Motion for Order Shortening Notice With Respect to Motion for Order Authorizing Payment of Retention Bonuses and Sale-Related Incentive Pay to Non-Insider Employees Pursuant to 11 U.S.C. §§ 105 and 363(b) (D.I. 58, filed 12/12/05);
- b) **Limited Objection Of The Official Committee Of Unsecured Creditors To The Debtor's Motion for Order Authorizing Payment of Retention Bonuses and Sale-Related Incentive Pay to Non-Insider Employees Pursuant to 11 U.S.C. §§ 105 and 363(b) (D.I. 82, filed 12/19/05).**

Status: This matter is going forward.

7. Debtor's Application Pursuant to Section 327(a) and 328 of the Bankruptcy Code and Bankruptcy Rule 2014 to Retain and Employ Morgan Joseph & Co., Inc. as the Debtor's Exclusive Investment Banker Nunc Pro Tunc to December 1, 2005 (D.I. 55, filed 12/9/05).

Related Pleadings:

- a) Motion for Order Shortening Notice With Respect to Debtor's Application Pursuant to Section 327(a) and 328 of the Bankruptcy Code and Bankruptcy Rule 2014 to Retain and Employ Morgan Joseph & Co., Inc.

as the Debtor's Exclusive Investment Banker Nunc Pro Tunc to December 1, 2005 (D.I. 54, filed 12/9/05); and

- b) Order Shortening Notice With Respect to Debtor's Application Pursuant to Section 327(a) and 328 of the Bankruptcy Code and Bankruptcy Rule 2014 to Retain and Employ Morgan Joseph & Co., Inc. as the Debtor's Exclusive Investment Banker Nunc Pro Tunc to December 1, 2005 (D.I. 64, filed 12/13/05).

Objection Deadline: December 19, 2005 at 12:00 noon (Eastern Time).

Responses Received:

- a) Objection of the United States Trustee to Debtor's Motion for Order Shortening Notice With Respect to Debtor's Application Pursuant to Section 327(a) and 328 of the Bankruptcy Code and Bankruptcy Rule 2014 to Retain and Employ Morgan Joseph & Co., Inc. as the Debtor's Exclusive Investment Banker Nunc Pro Tunc to December 1, 2005 (D.I. 60, filed 12/12/05);
- b) **Limited Objection Of The Official Committee Of Unsecured Creditors To The Debtor's Application Pursuant to Section 327(a) and 328 of the Bankruptcy Code and Bankruptcy Rule 2014 to Retain and Employ Morgan Joseph & Co., Inc. as the Debtor's Exclusive Investment Banker Nunc Pro Tunc to December 1, 2005 (D.I. 80, filed 12/19/05).**

Status: This matter is going forward.

Dated: December 19, 2005
Wilmington, Delaware

MORRIS, NICHOLS, ARSHT & TUNNELL



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