

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

IN RE:)	Case № 04 B 02221
)	
WICKES, INC.,)	Chapter 11
)	
)	Hon. Bruce W. Black
Debtor.)	
)	Hearing: 10/29/09 9:30a.m.

OBJECTION TO ROUTINE MOTION OF LIQUIDATING TRUSTEE FOR AUTHORITY TO DESTROY BUSINESS RECORDS OR, IN THE ALTERNATIVE, FOR OTHER RELIEF

FOLEY & MANSFIELD P.L.L.P., submits this Objection to Routine Motion of Liquidating Trustee for Authority to Destroy Business Records or, in the Alternative, for Other Relief as a party in interest.

FOLEY & MANSFIELD P.L.L.P. is a national law firm which represents Debtor in asbestos-related litigation. This litigation has been ongoing since the Plan became effective on December 12, 2007.

The Debtor’s historical documents which DAROLD WEIDMAN (“Trustee”) seeks to destroy likely contain relevant information and data pertaining to the Debtor’s use, if any, of asbestos in its products, the period(s) of time during which asbestos-containing products, if any, were manufactured or supplied by the Debtor, and the parties that purchased asbestos-containing products, if any. For these reasons, it is imperative that these documents be retained – and not destroyed – for purposes of defending Debtor in asbestos-related litigation. Furthermore, the destruction of these documents

may result in “spoliation of evidence” arguments asserted against Debtor and its legal counsel.

FOLEY & MANSFIELD P.L.L.P. has notified Trustee that it will take possession of the documents to permit the law firm an opportunity to inspect the documents. As such FOLEY & MANSFIELD P.L.L.P. will assume facility storage fees of which Trustee complains in his Routine Motion. FOLEY & MANSFIELD P.L.L.P. requests that this Court order Trustee to pay the “retrieval of records” fee and any “destruction of records by shredding” fee as provided on Exhibit A, attached to Trustee’s Routine Motion.

RELIEF REQUESTED

For the reasons stated in this Objection, FOLEY & MANSFIELD P.L.L.P. requests that this Court deny Trustee’s Routine Motion of Liquidating Trustee for Authority to Destroy Business Records or, in the Alternative, for Other Relief. FOLEY & MANSFIELD P.L.L.P. also requests that this Court order Trustee to pay the “retrieval of records” fee and any “destruction of records by shredding” fee as provided on Exhibit A, attached to Trustee’s Routine Motion.

Dated: October 26, 2009

Respectfully submitted,

/s/ William E. Osantowski

WILLIAM E. OSANTOWSKI (P33982)
Foley & Mansfield, PLLP
130 East 9 Mile Rd.
Ferndale, MI 48220
(248) 721-4200

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing document has been filed with the Clerk of the Court and served via the Court's CM/ECF system upon all counsel of record 26th day of October, 2009.

/s/ William E. Osantowski