

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.

**AMENDED 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 Amended 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The Debtor’s historical documents which DAROLD WEIDMAN (“Trustee”) seeks to destroy likely contain relevant information and data pertaining to the Debtor’s use, if any, of asbestos in its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. intends to transport the documents to a storage facility located in Waterford, Michigan.

FOLEY & MANSFIELD P.L.L.P. requests that this Court order Trustee to pay the “retrieval of records” fee, as provided on Exhibit A, attached to Trustee’s Routine Motion, to Iron Mountain which is headquartered at 4175 Chandler Drive, Hanover Park, IL 60133 and the “destruction of records by shredding” fee in the amount of \$32,593.17, as provided on Exhibit A, attached to Trustee’s Routine Motion, to be paid directly to Debtor’s insurers who are currently defending asbestos actions filed against Debtor

RELIEF REQUESTED

For the reasons stated in this Amended 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, as provided on Exhibit A, attached to Trustee’s Routine Motion, to Iron Mountain which is headquartered at 4175 Chandler Drive, Hanover Park, IL 60133 and to pay the “destruction of records by shredding” fee in the

amount of \$32,593.17, as provided on Exhibit A, attached to Trustee's Routine Motion, directly to Debtor's insurers who are currently defending asbestos actions filed against Debtor.

Sincerely,  
/S/

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Dated: October 28, 2009