

ADVERSARY PROCEEDING COVER SHEET (Instructions on Reverse)		ADVERSARY PROCEEDING NUMBER (Court Use Only)
PLAINTIFFS Faurecia Riverside, LLC Automotive Seating, Inc. 2800 Superior Ct., Auburn Hills, MI	DEFENDANTS Creative Engineers Polymer Products, LLC. 3560 W. Mailing Street, Akron, OH	
ATTORNEYS (Firm Name, Address, and Telephone No.)	ATTORNEYS (If Known) Joseph Hutchinson 3200 National City Center 1900 East 9th St., Cleveland, OH	
PARTY (Check One Box Only) <input type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input checked="" type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee	PARTY (Check One Box Only) <input checked="" type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee	
CAUSE OF ACTION (WRITE A BRIEF STATEMENT OF CAUSE OF ACTION, INCLUDING ALL U.S. STATUTES INVOLVED) Faurecia seeks return of post-petition overpayments.		
NATURE OF SUIT (Number up to five (5) boxes starting with lead cause of action as 1, first alternative cause as 2, second alternative cause as 3, etc.)		
FRBP 7001(1) – Recovery of Money/Property <input type="checkbox"/> 11-Recovery of money/property - §542 turnover of property <input type="checkbox"/> 12-Recovery of money/property - §547 preference <input type="checkbox"/> 13-Recovery of money/property - §548 fraudulent transfer <input type="checkbox"/> 14-Recovery of money/property - other FRBP 7001(2) – Validity, Priority or Extent of Lien <input checked="" type="checkbox"/> 21-Validity, priority or extent of lien or other interest in property FRBP 7001(3) – Approval of Sale of Property <input type="checkbox"/> 31-Approval of sale of property of estate and of a co-owner - §363(h) FRBP 7001(4) – Objection/Revocation of Discharge <input type="checkbox"/> 41-Objection / revocation of discharge - §727(c),(d),(e) FRBP 7001(5) – Revocation of Confirmation <input type="checkbox"/> 51-Revocation of confirmation FRBP 7001(6) – Dischargeability <input type="checkbox"/> 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims <input type="checkbox"/> 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud <input type="checkbox"/> 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny (continued next column)	FRBP 7001(6) – Dischargeability (continued) <input type="checkbox"/> 61-Dischargeability - §523(a)(5), domestic support <input type="checkbox"/> 68-Dischargeability - §523(a)(6), willful and malicious injury <input type="checkbox"/> 63-Dischargeability - §523(a)(8), student loan <input type="checkbox"/> 64-Dischargeability - §523(a)(15), divorce/sep property settlement/decre <input type="checkbox"/> 65-Dischargeability - other FRBP 7001(7) – Injunctive Relief <input type="checkbox"/> 71-Injunctive relief – reinstatement of stay <input type="checkbox"/> 72-Injunctive relief – other FRBP 7001(8) Subordination of Claim or Interest <input type="checkbox"/> 81-Subordination of claim or interest FRBP 7001(9) Declaratory Judgment <input checked="" type="checkbox"/> 91-Declaratory judgment FRBP 7001(10) Determination of Removed Action <input type="checkbox"/> 01-Determination of removed claim or cause Other <input type="checkbox"/> SS-SIPA Case – 15 U.S.C. §§78aaa <i>et. seq.</i> <input type="checkbox"/> 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)	
<input type="checkbox"/> Check if this case involves a substantive issue of state law	<input type="checkbox"/> Check if this is asserted to be a class action under FRCP 23	
<input type="checkbox"/> Check if a jury trial is demanded in complaint	Demand \$ 338,131.55	
Other Relief Sought <p style="text-align: center;">Return of overpayments.</p>		

BANKRUPTCY CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES			
NAME OF DEBTOR Creative Engineered Polymer Products		BANKRUPTCY CASE NO. 06-51847 - Consolidated 06-51848	
DISTRICT IN WHICH CASE IS PENDING Northern Ohio	DIVISIONAL OFFICE Eastern	NAME OF JUDGE Marilyn Shea-Stonum	
RELATED ADVERSARY PROCEEDING (IF ANY)			
PLAINTIFF	DEFENDANT	ADVERSARY PROCEEDING NO.	
DISTRICT IN WHICH ADVERSARY IS PENDING	DIVISIONAL OFFICE	NAME OF JUDGE	
SIGNATURE OF ATTORNEY (OR PLAINTIFF) /s/ John J. Hunter, Jr.			
DATE April 11, 2007	PRINT NAME OF ATTORNEY (OR PLAINTIFF) John J. Hunter, Jr.		

INSTRUCTIONS

The filing of a bankruptcy case creates an "estate" under the jurisdiction of the bankruptcy court which consists of all of the property of the debtor, wherever that property is located. Because the bankruptcy estate is so extensive and the jurisdiction of the court so broad, there may be lawsuits over the property or property rights of the estate. There also may be lawsuits concerning the debtor's discharge. If such a lawsuit is filed in a bankruptcy court, it is called an adversary proceeding.

A party filing an adversary proceeding must also must complete and file Form 104, the Adversary Proceeding Cover Sheet, if it is required by the court. In some courts, the cover sheet is not required when the adversary proceeding is filed electronically through the court's Case Management/Electronic Case Files (CM/ECF) system. (CM/ECF captures the information on Form 104 as part of the filing process.) When completed, the cover sheet summarizes basic information on the adversary proceeding. The clerk of court needs the information to process the adversary proceeding and prepare required statistical reports on court activity.

The cover sheet and the information contained on it do not replace or supplement the filing and service of pleadings or other papers as required by law, the Bankruptcy Rules, or the local rules of court. The cover sheet, which is largely self-explanatory, must be completed by the plaintiff's attorney (or by the plaintiff if the plaintiff is not represented by an attorney). A separate cover sheet must be submitted to the clerk for each complaint filed.

Parties. Give the names of the parties to the adversary proceeding exactly as they appear on the complaint. Give the names and addresses of the attorneys if known.

Signature. This cover sheet must be signed by the attorney of record in the box on the second page of the form. If the plaintiff is represented by a law firm, a member of the firm must sign. If the plaintiff is pro se, that is, not presented by an attorney, the plaintiff must sign.

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In Re: CEP HOLDINGS LLC.	)	Case No. 06-51848 (Consolidated)
Debtor)	
Faurecia Automotive Seating, Inc.	)	Adversary No.
2800 Superior Ct.	)	Judge: Marilyn Shea-Stonum
Auburn Hills, MI 48326)	
and	)	<u>COMPLAINT FOR RECOVERY OF MONEY</u>
)	
Faurecia Riverside LLC	)	John J. Hunter, Jr. (0034602)
2800 Superior Ct.	)	HUNTER & SCHANK CO., LPA
Auburn Hills, MI 48326	)	One Canton Square
	)	1700 Canton Avenue
Plaintiffs,	)	Toledo, OH 43624
	)	(419) 255-4300
-vs-	)	Fax (419) 255-9121
)	
Creative Engineered Polymer)	
Products LLC)	
3560 W. Market St.)	
Akron, Ohio 44333)	
)	
Defendant)	

NOW COMES the Plaintiffs and for their cause of action state and aver as follows:

COUNT ONE

1. This Court has jurisdiction pursuant to 28 U.S.C. §1334.
2. This Court is the proper venue as provided in 28 U.S.C. §1409, pursuant to a general order entered whereby all causes and all proceedings arising under Title 11, or arising in or related to a case under Title 11, are referred to the Bankruptcy Judge for this District pursuant to the provisions of 28 U.S.C. §157(a).

3. The within cause of action is a core proceeding as defined by 28 U.S.C. §157(b)(2)(O).
4. The Debtors¹ CEP Holdings LLC, Creative Engineered Polymer Products LLC and Thermoplastics Acquisition LLC, filed for relief under Chapter 11 of Title 11 of the United States Code on or about September 20, 2006.
5. The Plaintiffs Faurecia Automotive Seating Inc. (individually hereinafter “Seating”) and Faurecia Riverside LLC (individually hereinafter “Riverside” and “Riverside” and “Seating” collectively hereinafter referred to as “Faurecia”) are related entities and former customers of the Debtor Creative Engineered Polymer Products, LLC, hereinafter “CEP”.
6. Faurecia was an Assisting Customer under the terms of the financing orders that were entered by the Court and the Emergency Order [Doc. 66].
7. Prior to the filing of the petitions in bankruptcy the Debtor/Defendant Creative Engineered Polymer Products LLC was a supplier to Faurecia.
8. In October of 2006, Seating on behalf of itself and its affiliate Riverside, executed and delivered to CEP a certain letter agreement required by CEP in order for CEP to continue production for Faurecia, the “Letter Agreement”.
9. Subsequent to the execution and delivery of the Letter Agreement in October of 2006 CEP continued to produce components for Faurecia.
10. Under the terms of the Letter Agreement Faurecia was required to pay on expedited terms all of its accounts payable to CEP for both pre-petition and post-petition production.
11. Subsequent to the execution of the Letter Agreement, Faurecia was able to resource its production from CEP.
12. In accordance and compliance with the terms of the Letter Agreement Faurecia paid to CEP all amounts due under the terms of the Letter Agreement.
13. Faurecia as of November 2006 had paid in full any and all amounts due to CEP.

¹ This matter arises from the filing of three petitions in bankruptcy which are currently proceeding in the consolidated matter of CEP Holdings LLC.

14. On or about December 26, 2006 Riverside, through error, paid to CEP the sum of \$219,084.71. Attached hereto as Exhibit 1 is a copy of the voucher for said payment as well as a copy of the back side of the negotiated check.
15. On or about December 1, 2006 Riverside in error paid to CEP the sum of \$57,797.89. Attached as Exhibit 2 is a copy of the check for said payment as well as a copy of the back side of the negotiated check.
16. On or about December 1, 2006 Seating in error paid to CEP the sum of \$61,248.95. Attached as Exhibit 3 is a copy of the check for said payment as well as a copy of back side of the negotiated check.
17. On February 15, 2007 Faurecia made formal written demand for a return of the \$219,084.71 payment to the Debtor through its attorneys.
18. Subsequent to the February 15 demand Faurecia became aware of the additional payments made in error by Faurecia and on March 5, 2007 Faurecia made formal demand for the repayment of all of the foregoing amounts paid in error by Faurecia.
19. Faurecia has overpaid CEP in the aggregate the sum of \$338,131.55.
20. Despite demand for the return of the overpayments CEP has failed to return such overpayments to Faurecia.
21. CEP has no claim, right or interest in the overpayments that have been made in error by Faurecia.
22. Faurecia is entitled to the immediate return of the overpayments made by Faurecia.

WHEREFORE, the Plaintiffs respectfully move this Court for an Order requiring CEP to return to Faurecia the overpayments in the amount of \$338,131.55 together with such other and further relief as is just and equitable in the premises.

Respectfully submitted,

/s/ John J. Hunter, Jr.
John J. Hunter, Jr. (0034602)
HUNTER & SCHANK CO. LPA
One Canton Square
1700 Canton Avenue
Toledo, Ohio 43624
(419) 255-4300
(419) 255-9121
jrhunter@hunterschank.com

DETACH BEFORE DEPOSITING CHECK

022650 CHECK NO.

REFERENCE	INVOICE	GROSS	DISCOUNT	NET AMOUNT
** SEE SEPARATE PAYMENT SPECIFICATION FOR REMITTANCE DETAILS **				
TOTAL				219084.71

WHEN CORRESPONDING WITH US IN REGARD TO THE ITEMS ON THIS REMITTANCE PLEASE REFER TO THE ABOVE VOUCHER NUMBER

1422.09



FAURECIA RIVERSIDE LLC
500 N.W. Platte Valley Drive
Riverside, MO 64150-9700

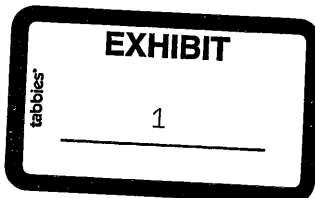
CHASE MANHATTAN
BANK USA, N.A.

CHECK No.	022650
DATE	12/26/06
AMOUNT	USD *****219,084.71

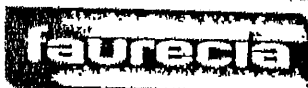
PAY Two Hundred Nineteen Thousand Eighty-Four Dollars And 71 Cents

TO THE ORDER OF
CREATIVE ENGINEERED POLYMER
PRODUCTS, LLC
CEP DOMESTIC
P.O. BOX 933353
ATLANTA, GA 31193-3353
USA

NON-NEGOTIABLE



Posting Date: 2007-01-18
 Sequence #: 4309504
 Account #: 6301532234509
 Routing Transit: 03110026
 Amount #: \$219084.71
 Check/Serial #: 000000022650
 Bank #: 802
 Tran Code: 000000
 IRD: 0
 ItemType: P
 BOFD: 021000021



FAURECIA RIVERSIDE LLC

500 N.W. Platte Valley Drive
 Riverside, MO 64150-9700

T-1

5228
311

CHASE MANHATTAN
 BANK USA, N.A.

CHECK No	022650
DATE	12/26/06
AMOUNT	USD *****219,084.71

PAY
 Two Hundred Nineteen Thousand Eighty-Four Dollars And 71 Cents

TO
 THE
 ORDER
 OF

CREATIVE ENGINEERED POLYMER
 PRODUCTS, LLC
 CEP - DOMESTIC
 P.O. BOX 933353
 ATLANTA, GA 31193-3353
 USA

Walter P. Blum

⑈022650⑈ ⑆031100267⑆ 6301532234 509⑈

⑈0021908471⑈

0412309504
 01182007
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 ENT=237B TRC=237B PK=07

OR TO ACCT OF PAYEE ABSENCE OF ENDORSE LTD
 MEMO LEX 2000228319768-933353-685-1-01-17-2007

244 2920 03
 01182007
 021000021

0170612666

⑈063107513⑈
 WACHOVIA NA SVC057 4740T
 ORLANDO FL 01172007 18PK
 2119459047



FAURECIA RIVERSIDE LLC

500 N.W. Plate Valley Drive
Riverside, MO 64150-9700

CHASE MANHATTAN
BANK USA, N.A.

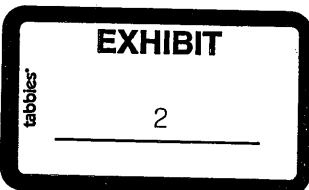
CHECK No	022484
DATE	12/01/06
AMOUNT	USD *****57,797.89

PAY
Fifty-Seven Thousand Seven Hundred Ninety-Seven Dollars And 89 Cents

TO
THE
ORDER
OF
CREATIVE ENGINEERED POLYMER
PRODUCTS, LLC
CEP - DOMESTIC
P.O. BOX 933353
ATLANTA, GA 31193-3353
USA

Will S. [Signature]

⑈022484⑈ ⑈031100257⑈ ⑈301532234 509⑈ ⑈0005779789⑈



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031006040 FRB-PHILA
ENT=2178 TRC=P176 PR=07

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D.C. 20535

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12/21/93
12/21/93

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WASHINGTON, D.C. 20535
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D.C. 20535

21210000

RTN:= 31100267 Account # := 6301533968509 Amount := \$61,248.95
Check# := 8216 Paid Date:= 12/06/2006

1422-00



FAURECIA AUTOMOTIVE SEATING, AUBURN HILLS PLANT
2800 Superior Ct. • Auburn Hills, MI 48326

15

82-26
311

CHASE MANHATTAN
BANK USA, N.A.

CHECK No	008216
DATE	12/01/06
AMOUNT USD	*****61,248.95

PAY Sixty-One Thousand Two Hundred Forty-Eight Dollars And 95 Cents

TO
THE
ORDER
OF

CREATIVE ENGINEERED POLYMER
CEP - DOMESTIC
P.O. Box 933353
Atlanta, GA 31193-3353
USA

Walter B. Blum

/1

⑈008216⑈ ⑆031100267⑆ 6301533968 509⑈ ⑆0006124895⑆

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OR IS NOT THE TRUE PRESENT OF ENVELOPE 610
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