

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

IN RE: ) Chapter 11  
MOLL INDUSTRIES, INC., *et al.*,<sup>1</sup> ) Case No. 10-11371 (MFW)  
 ) Jointly Administered  
 )  
Debtors. ) **Objection Deadline: August 1, 2011 at 4:00 p.m.**  
 ) **Hearing Date: August 8, 2011 at 2:00 p.m.**

**NOTICE OF MOTION**

PLEASE TAKE NOTICE THAT on July 15, 2011, the Debtors filed their attached *Motion for Entry of an Order Pursuant to Bankruptcy Code Section 105(a) and Bankruptcy Rule 9019 for Approval of a Settlement Among the Debtors, the Committee and Andy Jobson* (the "Motion") with the United States Bankruptcy Court for the District of Delaware (the "Bankruptcy Court").

PLEASE TAKE FURTHER NOTICE that any objections to the Motion must be made in writing, filed with the Bankruptcy Court, 824 Market Street, Wilmington, Delaware 19801 and served so as to actually be received by the undersigned counsel for the Debtors on or before **August 1, 2011 at 4:00 p.m. prevailing Eastern time.**

PLEASE TAKE FURTHER NOTICE that a hearing on the Motion will be held before the Honorable Mary F. Walrath at the Bankruptcy Court, 5<sup>th</sup> Floor, Courtroom 4, on **August 8, 2011 at 2:00 p.m. prevailing Eastern time.**

---

<sup>1</sup> The Debtors in these cases are as follows: Moll Industries, Inc., Case No. 10-11371 (MFW); Moll Holdings, Inc., Case No. 10-11372 (MFW); Moll Europe Holdings, LLC, Case No. 10-11373 (MFW); and Moll Latin America Holdings, LLC, Case No. 10-11374 (MFW).

Docket No. 667  
Date 7/15/2011

**PLEASE TAKE FURTHER NOTICE THAT IF NO OBJECTION OR OTHER RESPONSE TO THE MOTION IS TIMELY FILED IN ACCORDANCE WITH THE PROCEDURES SET FORTH ABOVE, THE BANKRUPTCY COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT IN THE MOTION WITHOUT FURTHER NOTICE OR A HEARING.**

Dated: July 15, 2011  
Wilmington, Delaware

**SULLIVAN · HAZELTINE · ALLINSON LLC**

*/s/ William A. Hazeltine*

---

William A. Hazeltine (No. 3294)  
901 North Market Street, Suite 1300  
Wilmington, DE 19801  
Tel: (302) 428-8191  
Fax: (302) 428-8195  
whazeltine@sha-llc.com

*Attorneys for the Debtors and Debtors-in-Possession*

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

IN RE: ) Chapter 11  
MOLL INDUSTRIES, INC., *et al.*,<sup>1</sup> ) Case No. 10-11371 (MFW)  
 ) Jointly Administered  
 )  
Debtors. ) **Objection Deadline: August 1, 2011 @ 4:00 p.m.**  
 ) **Hearing Date: August 8, 2011 @ 2:00 p.m.**

**DEBTORS' MOTION FOR ENTRY OF AN ORDER  
PURSUANT TO BANKRUPTCY CODE SECTION 105(a) AND  
BANKRUPTCY RULE 9019 FOR APPROVAL OF A SETTLEMENT  
AMONG THE DEBTORS, THE COMMITTEE AND ANDY JOBSON**

Moll Industries, Inc. and its affiliated debtors (the "Debtors"), debtors and debtors-in-possession in the above-captioned chapter 11 cases, hereby move this Honorable Court (the "Motion") for entry of an order, pursuant to Section 105(a) of title 11 of the United States Code, 11 U.S.C. §§ 101-1532 (the "Bankruptcy Code") and Rule 9019 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), authorizing and approving a settlement with Andy Jobson, the Debtors' former Director of Operations. In support of the Motion, the Debtors respectfully state as follows:

**JURISDICTION**

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2). Venue is proper in this Court pursuant to 28 U.S.C. §§ 1408 and 1409. The statutory bases for the relief requested herein are Section 105(a) of the Bankruptcy Code and Bankruptcy Rule 9019.

**BACKGROUND**

2. On April 27, 2010 (the "Petition Date"), the Debtors each filed a voluntary petition for relief pursuant to chapter 11 of the Bankruptcy Code commencing the above-

---

<sup>1</sup> The Debtors in these cases are as follows: Moll Industries, Inc., Case No. 10-11371 (MFW); Moll Holdings, Inc., Case No. 10-11372 (MFW); Moll Europe Holdings, LLC, Case No. 10-11373 (MFW); and Moll Latin America Holdings, LLC, Case No. 10-11374 (MFW).

captioned cases. These cases are being jointly administered for procedural purposes only. The Debtors are debtors-in-possession pursuant to sections 1107 and 1108 of the Bankruptcy Code. On May 10, 2010, the Office of the United States Trustee appointed an Official Committee of Unsecured Creditors (the "Committee").

3. Prior to October 1, 2010, the Debtors were a significant provider of global injection molding and full-service contract manufacturing solutions for the medical, appliance, industrial, consumer and automotive markets. They were also specialists in drug delivery, surgical devices, enclosures and fluid delivery products, and were considered one of the most experienced full-service contract manufacturer of custom injection molded components and assemblies to the appliance industry in North America. They had registered medical device establishment with the FDA in their manufacturing facilities in Seagrove, North Carolina and Donegal, Ireland.

4. Mr. Jobson was employed as the Debtors' Director of Operations through October 29, 2010. As discussed more fully in the Incentive Motion and the Settlement Motion (both as defined below), Mr. Jobson played a crucial role in maximizing the value of the Debtors' assets following the Petition Date.

5. On July 2, 2010, the Debtors filed their Motion for Entry of An Order Pursuant to Sections 105(a) and 363(b) of the Bankruptcy Code Authorizing the Debtors to Implement a Key Employee Incentive Plan (the "Incentive Motion") [Docket No. 197]. Pursuant to the Incentive Motion, the Debtors requested authority to pay to Mr. Jobson an incentive bonus in the maximum total amount of \$62,500.00 as follows: (i) a payment of \$37,500.00 upon closing on the sale of substantially all of the Debtors' assets as a going concern; and (ii) an additional payment of \$25,000.00 if such sale generated proceeds in excess of \$4 million. On July 19, 2010, the Bankruptcy Court entered an order [Docket No. 238] approving the Incentive Motion.

6. Due to the Debtors' concern that Mr. Jobson would leave his employment with the Debtors because of Mr. Jobson's receipt of a bonafide offer of employment from another company, the Debtors, in the exercise of their business judgment, made a payment to Mr. Jobson

in the amount of \$25,000.00 on or about July 1, 2010 ("Bonus Payment 1") as partial payment under the Incentive Plan.

7. On September 16, 2010, the Court entered an order (the "Sale Order") [Docket No. 324] authorizing the Debtors to sell substantially all of their machinery and equipment to Branford Auctions, LLC ("Branford"). The purchase price was \$2,720,000, subject to certain purchase price adjustments. The sale to Branford closed on September 17, 2010 (the "Closing Date"). Following the Closing Date, the Debtors continued to manufacture product for certain customers through October 1, 2010 using machinery and equipment sold to Branford pursuant to a Transition License and Operating Agreement, which was approved by the Court as part of the Sale Order. The Debtors' manufacturing of product following the Closing Date generated substantial positive cash flow.

8. On October 8, 2010, the Court entered its Order Authorizing the Debtors to (I) Lease Certain of Its Real Property Located in Seagrove, North Carolina, and (II) Sell Certain Raw Material Free and Clear of Encumbrances (the "FPE Order") [Docket No. 361]. Pursuant to the FPE Order, the Debtors leased a portion of their Seagrove, North Carolina manufacturing facility to FPE NC, LLC ("FPE") and sold certain remaining raw materials to FPE. FPE is now using the facility to manufacture product for some of the Debtors' former customers and has employed a substantial number of the Debtors' former employees.

9. The transactions approved by the FPE Order provided several benefits to the Debtors' estates and their creditors. First, the lease of the facility provided additional income to the Debtors pending the sale of the Seagrove property. Second, the Debtors were able to sell their remaining raw materials to FPE at cost, allowing the Debtors to avoid the restocking fees that their suppliers would have charged if they had returned the product. Third, FPE hired a substantial number of the Debtors' employees. In addition to providing continued employment for many of the Debtors' employees, the continued employment will mitigate any potential

WARN Act liability. Finally, FPE will be manufacturing product for Acton Pharmaceuticals, Inc. ("Acton"), which will eliminate any potential administrative expense claim asserted by Acton.<sup>2</sup>

10. Despite the fact that the Debtors' were not able to sell their assets as a going concern, Mr. Jobson's services provided significant value for the Debtors' estates. After it became apparent that there would be no going concern sale, many of the Debtors' customers placed additional orders for product so that they could build a stockpile to tide them over until they could locate a new supplier. Accordingly, while the Debtors initially projected that they would cease operations at about the end of August, 2010, the Debtors were able to continue operations through October 1, 2010, which generated additional positive cash flow. Mr. Jobson's services during this period were vital to this result.

11. Because of Mr. Jobson's extraordinary efforts throughout the sale process, the Debtors management, in the exercise of their business judgment and based on their interpretation of the Incentive Plan Order, paid Mr. Jobson the remaining incentive amount of \$37,500.00 on September 17, 2010 ("Bonus Payment 2" and, together with Bonus Payment 1, the "Bonus Payments").

12. In September, 2010, in addition to his regular salary, the Debtors paid to Mr. Jobson commissions in the gross amount of \$11,702.63 (the "Commission Payment"), representing 2% of the sales generated by Mr. Jobson in August, 2010. As a result of this payment and certain emails and other communications, Mr. Jobson asserted that, as of August, 2010, Mr. Jobson and the Debtors entered into a contract (the "Asserted Contract") whereby the Debtors agreed to pay to Mr. Jobson a commission of 2% of the sales generated by Mr. Jobson through the date that the Debtors ceased operations. Mr. Jobson asserted that the Debtors were required to pay to him \$29,287.02 on account of the Asserted Contract.

---

<sup>2</sup> The Court may recall that Acton has asserted an administrative expense claim against the Debtors pursuant to a post-petition supply agreement between the Debtors and Acton. Subject to various defenses, the Debtors estimated this claim at \$460,000.

13. The Debtors disputed the existence of the Asserted Contract and further disputed that the Debtors are required to pay Mr. Jobson anything on account of the Asserted Contract.

14. On or about December 7, 2010, Mr. Jobson and the Debtors entered into a settlement agreement (the "Settlement Agreement") resolving their disputes regarding the Asserted Contract and any and all claims Mr. Jobson may have pursuant to the Asserted Contract. Also on December 7, 2010, 2010, the Debtors filed their *Motion for Entry of an Order (I) Pursuant to Sections 105(a) And 363(b) of the Bankruptcy Code Authorizing Nunc Pro Tunc Amendment to Key Employee Incentive Plan and (II) Pursuant to Bankruptcy Code Section 105(a) and Bankruptcy Rule 9019 for Approval of a Settlement Between the Debtors and Andy Jobson* (the "Settlement Motion") [Docket No. 442].

15. By the Settlement Motion, the Debtors requested the entry of an order (i) authorizing the Debtors' retroactive amendment of the Incentive Plan to include the Bonus Payments and authorizing, *nunc pro tunc*, the Debtors' payment of the Bonus Payments to Mr. Jobson and (ii) approving the Settlement Agreement and authorizing the Debtors to pay to Mr. Jobson \$15,000 (plus the Commission Payment previously paid) (the "Settlement Amount") in full and complete satisfaction of any and all claims Mr. Jobson has or may have regarding the Asserted Contract.

16. On December 15, 2010, the Committee filed the *Objection of the Official Committee of Unsecured Creditors to Debtors' Motion for Entry of an Order (I) Pursuant to Sections 105(a) and 363(b) of the Bankruptcy Code Granting Nunc Pro Tunc Approval to Amendment to Key Employee Incentive Plan and (II) Pursuant To Bankruptcy Code Section 105(a) And Bankruptcy Rule 9019 for Approval of a Settlement Between the Debtors and Andy Jobson* [Docket No. 449] objecting to the Settlement Motion in its entirety.

17. A hearing on the Settlement Motion was held on December 28, 2010. At the conclusion of the hearing, this Court ruled that it would grant the Motion in part and deny it in part. On January 10, 2011, this Court entered its *Order With Respect to Motion for Entry of an Order (I) Pursuant to Sections 105(a) And 363(b) of the Bankruptcy Code Authorizing Nunc Pro*

*Tunc Amendment to Key Employee Incentive Plan and (II) Pursuant to Bankruptcy Code Section 105(a) and Bankruptcy Rule 9019 for Approval of a Settlement Between the Debtors and Andy Jobson* (the “Order”) [Docket No. 470].<sup>3</sup> Pursuant to the Order, the Court (i) authorized the amendment of the Incentive Plan to include the Bonus Payments *nunc pro tunc* to September 17, 2011, (ii) ordered Mr. Jobson to repay to the Debtors the amount of \$831.58, representing interest on Bonus Payment 1 at the federal judgment rate for the period from July 1, 2010 through and September 17, 2010, (iii) denied the requested settlement between the Debtors and Mr. Jobson, and (iv) ordered Mr. Jobson to repay to the Debtors the \$11,702.63 Commission Payment made to Mr. Jobson on September 17, 2010.

18. On April 29, 2011, Mr. Jobson filed a Notice of Appeal from the Order [Docket No. 584]. On June 28, 2011, Committee’s counsel, Debtors’ counsel and Mr. Jobson participated in a mandatory mediation as required by the United States District Court for the District of Delaware. At the mediation, the parties agreed to a settlement resolving Mr. Jobson’s appeal of the Order, subject to approval of this Court.<sup>4</sup> The salient terms of the settlement are as follows:

- The Committee and the Debtors agree to release Mr. Jobson from his obligation to repay the interest on Bonus 1.
- The Committee and the Debtors agree to release Mr. Jobson from his obligation to repay the Commission Payment.
- Mr. Jobson agrees to dismiss his appeal of the Order.
- Mr. Jobson agrees to waive and release any and all claims for relief against the Debtors, whether pursuant to his appeal or otherwise.

---

<sup>3</sup> A copy of the Order is attached as Exhibit A.

<sup>4</sup> A Term Agreement memorializing the settlement is attached as Exhibit B.

## BASIS FOR THE RELIEF REQUESTED

19. A bankruptcy court has the authority to approve a settlement or compromise between the debtor and another party under Bankruptcy Rule 9019 if it concludes that the settlement or compromise falls above “the lowest point in the range of reasonableness.” In re Pennsylvania Truck Lines, Inc., 150 B.R. 595, 598 (Bankr. E.D. Pa. 1992), aff’d, 8 F.3d 812 (3d Cir. 1993). In ascertaining the scope of this range of reasonableness, courts have considered, among other factors:

- (a) the probability of success in the litigation;
- (b) the difficulties, if any, to be encountered in the matter of collection;
- (c) the complexity of the litigation, and the expense, inconvenience and delay necessarily attending it; [and]
- (d) the paramount interests of the creditors and a proper deference to their reasonable views[.]

Id.

20. In considering proposed settlements, courts have found that “the law favors compromise.” In re Lakeland Development Corp., 48 B.R. 85, 90 (Bankr. D. Minn. 1985) (citations omitted), aff’d without opinion, 782 F.2d 1048 (8th Cir. 1985), cert. denied, 476 U.S. 1130 (1986). Indeed, settlements and compromises are “a normal part of the process of reorganization” and are strongly favored over litigation. Protective Comm. For Indep. Stockholders TMT Trailer Ferry, Inc. v. Anderson, 390 U.S. 414, 424 (1968) (citation omitted). While a court must make its own considered judgment, it should not substitute its judgment for that of the debtor. In re Carla Leather, Inc., 44 B.R. 457, 465 (S.D.N.Y. 1984).

21. In applying this standard test, the reasonableness of a proposed compromise and settlement does not depend on a determination that the settlement reached is the best that could

possibly be obtained, but rather, whether the settlement “fall[s] below the lowest point in the range of reasonableness.” See, e.g., In re W.T. Grant Co., 699 F.2d 599, 608 (2d Cir. 1983), cert. denied, 464 U.S. 822 (1983).

22. Additionally, section 105(a) of the Bankruptcy Code grants broad authority to a Court to enforce the provisions of the Bankruptcy Code under equitable common law doctrines.

23. Here, the proposed settlement falls within the range of reasonableness for the following reasons. First, it is not certain that the Order will be upheld on appeal and a reversal of the Order may result in an order requiring the Debtors estates to pay Mr. Jobson an additional \$15,000. Second, if the Order is upheld on appeal, it could be difficult and costly for the Debtors to collect any payments from Mr. Jobson. Third, it would almost certainly cost the Debtors’ estates more to brief the issues on appeal and possibly attend oral argument than the Debtors would collect from Mr. if the Order is upheld. And finally, Mr. Jobson’s release of all claims against the Debtors is in the paramount interests of the creditors and shows proper deference to the Committee’s agreement to the proposed settlement. Accordingly, the Debtors submit that the proposed settlement with Mr. Jobson is reasonable.

#### **NOTICE**

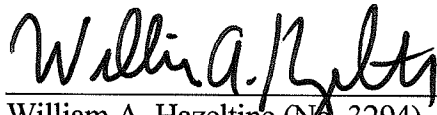
24. Notice of this Motion has been served on (i) the Office of the United States Trustee for the District of Delaware; (ii) NexBank, as Administrative Agent and Collateral Agent for the Debtors’ pre-petition secured lenders; (iii) counsel for the Official Committee of Unsecured Creditors; and (iv) all parties that have requested special notice pursuant to Bankruptcy Rule 2002.

**CONCLUSION**

WHEREFORE, for the foregoing reasons, the Debtors respectfully request that the Court enter an Order, substantially in the form attached hereto as Exhibit C, approving the settlement among the Committee, the Debtors and Mr. Jobson and granting such other and further relief as the Court deems just and proper.

Dated: July 15, 2011  
Wilmington, Delaware

SULLIVAN • HAZELTINE • ALLINSON LLC



---

William A. Hazeltine (No. 3294)  
901 North Market Street, Suite 1300  
Wilmington, DE 19801  
Tel: (302) 428-8191  
Fax: (302) 428-8195

*Attorneys for the Debtors and Debtors-In-Possession*

# **EXHIBIT A**

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

IN RE:	)	Chapter 11
	)	Case No. 10-11371 (MFW)
MOLL INDUSTRIES, INC., <i>et al.</i> , <sup>1</sup>	)	Jointly Administered
	)	
Debtors.	)	Related Docket No. 442

**ORDER WITH RESPECT TO DEBTORS' MOTION FOR ENTRY OF  
AN ORDER (I) PURSUANT TO SECTIONS 105(a) AND 363(b) OF  
THE BANKRUPTCY CODE AUTHORIZING *NUNC PRO  
TUNC* AMENDMENT TO KEY EMPLOYEE INCENTIVE  
PLAN AND (II) PURSUANT TO BANKRUPTCY CODE  
SECTION 105(a) AND BANKRUPTCY RULE 9019 APPROVING  
A SETTLEMENT BETWEEN THE DEBTORS AND ANDY JOBSON**

Upon the Debtors' Motion<sup>2</sup> for an order (i) pursuant to Sections 105(a) and 363(b) of the Bankruptcy Code authorizing the Debtors to retroactively amend the Incentive Plan and authorize, nunc pro tunc, the payment of the Bonus Payments and (ii) pursuant to Section 105(a) of the Bankruptcy Code and Bankruptcy Rule 9019 approving the Settlement Agreement; and it appearing that this Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334; and it appearing that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and that venue of this proceeding and the Motion is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409; and due and proper notice of the Motion having been given; and having considered the objection to the Motion filed by the Official Committee of Unsecured Creditors and the evidence presented and arguments of counsel at the hearing on the Motion on December 28, 2010 (the "Hearing"), and after due deliberation and for the reasons set forth at the Hearing;

---

<sup>1</sup> The Debtors in these cases are as follows: Moll Industries, Inc., Case No. 10-11371 (MFW); Moll Holdings, Inc., Case No. 10-11372 (MFW); Moll Europe Holdings, LLC, Case No. 10-11373 (MFW); and Moll Latin America Holdings, LLC, Case No. 10-11374 (MFW).

<sup>2</sup> Capitalized terms used but not defined herein shall have the same meaning ascribed to them in the Motion.

IT IS HEREBY ORDERED as follows:

1. The Motion is granted in part and denied in part as set forth herein.
2. The Debtors are hereby authorized to retroactively amend the Incentive Plan to include the Bonus Payments subject to the terms of this order.
3. The Bonus Payments shall be, and hereby are, approved *nunc pro tunc* to September 17, 2010.
4. Within thirty (30) days from the date of entry of this Order, Mr. Jobson shall disgorge and repay to the Debtors the amount of \$831.58, representing interest on the \$25,000 Bonus Payment made to Mr. Jobson on July 1, 2010 at the federal judgment rate for the period from July 1, 2010 through and September 17, 2010.
5. The Debtor's request to approve a settlement between the Debtors and Mr. Jobson pursuant to Section 105(a) of the Bankruptcy Code and Bankruptcy Rule 9019 shall be, and hereby is, denied with prejudice.
6. Mr. Jobson shall not be entitled to any payment from the Debtors with respect to the Asserted Contract.
7. Mr. Jobson shall disgorge and repay to the Debtors the \$11,702.63 Commission Payment made to Mr. Jobson on September 17, 2010 within 30 days from the date of entry of this Order.
8. The Court shall retain jurisdiction to hear and determine all matters arising from the implementation of this Order.

Dated: January 11, 2011

  
\_\_\_\_\_  
THE HONORABLE MARY F. WALRATH  
UNITED STATES BANKRUPTCY JUDGE

# **EXHIBIT B**



**CONNOLLY BOVE LODGE & HUTZ LLP**

ATTORNEYS AT LAW

Kevin F. Brady  
Partner  
TEL (302) 888-6257  
FAX (302) 255-4257  
EMAIL [kbrady@cblh.com](mailto:kbrady@cblh.com)  
REPLY TO Wilmington Office

**WILMINGTON, DE**

The Nemours Building  
1007 North Orange Street  
P.O. Box 2207  
Wilmington, DE 19899  
TEL: (302) 658 9141  
FAX: (302) 658 5614  
WEB: [www.cblh.com](http://www.cblh.com)

June 28, 2011

**VIA E-MAIL**

**[Elizabeth Mason@ded.uscourts.gov](mailto:Elizabeth.Mason@ded.uscourts.gov)**

Elizabeth Mason  
U.S. District Court  
844 N. King Street  
Wilmington, DE 19801

***Re: Appeal: In Re: Moll Industries Inc., et al.  
Case No. 1:11-cv-00437***

Dear Ms. Mason:

On June 28, 2011, I conducted a mediation in the above-referenced appeal from the Bankruptcy Court, with Appellant Andrew Jobson, appearing Pro Se, counsel for Moll Industries and counsel for the Unsecured Creditors Committee in attendance. The mediation resulted in the parties reaching an agreement in principle to settle the appeal, and a proposal will be submitted to the Bankruptcy Court shortly. If the Bankruptcy Court approves the settlement, the appeal will be dismissed.

Very truly yours,

Kevin F. Brady

KFB/gm

cc: Mr. Andrew Jobson (Via E-mail)  
William Hazeltine, Esquire (Via E-mail)  
Michael Busenkell, Esquire (Via E-mail)

4372856\_1.DOC

WOMBLE  
CARLYLE  
SANDRIDGE  
& RICE  
A PROFESSIONAL LIMITED  
LIABILITY COMPANY



222 Delaware Avenue  
Suite 1501  
Wilmington, DE 19801  
Telephone: (302) 252-4320  
Fax: (302) 252-4330  
www.wcsr.com

Michael G. Busenkell  
Attorney  
Direct Dial: 302-252-4324  
Direct Fax: 302-661-7724  
E-mail: MBusenkell@wcsr.com

June 28, 2011

**TERM SHEET**

Mr. Kevin F. Brady  
Connolly Bove Lodge & Hutz LLP  
1007 North Orange Street, P.O. Box 2207  
Wilmington, DE 19899

*Re: Appeal: In Re: Moll Industries, Inc., et al.  
Andrew Jobson v. Moll Industries, Inc., et al.  
Case No. 1:11-cv-00437*

This Term Agreement (the "Agreement") is made and entered into between Michael G. Busenkell on behalf of the Official Committee of Unsecured Creditors of Moll Industries, Inc. (the "Committee"), William A. Hazeltine on behalf of the Debtors (the "Debtors"), and Andrew Jobson as plaintiff representing himself in the above captioned appeal ("Mr. Jobson") (collectively, the "Parties").

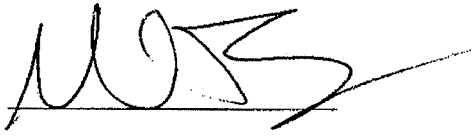
- (1) **WHEREAS**, Mr. Jobson filed the above captioned appeal of the Bankruptcy Court's January 7, 2011 Order (the "Appeal");
- (2) **WHEREAS**, the parties attended a mandatory mediation on June 28, 2011 at the offices of Kevin F. Brady at Connolly Bove Lodge & Hutz LLP;
- (3) **WHEREAS**, the Parties discussed their differences and now wish to settle this dispute amicably and without resort to further litigation; and

**NOW, THEREFORE**, the Parties agree in principle as follows:

1. Subject to obtaining approval from both the Committee and the Delaware Bankruptcy Court, the Committee and the Debtors agree to release Mr. Jobson from his obligation to repay and disgorge the \$831.58 in interest on his \$25,000 bonus payment.
2. Subject to obtaining approval from both the Committee and the Delaware Bankruptcy Court, the Committee and the Debtors agree to release Mr. Jobson from his obligation to repay and disgorge the \$11,702.63 commission he received on September 17, 2010.
3. If the above terms are approved by both the Committee and the Delaware Bankruptcy Court, Mr. Jobson agrees, in consideration therefore, to voluntarily dismiss the


above captioned appeal and waive, relinquish and unconditionally and irrevocably release any and all claims for relief against Moll Industries; whether asserted in the Appeal or otherwise.

MICHAEL BUSENKELL

Signature: 

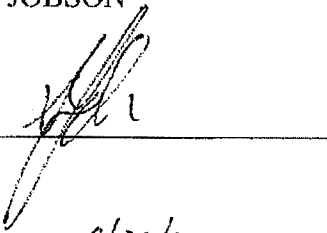
Date signed: 6/28/2011

WILLIAM HAZELTINE

Signature: 

Date signed: 6/28/2011

ANDREW JOBSON

Signature: 

Date signed: 6/28/2011

KEVIN BRADY

Signature: \_\_\_\_\_

Date signed: \_\_\_\_\_

# **EXHIBIT C**

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

IN RE:	)	Chapter 11
	)	Case No. 10-11371 (MFW)
MOLL INDUSTRIES, INC., <i>et al.</i> , <sup>1</sup>	)	Jointly Administered
	)	
Debtors.	)	Related Docket No. _____

**ORDER GRANTING DEBTORS' MOTION FOR ENTRY OF AN ORDER  
PURSUANT TO BANKRUPTCY CODE SECTION 105(a) AND  
BANKRUPTCY RULE 9019 FOR APPROVAL OF A SETTLEMENT  
AMONG THE DEBTORS, THE COMMITTEE AND ANDY JOBSON**

Upon the Debtors' Motion<sup>2</sup> for an order, pursuant to Section 105(a) of the Bankruptcy Code and Bankruptcy Rule 9019, approving a settlement among the Debtors, the Committee and Andy Jobson; and it appearing that this Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334; and it appearing that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and that venue of this proceeding and the Motion is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409; and due and proper notice of the Motion having been given; and having considered any objections or responses to the Motion, and after due deliberation and for the reasons set forth at the Hearing;

IT IS HEREBY ORDERED as follows:

1. The Motion is granted.
2. Notwithstanding anything in the Order to the contrary, Mr. Jobson shall not be required to disgorge and repay to the Debtors the amount of \$831.58, representing interest on the

---

<sup>1</sup> The Debtors in these cases are as follows: Moll Industries, Inc., Case No. 10-11371 (MFW); Moll Holdings, Inc., Case No. 10-11372 (MFW); Moll Europe Holdings, LLC, Case No. 10-11373 (MFW); and Moll Latin America Holdings, LLC, Case No. 10-11374 (MFW).

<sup>2</sup> Capitalized terms used but not defined herein shall have the same meaning ascribed to them in the Motion.

\$25,000 Bonus Payment made to Mr. Jobson on July 1, 2010 at the federal judgment rate for the period from July 1, 2010 through and September 17, 2010.

3. Notwithstanding anything in the Order to the contrary, Mr. Jobson shall not be required to disgorge and repay to the Debtors the \$11,702.63 Commission Payment made to Mr. Jobson on September 17, 2010.

4. Mr. Jobson shall, and hereby does, waive, relinquish and unconditionally and irrevocably release any claims he has or may have against the Debtors, whether pursuant to his appeal of the Order or otherwise.

5. Upon entry of this order, Mr. Jobson will take all steps necessary to dismiss his appeal of the Order.

6. The Court shall retain jurisdiction to hear and determine all matters arising from the implementation of this order.

Dated: August \_\_, 2011

---

THE HONORABLE MARY F. WALRATH  
UNITED STATES BANKRUPTCY JUDGE

**File a Motion:**10-11371-MFW Moll Industries, Inc.

Type: bk

Chapter: 11 v

Office: 1 (Delaware)

Assets: y

Judge: MFW

Case Flag: LEAD, CLMSAGNT, PlnDue, DscIsDue, Sealed Doc(s), APPEAL

**U.S. Bankruptcy Court****District of Delaware**

## Notice of Electronic Filing

The following transaction was received from William A. Hazeltine entered on 7/15/2011 at 11:37 AM EDT and filed on 7/15/2011

**Case Name:** Moll Industries, Inc.**Case Number:** 10-11371-MFW**Document Number:** 667**Docket Text:**

Motion to Approve *Motion for Entry of an Order Pursuant to Bankruptcy Code Section 105(a) and Bankruptcy Rule 9019 for Approval of a Settlement Among the Debtors, the Committee and Andy Jobson* Filed by Moll Industries, Inc.. Hearing scheduled for 8/8/2011 at 02:00 PM at US Bankruptcy Court, 824 Market St., 5th Fl., Courtroom #4, Wilmington, Delaware. Objections due by 8/1/2011. (Attachments: # (1) Notice # (2) Exhibit A# (3) Exhibit B# (4) Exhibit C) (Hazeltine, William)

The following document(s) are associated with this transaction:

**Document description:**Main Document**Original filename:**C:\fakepath\Motion to Approve Jobson Settlement.pdf**Electronic document Stamp:**

[STAMP bkecfStamp\_ID=983460418 [Date=7/15/2011] [FileNumber=9854563-0] [3359130cdf2d0a0518df8fbf227e716b681c5f99bc424ce649b093aab82b0e3a56e27ac79391dba24a95d4e40e27e09ea41d4363fe3762060be589e5847afd4]]

**Document description:**Notice**Original filename:**C:\fakepath\Motion to Approve Jobson Settlement - Notice.pdf**Electronic document Stamp:**

[STAMP bkecfStamp\_ID=983460418 [Date=7/15/2011] [FileNumber=9854563-1] [5d0e766e7936542c712b8420d85f41b5e3c5429b4116ef68e0054868d8769e4311ca62f8c414492a5c92aa40ea2188672a58e2c44009060b289a4e599b26167f]]

**Document description:**Exhibit A**Original filename:**C:\fakepath\Motion to Approve Jobson Settlement - Ex A.pdf**Electronic document Stamp:**

[STAMP bkecfStamp\_ID=983460418 [Date=7/15/2011] [FileNumber=9854563-2] [037323d7bc63fdebc87f754da32a6e12a4379e42c735d62bf71be0252d3431d56159af8f2461f209598bd395236ae7ae0f2a1609fe6821247bdaea686e23c4fd]]

**Document description:**Exhibit B**Original filename:**C:\fakepath\Motion to Approve Jobson Settlement - Ex B.pdf**Electronic document Stamp:**

[STAMP bkecfStamp\_ID=983460418 [Date=7/15/2011] [FileNumber=9854563-3] [67aea7fb17cc65b4bf6b1068040be1ccc8e214709323f7ada3b44254a38c6529ef9b]]