

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

IN RE:)	Chapter 11
)	
MOLL INDUSTRIES, INC., <i>et al.</i> , ¹)	Case No. 10- <u>11371</u> ()
)	
Debtors.)	Joint Administration Pending

**MOTION OF DEBTORS PURSUANT TO SECTIONS 105(a) AND 366 OF THE
BANKRUPTCY CODE FOR ORDER (I) PROHIBITING UTILITIES FROM
ALTERING, REFUSING, OR DISCONTINUING SERVICE, (II) DEEMING UTILITIES
ADEQUATELY ASSURED OF FUTURE PAYMENT, AND (III) ESTABLISHING
PROCEDURES FOR DETERMINING ADEQUATE ASSURANCE OF PAYMENT**

Moll Industries, Inc. and its affiliated debtors (the "Debtors"), the Debtors and Debtors-in-possession in the above-captioned Chapter 11 cases, hereby move this Court (the "Motion"), pursuant to Sections 105(a) and 366 of Title 11 of the United States Code, 11 U.S.C. §§ 101 *et seq.* (the "Bankruptcy Code"), for entry of an interim order (the "Interim Order"): (i) prohibiting the Utility Companies (as defined below) from altering, refusing or discontinuing services to, or discriminating against, the Debtors on account of pre-petition invoices; (ii) deeming the Utility Companies to be adequately assured of payment on the basis of the Proposed Adequate Assurance (as defined below) pending entry of a final order (the "Final Order"); (iii) establishing procedures for resolving requests for additional assurance of payment; and (iv) scheduling a hearing (the "Final Hearing") on the relief requested herein. In support of the Motion, the Debtors rely on and incorporate by reference the Declaration of Jeffrey C. Merritt in Support of First Day Motions and Applications (the "Merritt Declaration"), filed with Court

¹ The Debtors are the following entities: Moll Industries, Inc.; Moll Holdings, Inc.; Moll Europe Holdings, LLC; and Moll Latin America Holdings, LLC.

Docket No. 10
Date 4.27.10

concurrently herewith. In further support of this Motion, the Debtors, by and through their undersigned counsel, state the following:

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 and legal predicates for the relief sought herein are Sections 105(a) and 366 of the Bankruptcy Code.

BACKGROUND

2. On or April 27, 2010 (the "Petition Date"), each of the Debtors filed a voluntary petition pursuant to Chapter 11 of the Bankruptcy Code commencing the above captioned cases, which the Debtors have requested be jointly administered for procedural purposes. The Debtors are operating as debtors-in-possession pursuant to Sections 1107 and 1108 of the Bankruptcy Code.

3. No committee has yet been appointed or designated.

4. The Debtors are a significant provider of global injection molding and full-service contract manufacturing solutions for the medical, appliance, industrial, consumer and automotive markets. They are also specialists in drug delivery, surgical devices, enclosures and fluid delivery products, and are 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 have registered medical device establishment with the FDA in their manufacturing facilities in Seagrove, North Carolina and Donegal, Ireland.

5. As additional background and support for this Motion, the Debtors refer this Court to the Merritt Declaration, filed contemporaneously herewith and incorporated herein by reference.

THE UTILITY COMPANIES

In connection with the operation of their businesses, the Debtors obtain electric, natural gas, water, telecommunications, waste removal and/or other similar services (collectively, the “Utility Services”) from a number of utility companies (each a “Utility Company” and collectively, the “Utility Companies”), including those listed on Exhibit A hereto.² Prior to the Petition Date, the Debtors spent on average approximately \$85,895.00 per month for various utility services.

RELIEF REQUESTED

6. Pursuant to sections 105(a) and 366 of the Bankruptcy Code, the Debtors seek entry of an Interim Order and a Final Order (i) prohibiting the Utility Companies from discontinuing, altering or refusing service to the Debtors; (ii) deeming the Utility Companies to be adequately assured of payment on the basis of the Proposed Adequate Assurance; and (iii) establishing procedures for resolving requests for additional assurance of payment.

² Although the Debtors have exercised their best efforts to list all of their Utility Companies in Exhibit A, it is possible that certain Utility Companies may have been omitted from this list inadvertently. Accordingly, the Debtors reserve the right, pursuant to the terms and conditions of this Motion and without further order of the Court, to amend Exhibit A to add any Utility Company that inadvertently was omitted. The Debtors also reserve the right to argue that any of the entities now or hereinafter listed in Exhibit A are not “utilities” within the meaning of section 366(a) of the Bankruptcy Code. The inclusion of any entity on, as well as any omission of any entity from, Exhibit A is not an admission by the Debtors that such entity is, or is not, a utility within the meaning of section 366 of the Bankruptcy Code, and the Debtors reserve all rights with respect thereto.

BASIS FOR RELIEF

7. Uninterrupted utility services are essential to the Debtors' ongoing operations and, therefore, to the success of the Debtors' efforts to sell their businesses as a going concern. The Debtors utilize the services of approximately ten (10) Utility Companies in the operation of their businesses. If one or more of the Utility Companies refused to provide or discontinued services even for a brief period, the Debtors' operations would be severely disrupted. Such an interruption would damage the Debtors' business operations, to the detriment of their estates, creditors and employees. It is critical, therefore, that the Utility Companies continue to provide Utility Services to the Debtors without interruption. Thus, in accordance with section 366(c)(1)(A) of the Bankruptcy Code, the Debtors propose to provide adequate assurance of payment as set forth herein.

8. The Debtors intend to pay all post-petition obligations owed to the Utility Companies in a timely manner. Moreover, the Debtors expect that the cash collateral the Debtors receive from the operation of their businesses will be more than sufficient to pay all post-petition utility obligations. Nevertheless, as interim adequate assurance, the Debtors propose to provide a deposit (each an "Adequate Assurance Deposit" and, collectively, the "Adequate Assurance Deposits") within ten (10) business days of the first day hearing (the "First Day Hearing") to each Utility Company equal to the value of one-half month of the cost of such Utility Company's average monthly service, provided that such Utility Company is not currently paid in advance for its services. The Debtors submit that the Adequate Assurance Deposits, in conjunction with the Debtors' ability to pay for future utility services in the ordinary course of business, constitute sufficient assurance of payment to the Utility Companies (collectively, the "Proposed Adequate Assurance").

9. The Debtors request that the Proposed Adequate Assurance be deemed to constitute adequate assurance of future payment to the Utility Companies within the meaning of Section 366 of the Bankruptcy Code. The Debtors further request that each Utility Company be deemed to have waived any right to seek additional adequate assurance of payment unless the Utility Company makes an Additional Payment Request (as defined below). Furthermore, the Debtors request that the Utility Companies be required to return the Adequate Assurance Deposit within the earlier of fifteen (15) days of the effective date of any confirmed plan of reorganization, and the date that the Debtors cease using the services provided by such Utility Company, including upon the closing on a sale of the Debtors' assets.

10. The Debtors also seek to establish procedures by which a Utility Company may request additional assurance of payment in the event that it believes that the Proposed Adequate Assurance does not provide it with satisfactory adequate assurance of payment. The Debtors submit that the following proposed procedures (the "Adequate Assurance Procedures") are reasonable:

(a) Absent any further order of the Court and except as otherwise provided herein, Utility Companies will not be able to alter, refuse or discontinue service to, or discriminate against, the Debtors on account of the commencement of this Chapter 11 case or any unpaid pre-petition charges, and will not be permitted to demand payment of an additional deposit or receipt of other security in connection with any unpaid pre-petition charges;

(b) The Debtors will serve the Motion and the Interim Order via facsimile (if known) and first class mail within three (3) business days after the date that the Interim Order is entered by the Court, on each of the Utility Companies identified on Exhibit A attached hereto. In the event that any Utility Company inadvertently has been omitted from Exhibit A, the Debtors, upon discovery of such omission, would file with the Court an amended Exhibit A (the "Amended Exhibit") adding the name of each inadvertently omitted and subsequently discovered Utility Company (the "Added Utility Companies"), and will promptly serve on each Added Utility Company the Motion, the Amended Exhibit and the Interim Order or, if it has been entered, the Final Order (each such service, a "Supplemental Service");

(c) Any Utility Company will be able to submit a request for additional assurance of payment (an “Additional Payment Request”) by submitting the request to counsel to the Debtors, Sullivan Hazeltine Allinson LLC, 4 East 8th Street, Suite 400, Wilmington, DE 19801, Attn: William A. Hazeltine, Esq.;

(d) Any Additional Payment Request must be in writing and: (i) set forth the location for which utility services are provided; (ii) include a summary of the Debtors’ payment history relevant to the affected account(s), including any security deposits or other prepayments or assurances previously provided by the Debtors; (iii) describe in sufficient detail the reason(s) why the treatment afforded pursuant to the procedures set forth herein do not constitute satisfactory adequate assurance of payment; and (iv) include a proposal for what treatment would constitute adequate assurance of payment from the Debtors along with an explanation of why such proposal is reasonable;

(e) If a Utility Company makes an Additional Payment Request that the Debtors believe is reasonable, the Debtors will be authorized to comply, in their sole discretion, with such request without further order of the Court;

(f) If the Debtors believe that a Utility Company’s Additional Payment Request is unreasonable, the Debtors shall, within 30 days after the submission of the proposed Additional Payment Request, file a motion pursuant to section 366(c)(2) of the Bankruptcy Code, seeking a determination from the Court that Proposed Adequate Assurance, plus any additional consideration offered by the Debtors, constitutes adequate assurance of payment (the “Determination Hearing”);

(g) Pending resolution of a Utility Company’s Additional Payment Request at a Determination Hearing, such Utility Company will be prohibited from altering, refusing or discontinuing service to the Debtors or discriminating against the Debtors on account of the commencement of these Chapter 11 cases or any unpaid pre-petition charges; and

(h) Based on the establishment of the Proposed Adequate Assurance, a Utility Company will be deemed to have adequate assurance of payment unless and until a future order of the Court is entered requiring further assurance of payment.

BASIS FOR RELIEF REQUESTED

11. The Court has the authority to grant the relief requested herein pursuant to Sections 105(a) and 366(a) of the Bankruptcy Code. Section 366 of the Bankruptcy Code is designed to protect debtors from being cut off from utility services while also providing utility

companies with adequate assurance that debtors will be able to pay for post-petition services. See H.R. Rep. No. 95-595, at 350 (1978), as reprinted in 1978 U.S.C.C.A.N. 5963, 6306. That section sets forth three time periods governing the rights of debtors and utility companies in a Chapter 11 case: (i) a utility company may not alter, refuse or discontinue utility services during the first 20 days of the case solely on the basis of the bankruptcy filing or because of unpaid pre-petition amounts; (ii) a utility company may do so thereafter unless the debtor has furnished the utility company with adequate assurance of payment, in the form of a deposit or otherwise, for post-petition services, and (iii) a utility company may alter, refuse or discontinue utility services on or after the 31st day of the case unless the debtor, within 30 days after the petition date, has furnished the utility company with adequate assurance of payment for post-petition services that is satisfactory to the utility company 11 U.S.C. § 366.

12. Prior to the enactment of the BAPCPA, it was well established by courts, commentators, and legislative history that section 366 of the Bankruptcy Code did not require, as a matter of course, that a debtor provide a deposit or other security to its utilities as adequate assurance of payment. See, e.g., *Virginia Electric & Power Co. v. Caldor, Inc.*, 117 F.3d 646, 647 (2d Cir. 1997).

13. Under amended section 366(c) of the Bankruptcy Code, however, in a Chapter 11 case, a utility company may alter, refuse, or discontinue utility service if, within 30 days after the commencement of the Chapter 11 case, the utility company does not receive adequate assurance in a form that is “satisfactory” to the utility company, subject to the Court’s ability to modify the amount of adequate assurance. See *In re Jones*, 369 B.R. 745, 748-49 (B.A.P. 1st Cir. 2007) (“Based on a Debtors’ failure to provide adequate assurance of payment, bankruptcy courts have concluded that § 366 grants utilities the unilateral right to terminate service.”). Furthermore,

pursuant to changes made effective by BAPCPA, in determining whether an assurance of payment is adequate, the court may not consider (i) the absence of security before the petition date; (ii) the Debtors' history of timely payments; or (iii) the availability of an administrative expense priority. 11 U.S.C. § 366(c)(3)(B).

14. While amended section 366(c) clarifies what does and does not constitute "assurance of payment" and what can be considered in determining whether such assurance is adequate, Congress, in enacting that section, did not divest the Court of its power to determine what amount, if any, is necessary to provide adequate assurance of payment to a Utility Company. *See* 11 U.S.C. § 366(c)(3)(A) ("On request of a party in interest and after notice and a hearing, the court may order modification of the amount of an assurance of payment . . ."). Under section 366(c), there is nothing to prevent a court from deciding, as courts did before the enactment of BAPCPA, that, on the facts of the case before it, the amount required of the Debtors to adequately assure payment to a utility company is nominal, or even zero. *See In re Pac-West Telecomm, Inc.*, Ch. 11 Case No. 07-10562 (BLS) (Bankr. D. Del. May 2, 2007) (approving adequate assurance that was one-time supplemental prepayment to each utility company equal to pro rated amount of one week's charges).

15. Moreover, Congress has not changed the requirement that the assurance of payment only be "adequate." Courts construing Section 366(b) of the Bankruptcy Code have long recognized that "adequate" assurance of payment does not require an absolute guarantee of the Debtors' ability to pay. *See, e.g., In re Caldor, Inc. – N. Y.*, 199 B.R. 1, 3 (S.D.N.Y. 1996) ("Section 366(b) requires [a] [b]ankruptcy [c]ourt to determine whether the circumstances are sufficient to provide a utility with 'adequate assurance' of payment. The statute does not require an 'absolute guarantee of payment'.") (citation omitted), *aff'd sub nom. Va. Elec. & Power Co. v.*

Caldor, Inc – N. Y., 117 F.3d 646 (2d Cir. 1997); *In re Adelphia Bus. Solutions, Inc.*, 280 B.R. 63, 80 (Bankr. S.D.N.Y. 2002) (same). Therefore, despite the language in Section 366(c)(2) of the Bankruptcy Code allowing a utility company to take action against a debtor should the debtor fail to provide adequate assurance of payment that is “satisfactory” to the utility company, section 366 of the Bankruptcy Code does not require that the assurance provided be “satisfactory” to the utility company, once the court determines appropriate adequate assurance of payment.

16. Accordingly, the Debtors submit that the Proposed Adequate Assurance and Adequate Assurance Procedures are reasonable and satisfy the requirements of Section 366 of the Bankruptcy Code. The relief requested in this Motion is similar to the relief granted in other recent Chapter 11 cases filed in this District after the BAPCPA became effective. *See, e.g., In re IdleAire Technologies Corporation*, Ch. 11 Case No. 08-10960 (KG) (Bankr. D. Del. May 15, 2008); *In re Am. LaFrance, LLC*, Ch. 11 Case No. 08-10178 (BLS) (Bankr. D. Del. Jan. 29, 2008); *In re Ritz Camera Centers, Inc.*, Ch. 11 Case No. 09-10617 (MFW) (Bankr. D. Del. Feb. 24, 2009); *In re Domain, Inc.*, Ch. 11 Case No. 08-10132 (PJW) (Bankr. D. Del. Jan. 22, 2008); *In re Werner Holding Co. (DE), Inc.*, Ch. 11 Case No. 06-10578 (KJC) (Bankr. D. Del. June 21, 2006); *In re TallyGenicom, L.P.*, Ch. 11 Case No. 09-10266 (CSS) (Bankr. D. Del. Jan. 28, 2009).

17. Further, the Court possesses the power, under section 105(a) of the Bankruptcy Code, to “issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of this title.” 11 U.S.C. § 105(a). The proposed procedures will ensure that the Debtors’ Utility Services are continued without prejudicing the Utility Companies.

18. Based on the foregoing, the Debtors submit that the relief requested herein is necessary and appropriate, is in the best interests of their estates and creditors, and should be granted in all respects.

NOTICE

19. Notice of this Motion has been served on (i) the Office of the United States Trustee for the District of Delaware; (ii) each of the Debtors' twenty largest unsecured creditors and/or their counsel; (iii) counsel for NexBank, SSB, as Administrative Agent and Collateral Agent for the Debtors' pre-petition secured lenders; (iv) the United States Department of Justice; (v) the Internal Revenue Service, (vi) the United States Environmental Protection Agency, (vii) the Banks; (viii) the administrators of the Debtors' Employee Benefit Plans; and (ix) all parties that have requested special notice pursuant to Bankruptcy Rule 2002. Notice of the Motion and any order entered hereon will be served on all parties required by Local Rule 9013-1(m). Due to the urgency of the circumstances surrounding this Motion and the nature of the relief requested, the Debtors respectfully submit that no further notice of this Motion is required.

CONCLUSION

WHEREFORE, the Debtors respectfully request that the Court enter an Interim Order, substantially in the form attached hereto as Exhibit B, and a Final Order (i) prohibiting the Utility Companies from discontinuing, altering or refusing service to the Debtors except as set forth herein; (ii) deeming the Utility Companies to be adequately assured of payment on the

basis of the Proposed Adequate Assurance; (iii) establishing procedures for resolving requests for additional assurance of payment; (iv) scheduling a final hearing on the relief requested herein; and (v) granting such other and further relief as is just and proper.

Date: April 27, 2010
Wilmington, Delaware

SULLIVAN • HAZELTINE • ALLINSON LLC



William A. Hazeltine (No. 3294)

John G. Pope (No. 4888)

4 East 8th Street, Suite 400

Wilmington, DE 19801

Telephone: (302) 428-8191

Facsimile: (302) 428-8195

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

Exhibit A

Moll Industries, Inc.
Utility Providers as of 04/15/2010

Type	Service to	Provider	Average Monthly Amount	Acct#	Acct#	Address
Water	Seagrove Facility	Seagrove Uiahh Metropolitan	2,000.00	000218	000219	PO Box 176, Seagrove NC 27341
Electricity	Seagrove Facility	Randolph Electric	50,000.00	29160		PO Box 40 Asheboro NC 27341-0088
Waste Removal	Seagrove Facility	Allied Waste	1,800.00	3-0778-0060590	3-0778-0094656	PO Box 9001099 Louisville KY 40290-1099
Local & Long Distance Phone	All US locations	Century Link	2,500.00	336-873-7221-594	20261000	PO Box 96064 Charlotte NC 28296
Local & Long Distance Phone	All US locations	Sprint	550.00	923627831		PO BOX 219100 Kansas City, MO 64121-9100
Network - Data	All US locations	Sprint	2,840.00	13127477		PO BOX 219623, Kansas City, MO 64121-9623
Network - Data	All US locations	Virela	660.00	1006		Dept CH 17533, Palatine IL 60055-7533
Cell phone bill	All US locations	AT&T Mobility	1,900.00	BES02417356		PO Box 9004 Carol Stream IL 60197-9004
System Fees	All US locations	Citech	12,500.00	n/a		220 N. Ames Street, Matthews, NC 28105
Corporate Lease	Corporate	Highland Capital	11,145.00	n/a		13455 Noel Road, 8th Floor, Dallas, TX 75240
		TOTAL	85,895.00			

Exhibit B

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

IN RE:)	Chapter 11
)	
MOLL INDUSTRIES, INC., <i>et al.</i> , ¹)	Case No. 10-_____ (___)
)	Joint Administration Pending
Debtors.)	
)	Related Docket No. _____

**INTERIM ORDER UNDER SECTION 366 OF THE BANKRUPTCY CODE (I)
PROHIBITING UTILITY COMPANIES FROM ALTERING, REFUSING OR
DISCONTINUING SERVICE, (II) DEEMING UTILITIES ADEQUATELY
ASSURED OF PAYMENT, AND (III) ESTABLISHING PROCEDURES
FOR DETERMINING ADEQUATE ASSURANCE OF PAYMENT**

Upon the Motion (the "Motion") of Moll Industries, Inc. and its affiliated Debtors, as Debtors and Debtors-in-possession (the "Debtors"), for entry of an order, pursuant to Sections 105(a) and 331 of the Bankruptcy Code, (i) prohibiting the Utility Companies² from altering, refusing or discontinuing services, or discriminating against the Debtors on account of pre-petition invoices, (ii) deeming the Utility Companies to be adequately assured of payment on the basis of the Proposed Adequate Assurance (as defined below), and (iii) establishing procedures for resolving requests for additional assurance of payment; and upon consideration of the Declaration of Jeffrey C. Merritt in Support of First Day Motions and Applications; and the Court finding that (a) it has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334, (b) this matter is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2), and (c) notice of the Motion was due and proper under the circumstances; and it appearing that the relief requested in the Motion is in

¹ The Debtors are the following entities: Moll Industries, Inc.; Moll Holdings, Inc.; Moll Europe Holdings, LLC; and Moll Latin America Holdings, LLC.

²Unless it is plainly apparent from the context that another meaning is intended, all capitalized terms not otherwise defined shall have the meanings ascribed to them in the Motion.

the best interests of the Debtors, their estates and creditors; and after due deliberation, and good and sufficient cause appearing therefore, it is hereby:

ORDERED, ADJUDGED and DECREED that:

1. This Motion is GRANTED on an interim basis pending entry of a Final Order.
2. Pending entry of the Final Order, all Utility Companies are: (i) prohibited from discontinuing, altering or refusing services to the Debtors on account of the commencement of this Chapter 11 case or any unpaid pre-petition charges; (ii) prohibited from discriminating against the Debtors, or requiring payment of a security deposit or receipt of any other security from the Debtors for continued service, as a result of the Debtors' commencement of this Chapter 11 case or any outstanding pre-petition invoices; and (iii) deemed to have received adequate assurance of payment in compliance with section 366 of the Bankruptcy Code.
3. Within ten (10) business days of the First Day Hearing, the Debtors shall provide a deposit to each Utility Company equal to the value of one-half month of the cost of such Utility Company's average monthly service, as interim adequate assurance; provided that such Utility Company is not currently paid in advance for its services.
4. The Utility Companies will be required to return the Adequate Assurance Deposit within the earlier of fifteen (15) days of the effective date of any confirmed plan of reorganization, and the date that the Debtors cease using the services provided by such Utility Company, including upon the closing on a sale of the Debtors' assets.
5. The Adequate Assurance Procedures for determining requests for additional assurance of payment as described in the Motion are approved on an interim basis as follows:
 - (a) Absent any further order of the Court and except as otherwise provided herein, Utility Companies will not be able to alter, refuse or discontinue service to, or discriminate against, the Debtors on account of the commencement of this Chapter 11 case or any unpaid pre-petition charges, and will not be permitted to demand payment of

an additional deposit or receipt of other security in connection with any unpaid pre-petition charges;

(b) The Debtors will serve the Motion and the Interim Order via facsimile (if known) and first class mail within three (3) business days after the date that the Interim Order is entered by the Court, on each of the Utility Companies identified on Exhibit A attached hereto. In the event that any Utility Company inadvertently has been omitted from Exhibit A, the Debtors, upon discovery of such omission, will file with the Court an amended Exhibit A (the "Amended Exhibit") adding the name of each inadvertently omitted and subsequently discovered Utility Company (the "Added Utility Companies"), and will promptly serve on each Added Utility Company the Motion, the Amended Exhibit and the Interim Order or, if it has been entered, the Final Order (each such service, a "Supplemental Service") and each Added Utility Company will be subject to the terms of this Order;

(c) Any Utility Company will be able to submit a request for additional assurance of payment (an "Additional Payment Request") by submitting the request to counsel to the Debtors, Sullivan Hazeltine Allinson LLC, 4 East 8th Street, Suite 400, Wilmington, DE 19801, Attn: William A. Hazeltine, Esq.;

(d) Any Additional Payment Request must be in writing and: (i) set forth the location for which utility services are provided; (ii) include a summary of the Debtors' payment history relevant to the affected account(s), including any security deposits or other prepayments or assurances previously provided by the Debtors; (iii) describe in sufficient detail the reason(s) why the treatment afforded pursuant to the procedures set forth herein do not constitute satisfactory adequate assurance of payment; and (iv) include a proposal for what treatment would constitute adequate assurance of payment from the Debtors along with an explanation of why such proposal is reasonable;

(e) If a Utility Company makes an Additional Payment Request that the Debtors believe is reasonable, the Debtors will be authorized to comply, in their sole discretion, with such request without further order of the Court;

(f) If the Debtors believe that a Utility Company's Additional Payment Request is unreasonable, the Debtors shall, within 30 days after the submission of the proposed Additional Payment Request, file a motion pursuant to section 366(c)(2) of the Bankruptcy Code, seeking a determination from the Court that Proposed Adequate Assurance, plus any additional consideration offered by the Debtors, constitutes adequate assurance of payment (the "Determination Hearing");

(g) Pending resolution of a Utility Company's Additional Payment Request at a Determination Hearing, such Utility Company will be prohibited from altering, refusing or discontinuing service to the Debtors or discriminating against the Debtors on account of the commencement of these Chapter 11 cases or any unpaid pre-petition charges; and

(h) Based on the establishment of the Proposed Adequate Assurance, a Utility Company will be deemed to have adequate assurance of payment unless and until a future order of the Court is entered requiring further assurance of payment.

6. Within three (3) business days of entry of this Interim Order, the Debtors shall serve the Motion and this Interim Order via facsimile (if known) and first class mail on the Utility Companies and on all other parties required to receive service hereunder.

7. A final hearing, on the Motion will be held on _____, 2010, at ____:____.m. (prevailing Eastern time). The deadline by which any objection to the Motion must be filed and served on counsel to the Debtors is _____, 2010, at 4:00 p.m. (prevailing Eastern time).

8. The Debtors are authorized and empowered to take all actions necessary to implement the relief granted in this Interim Order. If no objections are filed to the Motion, this Court may enter a final order on the Motion without further notice or hearing.

9. Notwithstanding the relief granted herein and any action taken pursuant hereto, nothing herein shall be deemed: (i) an admission as to the validity of any claim against the Debtors; (ii) a waiver of the Debtors' right to dispute any claim on any grounds; (iii) a promise or requirement to pay any claim; (iv) an implication or admission that any particular claim is of a type specified or defined hereunder; (v) a request or authorization to assume any agreement, contract or lease pursuant to Section 365 of the Bankruptcy Code; (vi) a waiver of the Debtors' rights under the Bankruptcy Code or any other applicable law; or (vii) a finding that any entity is or is not a Utility Company hereunder or under Section 366 of the Bankruptcy Code, whether or not such entity is listed on Exhibit A to the Motion.

10. Notwithstanding anything to the contrary contained in the Motion or this Order, any payment to be made, or authorization contained hereunder, shall be subject to the requirements imposed on the Debtors under any order regarding the use of cash collateral.

11. This Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation of this Interim Order.

Dated: _____, 2010
Wilmington, Delaware

UNITED STATES BANKRUPTCY JUDGE

File a First Day Motion:10-11371 Moll Industries, Inc.

Type: bk

Chapter: 11 v

Office: 1 (Delaware)

Assets: y

Case Flag: PlnDue, DsclsDue

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

Notice of Electronic Filing

The following transaction was received from William A. Hazeltine entered on 4/27/2010 at 4:09 PM EDT and filed on 4/27/2010

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

Motion Prohibiting Utilities from Discontinuing Service Filed By Moll Industries, Inc. (Hazeltine, William)

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

Document description:Main Document**Original filename:**C:\fakepath\Utilities Motion.pdf**Electronic document Stamp:**

[STAMP bkecfStamp_ID=983460418 [Date=4/27/2010] [FileNumber=8395183-0]
[66c27fab43ec38698f324cea38408308278ac5077a6f9be66ecd018cc2b41836ac94
4852f762bcc86fb35f95565e7b2abc5f6bc32640abd5d23a2fe3276d363]]

10-11371 Notice will be electronically mailed to:

William A. Hazeltine on behalf of Debtor Moll Industries, Inc.
Bankruptcy001@sha-llc.com

United States Trustee
USTPREGION03.WL.ECF@USDOJ.GOV

10-11371 Notice will not be electronically mailed to: