

**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> , ¹)	Joint Administration Pending
)	
Debtors.)	Related Docket No. 9

**ORDER GRANTING MOTION OF DEBTORS PURSUANT TO
SECTIONS 105(a) AND 363(b) OF THE BANKRUPTCY CODE FOR
AN ORDER (I) AUTHORIZING PAYMENT OF PRE-PETITION
WAGES, COMPENSATION, PAYROLL TAXES, AND EMPLOYEE
BENEFITS (II) AUTHORIZING DEBTORS TO MAINTAIN
THEIR EXISTING EMPLOYEE PROGRAMS; AND (III) AUTHORIZING
FINANCIAL INSTITUTIONS TO HONOR AND PROCESS CHECKS
AND TRANSFERS RELATED TO SUCH OBLIGATIONS**

Upon the Motion² of Moll Industries, Inc. and its affiliated debtors for the entry of an order (I) authorizing, but not requiring, the Debtors to (a) pay, in their sole discretion, (i) all obligations related to Wages (as defined herein) in an amount up to \$10,950 per employee in accordance with 11 U.S.C. § 507(a)(4), (ii) all Payroll Taxes (as defined herein) related to the Wages, (ii) Expense Reimbursements to employees for job related expenses, (iii) Employee Benefits up to the amount authorized by 11 U.S.C. § 507(a)(5), and (iv) all costs incidental to the foregoing with regard to services provided by their employees during the pre-petition period and (b) maintain and continue to honor their practices, programs, policies and benefit plans for their employees as they were in effect as of the filing of these cases and as such may be modified, amended, or supplemented from time to time in the ordinary course; and (II) authorizing the Debtors' applicable financial institutions to receive, honor, process, and pay any and all checks and automatic payroll transfers drawn on the Debtors' payroll and general

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

² Capitalized terms not otherwise defined herein shall have the meanings ascribed to such terms in the Motion.

29
4.29.10

disbursement accounts to the extent that such checks or transfers relate to any of the foregoing; 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 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 THAT:

1. The Motion is granted.
2. The Debtors are hereby authorized and empowered, but not directed, to pay any outstanding earned, but unpaid, prepetition Employee Obligations and Employee Benefit Obligations, that may be owing to or on behalf of Employees, up to the amounts established under 11 U.S.C. § 507(a)(4) and/or 11 U.S.C. § 507(a)(5).
3. The Debtors are authorized, but not directed, to satisfy any obligations on account of Payroll Taxes that were owed to Taxing Authorities as of the Petition Date, and to pay Payroll Taxes in the ordinary course of business going forward.
4. The Debtors are authorized, but not directed, to remit to the appropriate entities the Employee Contributions.
5. The Debtors are authorized, but not required, to pay costs and expenses incidental to the Employee Obligations and Employee Benefits, including all administration and processing costs and payments to outside professionals, in the ordinary course of business, in order to

facilitate the administration and maintenance of the Debtors' programs and policies related thereto.

6. The Debtors are authorized, but not required, to continue to honor their practices, programs, and policies with respect to its Employees as such practices, programs, and policies were in effect as of the date of the commencement of the Debtor's Chapter 11 case, including, but not limited to, the Expense Reimbursements, Vacation Benefits, the Health Insurance Plan, the Life Insurance Plan, the 401(k) Plan, the FSA and COBRA.

7. The Debtors are authorized, but not directed, to pay all fees that have accrued with regard to the Employee Benefit Plans (including the Health Insurance Plan, the Life Insurance Plan, the 401(k) Plan, the FSA and COBRA) during the prepetition period, including those amounts that become due and payable during the post-petition period.

8. The Debtors are authorized, but not directed, to reimburse the Employees Expense Reimbursements.

9. In addition to the amounts authorized in paragraph 2, above, the amount of pre-petition claims that the Debtors are authorized to pay pursuant to this Motion shall not exceed \$50,000 exclusive of Employee Contributions.

10. Nothing in this Order shall be deemed to approve any employee program of the Debtors that may implicate the provisions of Section 503(c) of the Bankruptcy Code.

11. The Banks are authorized and directed to receive, process, honor, and pay any and all checks drawn on the Debtors' payroll or disbursement accounts and any other transfers that are related to Employee Obligations and/or Employee Benefit Obligations and the costs and expenses incident thereof, whether those checks were presented prior to or after the date of the

commencement of this Chapter 11 case, and to honor all fund transfer requests made by the Debtors related thereto, to the extent that sufficient funds are on deposit in such accounts.

12. Any Bank may rely on the representations of the Debtors with respect to whether any check or other transfer drawn or issued by the Debtors prior to the Petition Date should be honored pursuant to this Order, and such Bank shall not have any liability to any party for relying on such representations by the Debtors as provided for herein.

13. The Debtors are authorized to issue post-petition checks or to effect post-petition fund transfer requests in replacement of any checks or fund transfer requests related to Employee Obligations and/or Employee Benefit Obligations dishonored or rejected as a consequence of the commencement of the Debtors' Chapter 11 cases or otherwise.

14. Nothing in the Motion or this Order shall be construed as impairing the Debtors right to contest the validity or amount of any Employee Obligations and/or Employee Benefit Obligations, including, without limitation, Payroll Taxes, that may be due to any Taxing Authority.

15. Nothing in the Motion shall be deemed a request by the Debtors for authority to assume, and nothing in this Order shall be deemed authorization to assume, any executory contract or unexpired lease pursuant to Section 365 of the Bankruptcy Code.

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

17. The requirements set forth in Bankruptcy Rule 6003(b) are satisfied by the contents of the Motion or otherwise deemed waived.

18. Notwithstanding any applicability of Bankruptcy Rule 6004, the terms and conditions of this Order shall be immediately effective and enforceable upon entry of this Order.

19. This Court retains jurisdiction with respect to all matters arising from or related to implementation of this Order.

Dated: April 29, 2010
Wilmington, Delaware



THE HONORABLE BRENDAN L. SHANNON
UNITED STATES BANKRUPTCY JUDGE