

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

IN RE:) Chapter 11
))
MOLL INDUSTRIES, INC., *et al.*,¹) Case No. 10-11371 (MFW)
))
Debtors.) Jointly Administered
))
) **Related Docket No.** 43

**ORDER AUTHORIZING PROCEDURES FOR INTERIM COMPENSATION
AND REIMBURSEMENT OF EXPENSES OF PROFESSIONALS**

Upon the Motion of Nexpak Corporation and its affiliated debtors (the "Debtors"), debtors and debtors-in-possession for entry of an order pursuant to sections 105(a) and 331 of the United State Code, 11 U.S.C. §§101 *et seq.* (the "Bankruptcy Code") establishing procedures for the interim compensation and reimbursement of expenses of professionals; and due and proper notice of this Motion having been given; and it appearing that no other or further notice is required; and it appearing that the Court has jurisdiction to consider the Motion in accordance with 28 U.S.C. §§157 and 1334; and it appearing that venue of this proceeding and this Motion is proper pursuant to 28 U.S.C. §§1408 and 1409; and it appearing that the relief requested is in the best interest of the Debtors, their estates, and creditors and after due deliberation, and sufficient cause appearing therefore, it is hereby Ordered as follows:

1. The relief requested in the Motion is GRANTED.
2. Except as otherwise provided in an order of the Court authorizing the retention of a particular professional, the professionals specifically retained pursuant to an order of the Court

¹ 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).

in these cases (each a “Professional” and collectively, the “Professionals”) may seek interim payment of compensation and reimbursement of expenses in accordance with the following procedures (collectively, the “Compensation Procedures”):

(a) On or before the 25th day of each calendar month (the “Application Due Date”) following the month for which compensation is sought, each Professional seeking interim approval and allowance of its fees and expenses may file an application (the “Monthly Fee Application”) with the Court for interim allowance of compensation for services rendered and reimbursement of expenses incurred during the preceding month (the “Compensation Period”) and serve a copy of such Monthly Fee Application on each of the following parties (the “Notice Parties”) by hand delivery, overnight mail or electronic mail:

- (i) Moll Industries, Inc., c/o Jeffrey C. Meritt, CRO, Jeffrey Merritt
13455 Noel Road, Suite 1310, Dallas, TX 75240, Tel: (214) 226-0794
(jeff@merrittsadlergroup.com);
- (ii) Counsel to the Debtors, Sullivan Hazeltine Allinson LLC, 4 East 8th Street,
Suite 400, Wilmington, DE 19801, Attn: William A. Hazeltine, Esquire
(whazeltine@sha-llc.com);
- (iii) Counsel to Highland Capital Management LP, Michael R. Lastowski,
Esquire (MLastowski@duanemorris.com), Duane Morris, LLP, fax number
302-397-0801, 1100 North Market Street, Suite 1200, Wilmington, DE
19801; and Mark X. Mullin, Esquire (mark.mullin@haynesboone.com), fax
number 214-651-5940, Haynes and Boone, LLP, 2323 Victory Avenue,
Suite 700, Dallas, TX 75219;
- (iv) The Office of the United States Trustee for the District of Delaware, J.
Caleb Boggs Federal Building, 844 N. King Street, Room 2207, Lockbox
35, Wilmington, Delaware 19801, Attn: David L. Buchbinder, Esquire; and
- (v) Counsel to any official committee appointed in these cases.

(b) All Monthly Fee Applications shall comply with the Bankruptcy Code, the Bankruptcy Rules and the Local Rules, and shall include, as an exhibit, time records that itemize services.

(c) Each Notice Party will have twenty (20) days after service of a Monthly Fee Application to object thereto (the “Objection Deadline”). If no objections are raised prior to the expiration of the Objection Deadline, the Professional submitting the Monthly Fee Application may file a certificate of no objection with the Court, after which the Debtors shall be authorized to pay such Professional an amount equal to 80% of the fees and 100% of the expenses requested in its Monthly Fee Application (the “Maximum Interim Payment”). If an objection is properly filed pursuant to subparagraph (d) below,

the Debtors shall be authorized to pay the Professional 80% of the fees and 100% of the expenses not subject to an objection (the "Actual Interim Payment"). The first Monthly Fee Application submitted by each Professional, which shall be due on or before June 25, 2010, shall cover the period from the Petition Date through and including May 31, 2010.

(d) If any Notice Party objects to a Professional's Monthly Fee Application, it must, on or before the expiration of the Objection Deadline, file with the Court and serve on such Professional and each Notice Party a written objection (the "Objection") so as to be received on or before the Objection Deadline. Any such Objection shall identify with specificity the objectionable fees and/or expenses, including the amount of such objected to fees and/or expenses, and the basis for such Objection. Thereafter, the objecting party and the affected Professional may attempt to resolve the Objection on a consensual basis. If the parties are unable to reach a resolution, the affected Professional may either: (i) file a response to the Objection with the Court, together with a request for payment of the difference, if any, between the Maximum Interim Payment and the Actual Interim Payment made to such Professional (the "Incremental Amount"); or (ii) forego payment of the Incremental Amount until the next quarterly fee application request hearing or final fee application hearing, at which time the Court will consider and rule on the Objection if requested by the parties.

(e) Beginning with the three month period from the Petition Date and ending on July 31, 2010, and at the end of each three month period thereafter, each Professional must file with the Court and serve on the Notice Parties a request (a "Quarterly Fee Application Request") pursuant to Section 331 of the Bankruptcy Code, for interim Court approval and allowance of compensation for services rendered and reimbursement of expenses sought in the Monthly Fee Applications filed during such period (the "Interim Fee Period"). The Quarterly Fee Application Request will include a summary of the Monthly Fee Applications that are the subject of the request and any other information requested by the Court or required by the local rules. Each Quarterly Fee Application Request shall be filed with the Court and served on the Notice Parties by no later than 45 days after the end of the applicable Interim Fee Period (the "Interim Fee Application Deadline"). The first Interim Fee Application Deadline shall be September 15, 2010, and the first Quarterly Fee Application Request shall cover the Interim Fee Period from the Petition Date through and including July 31, 2010. Any Professional who fails to file a Quarterly Fee Application Request when due shall be ineligible to receive further interim payments of fees or expenses as provided herein until such time as the Quarterly Fee Application Request is submitted.

(f) The Debtors shall request that the Court schedule a hearing on Quarterly Fee Application Requests at least once every three (3) months or at such other intervals as the Court deems appropriate. If no Objections are pending, the Court may grant a Quarterly Fee Application without a hearing.

(g) The pendency of an Objection to payment of compensation or reimbursement of expenses shall not disqualify a Professional from the future payment of compensation or reimbursement of expenses pursuant to the Compensation Procedures.

(h) Neither (i) the payment of or the failure to pay, in whole or in part, monthly interim compensation and reimbursement of expenses under the Compensation Procedures, nor (ii) the filing of or the failure to file an Objection to any Monthly Fee Application or Quarterly Fee Application Request will bind any party in interest or the Court with respect to the allowance of interim or final applications for compensation for services rendered and reimbursement of expenses of Professionals. All fees and expenses paid to Professionals in accordance with the Compensation Procedures are subject to disgorgement until final allowance by the Court.

3. Service of the Monthly Fee Applications, Quarterly Fee Application Requests, final fee applications and Hearing Notices (as defined herein) shall be limited as follows: (i) the Notice Parties shall be entitled to receive the Monthly Fee Applications, Quarterly Fee Application Requests, final fee applications, and notices of any hearing thereon (the "Hearing Notices") and (ii) parties in interest requesting notice pursuant to Bankruptcy Rule 2002 shall be entitled to receive only the Quarterly Fee Application Requests, final fee applications, and Hearing Notices

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

Dated: May 20, 2010
Wilmington, Delaware



THE HONORABLE MARY F. WALRATH
UNITED STATES BANKRUPTCY JUDGE