

**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)
) Jointly Administered
)
Debtors.) **Objection Deadline: October 20, 2010 at 4:00 p.m.**
) **Hearing Date: October 27, 2010 at 1:00 p.m.**

NOTICE OF MOTION

PLEASE TAKE NOTICE THAT on October 8, 2010, the Debtors filed their attached *Debtors' Second Motion Pursuant to 28 U.S.C. § 1452 and Bankruptcy Rules 9006(b) And 9027 for Entry of an Order Further Extending the Debtors' Time to File Notices of Removal of Claims and Causes of Action Related to the Debtors' Chapter 11 Cases* (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 **October 20, 2010 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, 5th Floor, Courtroom 4, on **October 27, 2010 at 1:00 p.m. prevailing Eastern time.**

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).

Docket No. 362
Date 10.8.10

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: October 8, 2010
Wilmington, Delaware

SULLIVAN · HAZELTINE · ALLINSON LLC

/s/ William A. Hazeltine _____

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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.*,¹) Case No. 10-11371 (MFW)
) Jointly Administered
)
Debtors.) **Objection Deadline: October 20, 2010 at 4:00 p.m.**
) **Hearing Date: October 27, 2010 at 1:00 p.m.**

**DEBTORS' SECOND MOTION PURSUANT TO 28 U.S.C. § 1452 AND BANKRUPTCY
RULES 9006(b) AND 9027 FOR ENTRY OF AN ORDER FURTHER EXTENDING
THE DEBTORS' TIME TO FILE NOTICES OF REMOVAL OF CLAIMS AND
CAUSES OF ACTION RELATED TO THE DEBTORS' CHAPTER 11 CASES**

Moll Industries, Inc. and its affiliated debtors and debtors in possession in the above captioned cases (the "Debtors"), by and through undersigned counsel, hereby move (the "Motion") this Honorable Court for the entry of an order, pursuant to 28 U.S.C. § 1452 and Rules 9006(b) and 9027 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), further extending by ninety (90) days the Debtors' time to file notices of removal of claims and causes of action relating to the Debtors' chapter 11 cases (the "Removal Deadline"). In support of this Motion, the Debtors respectfully state as follows:

Jurisdiction and Venue

1. This Court has jurisdiction over the Motion pursuant to 28 U.S.C. §§ 1334 and 157(b). 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.
3. The statutory predicates for the relief requested in this Motion are 28 U.S.C. § 1452 and Bankruptcy Rules 9006(b) and 9027.

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).

BACKGROUND

4. On April 27, 2010 (the "Petition Date"), the Debtors filed their voluntary petitions pursuant to Chapter 11 of Title 11 of the United States Code, §§ 101-1532 (the "Bankruptcy Code") commencing the above-captioned cases. These cases are being jointly administered for procedural purposes. The Debtors are operating as debtors-in-possession pursuant to Sections 1107 and 1108 of the Bankruptcy Code.

5. On May 10, 2010, the Office of the United States Trustee appointed an Official Committee of Unsecured Creditors.

6. On July 2, 2010, the Debtors filed their *Debtors' Motion Pursuant to 28 U.S.C. § 1452 and Bankruptcy Rules 9006(b) and 9027 for Entry of an Order Extending the Debtors' Time to File Notices of Removal of Claims and Causes of Action Related to the Debtors' Chapter 11 Cases* (Docket No.195). On July 19, 2010, the Court entered an Order extending the time period to file notices of removal of related proceedings through and including October 25, 2010. (Docket No.239).

Relief Requested

7. By this Motion, the Debtors seek entry of an order, pursuant to Rule 9006(b) of the Bankruptcy Rules, further extending the Removal Deadline by ninety-one (91) days, through and including January 24, 2011, with respect to claims and causes of action pending as of the Petition Date. The Debtors request that the extended Removal Deadline to file removal actions apply to all matters specified in Bankruptcy Rule 9027(a)(2). The Debtors further request that the relief requested herein be granted without prejudice to the Debtors' right to seek further extensions of the Removal Deadline.

Legal Standard

8. Bankruptcy Rule 9027 and 28 U.S.C. § 1452 govern the removal of claims and causes of action pending as of the Petition Date. Specifically, 28 U.S.C. § 1452 provides, in part, that:

A party may remove any claim or cause of action in a civil action other than a proceeding before the United States Tax Court or a civil action by a government unit to enforce such government unit's police or regulatory power, to the district court for the district where such civil action is pending, if such district court has jurisdiction of such claim or cause of action under section 1334 of this title.

28 U.S.C. § 1452.

9. Bankruptcy Rule 9027 sets forth the time period by which a debtor may file notices to remove claims or causes of action, and provides, in part, that:

If the claim or cause of action in a civil action is pending when a case under the Code is commenced, a notice of removal may be filed only within the longest of (A) 90 days after the order for relief in the case under the Code, (B) 30 days after entry of an order terminating stay, if the claim or cause of action in a civil action has been stayed under § 362 of the Code, or (C) 30 days after a trustee qualifies in a chapter 11 reorganization case but not later than 180 days after the order for relief.

Fed. R. Bankr. P. 9027(a)(2).

10. Bankruptcy Rule 9006 permits the Court to extend the Removal Deadline.

Bankruptcy Rule 9006(b)(1) states as follows:

Except as provided in paragraphs (2) and (3) of this subdivision, when an act is required or allowed to be done at or within a specified period by these rules or by a notice given thereunder or by order of court, the court for cause shown may at any time in its discretion (1) with or without motion or notice order the period enlarged if the request therefore is made before the expiration of the period originally prescribed or as extended by a previous order...

Fed. R. Bankr. P. 9006(b)(1).

11. It is well-established that this Court has authority to grant the relief requested and extend the Removal Deadline. See, e.g., Pacor, Inc. v. Higgins, 743 F.2d 984, 996 (3d Cir. 1984) (holding that the deadline for removal of actions may be extended pursuant to Bankruptcy Rule 9006(b)); Caperton v. A.T. Massey Coal Co., Inc., 251 B.R. 322, 325 (S.D.W. Va. 2000) (Bankruptcy Rule 9006 authorizes the enlargement of time periods for removing actions under Bankruptcy Rule 9027); In re Jandous Elec. Const. Corp., 106 B.R. 48 (Bankr. S.D.N.Y. 1989) (a court may extend the time in which to file motions to remove civil actions pursuant to Bankruptcy Rule 9006); In re World Fin. Servs. Ctr., Inc., 81 B.R. 33, 39 (Bankr. S.D. Cal 1987) (Bankruptcy Rule 9006 was designed to give bankruptcy judges the authority to enlarge the removal periods under Bankruptcy Rule 9027(a)); Raff v. Gordon, 58 B.R. 988, 990 (E.D. Pa. 1986) (Bankruptcy Rule 9006 authorizes the expansion of time to file notice of removal).

Basis for Relief

12. The time in which the Debtor must file notices to remove claims or causes of action is set to expire on October 25, 2010. Since the Petition Date, the Debtors have made significant progress in resolving many of the issues facing the Debtors' estates. Among other things, the Debtors have devoted extensive efforts to: (1) stabilizing operations in a very difficult and uncertain economic environment, as well as minimizing the disruption to their businesses as they transitioned to Chapter 11; (2) obtaining significant "first day" and other relief; (3) preparing and filing schedules and statements of financial affairs; (4) addressing cash management matters; (5) establishing a process for the sale of substantially all of their assets; (6) negotiating with potential purchasers, obtain Court approval and closing on the sale of substantially all of their assets; and (7) negotiating a lease for a portion of their manufacturing

facility, which will result in continued employment for many of the debtors' employees and the mitigation of substantial potential administrative expenses.

13. Given these tasks and the significant demands on the Debtors' personnel and professionals, the Debtors have a legitimate need for additional time to review pending litigation matters and evaluate whether those matters should properly be removed pursuant to Bankruptcy Rule 9027. In the absence of such relief, the Debtors would lose a potentially important part of its overall ability to manage litigation during these chapter 11 cases even before that litigation would reasonably have been evaluated, to the detriment of the Debtors and their estates.

14. The counterparties to any claim or cause of action relating to the Debtors' chapter 11 proceedings will suffer no discernible prejudice from the relief sought herein, as prepetition causes of action against the Debtors are stayed by operation of the automatic stay of section 362 of the United States Bankruptcy Code. Accordingly, preserving the Debtors' ability to remove actions imposes no delay or unnecessary burdens on any counterparties to claims or other cause of action relating to the Debtors' chapter 11 proceedings.

NOTICE

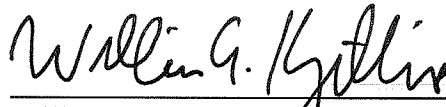
15. Notice of this Motion has been served on (i) the Office of the United States Trustee for the District of Delaware; (ii) Counsel for NexBank, as Administrative Agent and Collateral Agent for the Debtors' pre-petition secured lenders; (iii) Counsel to the Committee; and (iv) all parties that have requested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

CONCLUSION

WHEREFORE, the Debtors respectfully request that the Court enter an Order substantially in the form attached hereto: (i) granting the Motion; (ii) extending the Removal Deadline by an additional ninety-one (91) days, through and including January 24, 2011; and (iii) granting to the Debtors such other relief as the Court deems just and proper.

Date: October 8, 2010
Wilmington, DE

SULLIVAN • HAZELTINE • ALLINSON LLC



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Counsel for the Debtors and Debtors in Possession

**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)	Jointly Administered
)	
Debtors.)	Related Docket No. _____

**ORDER PURSUANT TO 28 U.S.C. § 1452 AND BANKRUPTCY
RULES 9006(b) AND 9027 FURTHER EXTENDING THE DEBTORS' TIME TO
FILE NOTICES OF REMOVAL OF CLAIMS AND CAUSES OF ACTION
RELATED TO THE DEBTORS' CHAPTER 11 CASES**

Upon the Debtors' Second Motion,² Pursuant to 28 U.S.C. § 1452 and Bankruptcy Rules 9006(b) and 9027 for Entry of an Order Further Extending the Debtors' Time to File Notices of Removal of Claims and Causes of Action Related to the Debtors' Chapter 11 Cases; and it appearing that this Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157(b) 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 after due deliberation and it appearing that sufficient cause exists for granting the requested relief and that the relief requested is in the best interest of the Debtors, their estates, and their creditors;

IT IS HEREBY ORDERED as follows:

1. The Motion is granted.

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).

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

2. The time period provided by Bankruptcy Rule 9027 within which the Debtors may file notices of removal of related proceedings under Bankruptcy Rule 9027(a)(2) and (a)(3) is enlarged and extended through and including January 24, 2011;

3. The January 24, 2011 deadline to file removal actions applies to all matters specified in Bankruptcy Rule 9027; and

4. This Order is without prejudice to the Debtors' rights to seek further extensions of the time within which to remove related proceedings.

Dated: October __, 2010
Wilmington, Delaware

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, DsclsDue, Sealed Doc(s)

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

Notice of Electronic Filing

The following transaction was received from William A. Hazeltine entered on 10/8/2010 at 2:35 PM EDT and filed on 10/8/2010

Case Name: Moll Industries, Inc.**Case Number:** 10-11371-MFW**Document Number:** 362**Docket Text:**

Second Motion to Extend *Time to File Notices of Removal of Claims and Causes of Action* Filed by Moll Industries, Inc.. Hearing scheduled for 10/27/2010 at 01:00 PM at US Bankruptcy Court, 824 Market St., 5th Fl., Courtroom #4, Wilmington, Delaware. Objections due by 10/20/2010. (Attachments: # (1) Notice # (2) Proposed Form of Order) (Hazeltine, William)

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

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

[STAMP bkecfStamp_ID=983460418 [Date=10/8/2010] [FileNumber=8914839-0] [7e9543c1d73624235642469114cbc5655db9008ef93e6264578970c445fd5e97337e ee4a66b866b63c6a0437d0bfcfcadcf8a8c8b44016194e363e43e2a3d593]]

Document description:Notice**Original filename:**C:\fakepath\Removal of Claims Motion - Notice.pdf**Electronic document Stamp:**

[STAMP bkecfStamp_ID=983460418 [Date=10/8/2010] [FileNumber=8914839-1] [5ab1e8ca28aed26c9b5d479bc12a1884f0f0e28a3704d5a58fecf6933ae3b08b694b 2587a2064ff474310946e26971fc1dbdd5cc10ad1abf30d36cbeafe9a3b1]]

Document description:Proposed Form of Order**Original filename:**C:\fakepath\Removal of Claims Motion - Order.pdf**Electronic document Stamp:**

[STAMP bkecfStamp_ID=983460418 [Date=10/8/2010] [FileNumber=8914839-2] [73d079f45697a8608ee42be754d2ffba03e6da8fb125800d8afa55ce91fe7a7966f8 70b3f5422e342f0fee5a257625d651652701c6ac6766f7b13cab07d60fc4]]

10-11371-MFW Notice will be electronically mailed to: