

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

In re:

MIG, INC.,

Debtor.

Chapter 11

Case No. 09-12118 (KG)

**Hearing Date: February 10-12, 2010**

**DEBTOR MIG, INC'S MOTION TO FILE MOTIONS *IN LIMINE* IN EXCESS OF FIVE PAGES FILED IN CONNECTION WITH THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS' MOTION FOR ORDER PURSUANT TO SECTIONS 105(a), 1104(a), 1121(c)(1) AND (d)(1) AND 1112(b) APPOINTING A CHAPTER 11 TRUSTEE AND TERMINATING THE DEBTOR'S EXCLUSIVITY TO FILE A PLAN OR, IN THE ALTERNATIVE DISMISSING CHAPTER 11 CASE FOR CAUSE**

The above captioned debtor and debtor in possession (the "Debtor"), by and through its undersigned counsel, hereby submits this motion (the "Motion") for an order authorizing the Debtor to file three motions *in limine* in excess of five pages in connection with the hearing scheduled for February 10-12, 2010 on the Official Committee of Unsecured Creditor's ("Committee") Motion for Order Pursuant to Sections 105(a), 1104(a), 1121(c)(1) and (d)(1) and 1112(b) of the Bankruptcy Code Appointing a Chapter 11 Trustee and Terminating the Debtor's Exclusive Period or, in the Alternative, Dismissing Chapter 11 Case [Docket No. 78], and in support hereof respectfully state as follows:

1. On June 18, 2009 (the "Petition Date"), the Debtor filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code (the "Bankruptcy Code").

2. Since the Petition Date, the Debtor has continued in possession of its properties and in operating and managing its business as a debtor-in-possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code.

3. On June 30, 2009, the United States Trustee appointed the Official Committee of Unsecured Creditors (the "Committee").

4. On July 23, 2009, the Committee filed the Motion for Order Pursuant to

Sections 105(a), 1104(a), 1121(c)(1) and (d)(1) and 1112(b) of the Bankruptcy Code Appointing a Chapter 11 Trustee and Terminating the Debtor's Exclusive Period or, in the Alternative, Dismissing Chapter 11 Case [Docket No. 78] ("Trustee Motion").

5. Pursuant to Section 7 of the Second Amended Scheduling Order entered by the Court on December 30, 2009 (the "Second Amended Scheduling Order") [Docket No. 494], the Debtor served four motions *in limine* on the Committee on February 3, 2010 and filed them with this Court with the proposed pre-trial order on February 5, 2010.

6. The Debtor filed four motions *in limine*: (1) Motion *In Limine* to Exclude from Evidence Statements Regarding Settlement Discussions Pursuant to Federal Rule of Evidence 408 ("Rule 408 Motion"); (2) Motion *In Limine* to Limit Scope of Testimony of the Experts Designated by the Official Committee of Unsecured Creditors to Disclosed Subject Matters ("Motion Regarding Scope of Expert Testimony"); (3) Motion *In Limine* to Exclude Portions of the Official Committee of Unsecured Creditors' Expert Report and Testimony Regarding Initial Public Offerings ("Motion to Exclude Committee's IPO Expert Testimony"); and (4) Motion *In Limine* to Strike Certain Responses by the Committee and Deem that Certain Statements of Fact Do Not Require Proof at Trial Which Are Disputed by the Official Committee of Unsecured Creditors ("Motion to Deem Facts Admitted").

7. The Debtor's Rule 408 Motion is seven pages, its Motion Regarding Scope of Expert Testimony is ten pages, its Motion to Exclude Committee's IPO Expert Testimony is nine pages, and its Motion to Deem Facts Admitted is five pages.

8. While the Second Amended Scheduling Order [Docket No. 494] does not include page limitations for motions *in limine*, this Court's model scheduling order imposes a five-page limit for motions *in limine*. While the Debtor believes that the Second Amended Scheduling Order supersedes the standard language of the Court's model scheduling order, out

of an abundance of caution, the Debtor moves to file motions *in limine* in excess of five pages.

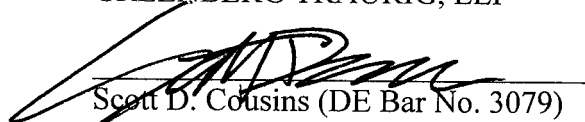
9. Due to the nature of the Debtor's motions *in limine*, for example requiring citations to discovery in this case, in order to fully and properly present its motions *in limine* to this Court, the Debtor respectfully requests that this Court grant it leave to file the Rule 408 Motion, Motion Regarding Scope of Expert Testimony and Motion to Exclude Committee's IPO Expert Testimony, all of which exceed five pages. The Motion to Deem Facts Admitted does not exceed five pages.

10. The Committee has requested similar relief to file its Motion *In Limine* for Evidentiary Rulings that, As a Matter of Law, the Valuation of Debtor's Assets Should Incorporate (A) a Lack of Marketability Discount and (B) a Minority Discount in excess of five pages. The Debtor does not object to the Committee's request.

WHEREFORE, based upon all of the foregoing, the Debtor respectfully requests that an order in substantially the form attached hereto permitting it leave to file its Motion *In Limine* to Exclude from Evidence Statements Regarding Settlement Discussions Pursuant to Federal Rule of Evidence 408, Motion *In Limine* to Limit Scope of Testimony of the Experts Designated by the Official Committee of Unsecured Creditors to Disclosed Subject Matters and Motion *In Limine* to Exclude Portions of the Official Committee of Unsecured Creditors' Expert Report and Testimony Regarding Initial Public Offerings in excess of five pages and granting such other relief as the Court deems just and proper.

Dated: February 8, 2010

GREENBERG TRAUERIG, LLP



Scott D. Cousins (DE Bar No. 3079)  
Sandra G. M. Selzer (DE Bar No. 4283)  
The Nemours Building  
1007 North Orange Street  
Suite 1200  
Wilmington, DE 19801  
Tel.: (302) 661-7000  
Fax: (302) 661-7360  
cousinss@gtlaw.com  
selzers@gtlaw.com

- and -

Nancy A. Mitchell  
Maria J. DiConza  
GREENBERG TRAUERIG, LLP  
MetLife Building  
200 Park Avenue  
New York, NY 10166  
Tel.: (212) 801-9200  
Fax: (212) 801-6400  
mitchelln@gtlaw.com  
diconzam@gtlaw.com

Attorneys for the debtor and debtor in  
possession

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

In re:

MIG, INC.,

Debtor.

Chapter 11

Case No. 09-12118 (KG)

**Re Docket No. \_\_\_\_\_**

**Hearing Date: February 10-12, 2010**

**ORDER GRANTING DEBTOR MIG, INC'S MOTION TO FILE MOTIONS *IN LIMINE*  
IN EXCESS OF FIVE PAGES FILED IN CONNECTION WITH THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS' MOTION FOR ORDER  
PURSUANT TO SECTIONS 105(a), 1104(a), 1121(c)(1) AND (d)(1) AND 1112(b)  
APPOINTING A CHAPTER 11 TRUSTEE AND TERMINATING THE  
DEBTOR'S EXCLUSIVITY TO FILE A PLAN OR, IN THE  
ALTERNATIVE DISMISSING CHAPTER 11 CASE FOR CAUSE**

Upon the *Motion to File Motions In Limine In Excess of Five Pages Filed In Connection with the Official Committee of Unsecured Creditors' Motion for Order Pursuant to Sections 105(a), 1104(a), 1121(c)(1) and (d)(1) and 1112(b) of the Bankruptcy Code Appointing a Chapter 11 Trustee and Terminating the Debtor's Exclusive Period or, in the Alternative, Dismissing Chapter 11 Case Under Seal* (the "Motion") of the above captioned debtor and debtor in possession (the "Debtor"), and granting it such other and further relief as the Court deems just and necessary; and adequate notice of the Motion having been given; and it appearing that no other or further notice is necessary; and the Court having jurisdiction to consider the Motion; and the Court having determined that the legal and factual bases set forth in the Motion establish just cause for the relief requested in the Motion, and that such relief is in the best interest of the Debtor, its estate and its creditors and other parties-in-interest; and upon the record in these proceedings; and after due deliberation:

IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED.
2. The Debtor is authorized to file its Motion *In Limine* to Exclude from Evidence

Statements Regarding Settlement Discussions Pursuant to Federal Rule of Evidence 408, Motion *In Limine* to Limit Scope of Testimony of the Experts Designated by the Official Committee of Unsecured Creditors to Disclosed Subject Matters and Motion *In Limine* to Exclude Portions of the Official Committee of Unsecured Creditors' Expert Report and Testimony Regarding Initial Public Offerings in excess of five pages.

3. The Court retains jurisdiction with respect to all matters arising from or related to the implementation of this order.

Dated: February \_\_\_\_, 2010  
Wilmington, Delaware

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Honorable Kevin Gross  
United States Bankruptcy Judge