

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

In re:

AVENTINE RENEWABLE ENERGY
HOLDINGS, INC., a Delaware Corporation, *et al.*,

Debtors.¹

Chapter 11

Case No. 09-11214 (KG)

(Jointly Administered)

**DEBTORS' MOTION PURSUANT TO 11 U.S.C. § 105 AND
DEL. BANKR. L.R. 9006-1(e) FOR AN ORDER SHORTENING THE TIME
FOR NOTICE OF THE HEARING TO CONSIDER DEBTORS' MOTION FOR ENTRY
OF AN ORDER PURSUANT TO SECTIONS 105(a) AND 502 OF THE BANKRUPTCY
CODE AND BANKRUPTCY RULE 9019 APPROVING THE STIPULATION BY AND
AMONG THE DEBTORS, THE PREPETITION AGENT, AND PREPETITION
LENDERS ALLOWING THE CLAIMS OF, AND GRANTING LIMITED RELEASES
TO, THE PREPETITION AGENT AND PREPETITION LENDERS**

Aventine Renewable Energy Holdings, Inc. and certain of its affiliates, as debtors and debtors in possession (collectively, the "Debtors"), having filed contemporaneously herewith the *Debtors' Motion for Entry of an Order Pursuant to Sections 105(a) and 502 of the Bankruptcy Code and Bankruptcy Rule 9019 Approving the Stipulation By and Among the Debtors, the Prepetition Agent, and Prepetition Lenders Allowing the Claims of, and Granting Limited Releases to, the Prepetition Agent and Prepetition Lenders* (the "Stipulation Motion")² hereby move this Court (the "Motion to Shorten"), pursuant to section 105(a) of the United States Bankruptcy Code, 11 U.S.C. §§ 101 *et seq.*, and Rule 9006-1(e) of the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware (the "Local Rules"), for entry of an order shortening the time for notice of the

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Aventine Renewable Energy Holdings, Inc. (9368), Aventine Renewable Energy, LLC (0195), Aventine Renewable Energy, Inc. (8352), Aventine Renewable Energy – Aurora West, LLC (9285), Aventine Renewable Energy – Mt Vernon, LLC (8144), Aventine Power, LLC (9343), and Nebraska Energy, L.L.C. (1872). The corporate headquarters address for all of the Debtors is 120 North Parkway Drive, Pekin, Illinois 61554.

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

Stipulation Motion so that the matter may be heard at the hearing currently scheduled for February 24, 2010 at 3:00 p.m. (ET), which is the hearing to consider confirmation of the Plan (the “Confirmation Hearing”) and requiring that responses, if any, to the Stipulation Motion be filed with the Court and served upon the undersigned counsel to the Debtors on or before February 23, 2010 at 12:00 Noon (ET).

1. Bankruptcy Rule 2002(a) requires a debtor to provide twenty-one days notice for any request to approve a settlement or compromised under Bankruptcy Rule 9019. Fed. R. Bankr. P. 2002(a)(3). Similarly, Local Rule 9006-1(e) allows a debtor to request shortened notice for a hearing on any motion upon written request specifying the exigencies supporting the requested relief. See Del. Bankr. L.R. 9006-1(e).

2. The Debtors submit that there is sufficient cause to justify shortening the notice period so that the Stipulation Motion can be considered at the Confirmation Hearing given that the agreements embodied in the Stipulation will aid in the Debtors’ implementation of the Plan. Specifically, the Stipulation provides for, among other things, (i) the resolution of certain claims against the Debtors, (ii) the provision of a limited release of claims, and (iii) the adoption of provisions that will govern outstanding letters of credit following the effective date of the Debtors’ Plan (if approved by the Court).

3. The Stipulation originated in negotiations concerning the Plan and the treatment of the Prepetition Agent’s and Prepetition Lenders’ claims thereunder. As a result, several provisions in the Stipulation are designed to become effective on the effective date of the Plan, and will govern certain terms of the Parties’ relationship following the effective date of the Plan. For these reasons, Debtors submit that the Stipulation Motion should be considered by the Court on the Confirmation Hearing, which is currently set for February 24, 2010.

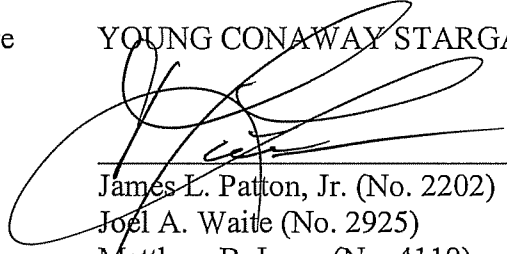
4. In order to ensure that parties in interest receive maximum notice of the Stipulation Motion prior to the hearing, the Debtors will serve the Stipulation Motion on the notice parties listed therein by hand delivery or overnight mail, next business day delivery.

5. For the foregoing reasons and the reasons set forth in the Stipulation Motion, the Debtors submit that sufficient cause exists to have the Stipulation Motion heard on shortened notice. Accordingly, the Debtors request (i) that the Court schedule the Stipulation Motion to be heard on February 24, 2010 at 3:00 p.m. (ET) and (ii) that any response to the Stipulation Motion be required to be filed with the Court and served upon the undersigned counsel to the Debtors on or prior to February 23, 2010 at 12:00 p.m. (ET).

WHEREFORE, the Debtors respectfully request that the Court enter an order substantially in the form attached hereto granting the relief requested herein and any further relief the Court may deem just and proper.

Dated: Wilmington, Delaware
February 18, 2010

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

In re:

AVENTINE RENEWABLE ENERGY
HOLDINGS, INC., a Delaware Corporation, *et al.*,

Debtors.¹

Chapter 11

Case No. 09-11214 (KG)

(Jointly Administered)

Docket Ref. No. _____

**ORDER SHORTENING
THE TIME FOR NOTICE OF THE HEARING
TO CONSIDER DEBTORS' MOTION FOR ENTRY OF AN ORDER PURSUANT TO
SECTIONS 105(a) AND 502 OF THE BANKRUPTCY CODE AND BANKRUPTCY
RULE 9019 APPROVING THE STIPULATION BY AND AMONG THE DEBTORS,
THE PREPETITION AGENT, AND PREPETITION LENDERS ALLOWING THE
CLAIMS OF, AND GRANTING LIMITED RELEASES TO, THE PREPETITION
AGENT AND PREPETITION LENDERS**

Upon consideration of the motion (the "Motion to Shorten")² of the Debtors, pursuant to section 105(a) of the Bankruptcy Code and Rule 9006-1(e) of the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware (the "Local Rules"), for entry of an order shortening the time for notice of the Stipulation Motion so that the matter may be heard at the hearing currently scheduled for February 24, 2010 at 4:00 p.m. (ET) and requiring that responses, if any, to the Stipulation Motion be filed with the Court and served upon the undersigned counsel to the Debtors on or before February 23, 2010 at 12:00 Noon; and the Court having determined that granting the

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

relief requested by the Motion to Shorten is in the best interest of the Debtors, their estates and creditors; and it appearing that due and adequate notice of the Motion to Shorten and the Stipulation Motion has been given, and that no other or further notice need be given; and after due deliberation and sufficient cause appearing therefor, it is hereby

ORDERED that the Motion to Shorten is GRANTED; and it is further

ORDERED that a hearing on the Stipulation Motion will be held on February 24, 2010 at 4:00 p.m. (ET); and it is further

ORDERED that any responses to the Stipulation Motion must be filed with the Court and served on counsel to the Debtors on or prior to 12:00 Noon (ET) on February 23, 2010; and it is further

ORDERED that this Court shall retain jurisdiction over any and all matters arising from or related to the implementation or interpretation of this Order.

Dated: Wilmington, Delaware
February __, 2010

Kevin Gross
United States Bankruptcy Judge