

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

IN RE:

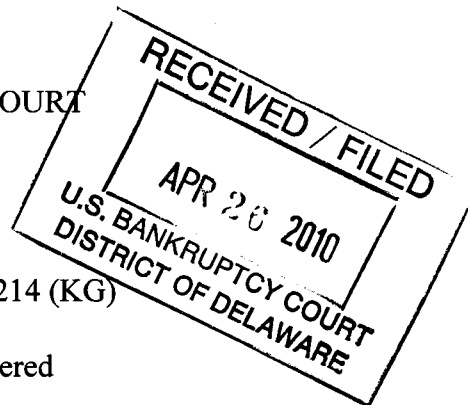
AVENTINE RENEWABLE ENERGY)
HOLDINGS, INC., a Delaware corporation,))
et. al.)

Debtors,)

Chapter 11

Case No. 09-11214 (KG)

Jointly Administered



**RESPONSE OF CERTAIN CLAIMANTS TO DEBTORS' FIFTH OMNIBUS
(SUBSTANTIVE) OBJECTION TO CLAIMS PURSUANT TO SECTION 502(b) OF THE
BANKRUPTCY CODE, BANKRUPTCY RULES 3003 AND 3007, AND LOCAL RULE
3007-1**

NOW COME certain claimants herein, Akron Services, Inc. and James K. Urazoff, by their attorney, Martin J. Haxel of the law firm Livingstone, Mueller, O'Brien and Davlin, P.C., who hereby submit this RESPONSE OF CERTAIN CLAIMANTS TO DEBTORS' FIFTH OMNIBUS (SUBSTANTIVE) OBJECTION TO CLAIMS PURSUANT TO SECTION 502(B) OF THE BANKRUPTCY CODE, BANKRUPTCY RULES 3003 AND 3007, AND LOCAL RULE 3007-1 and in support of this response, said claimants state as follows:

1. Claimants have submitted proofs of claim against Aventine Renewable Energy, Inc.; Aventine Renewable Energy Holdings, Inc.; Aventine Renewable Energy, LLC; and Nebraska Energy, LLC. Said claims are numbered 433-440, inclusive, and are set forth in Exhibit B attached to DEBTORS' FIFTH OMNIBUS (SUBSTANTIVE) OBJECTION TO CLAIMS PURSUANT TO SECTION 502(b) OF THE BANKRUPTCY CODE, BANKRUPTCY RULES 3003 AND 3007, AND LOCAL RULE 3007-1. A copy of said Exhibit B is attached hereto.
2. Claimants are named co-defendants with debtor Aventine Renewable Energy, Inc. in a lawsuit filed by Matthew L. Burton in 2008 in the Circuit Court of Peoria County, Illinois, cause number 08-L-360. Plaintiff Burton seeks damages for injuries allegedly

sustained as a result of an explosion that occurred on 3/04/08 when defendants Akron and Urazoff were unloading corn gluten obtained from Aventine Renewable Energy, Inc. and loaded at Aventine's facility in Pekin, IL. In all respects the issues of who is responsible for said explosion and to what extent are governed by Illinois law.

3. The Illinois Contribution Among Joint Tortfeasors Act (740 ILCS 100/1, et. seq.) allows for any defendant to seek contribution from any other person, firm or corporation who is deemed to be wholly or partially negligent or otherwise responsible for the tort in question. This Illinois statute provides for a determination of the relative culpability of anyone who may be partially responsible for a plaintiff's injuries. Ziarko v. Soo Line Railroad Company, 234 Ill. App. 3d, 860, 602 N.E. 2d 5(1992).
4. Under Illinois law, a parent corporation which mandated a business strategy and carried out that strategy by its own specific direction in complete disregard for the interest of a subsidiary corporation may be held liable despite the fact that it was only a holding company. Forsythe v. Clark USA, Inc., 224 Ill. 2d, 274, 864 N.E. 2d 227 (2007).
5. No discovery has taken place in the pending Illinois lawsuit. Debtors filed their bankruptcy action prior to the initiation of the discovery practice in the Illinois lawsuit.
6. Without the benefit of any discovery, claimants do not know and could not know whether or not any other debtor exercised the requisite control over Aventine Renewable Energy, Inc. with regard to the issues involved in the Illinois lawsuit.
7. For example, the data listed below for each debtor comes from the bankruptcy petitions and statements of financial affairs filed with this court.
 - A. Nebraska Energy, LLC owns a storage tank in Pekin, Illinois, valued at \$1,658,704.81 as listed as item number 29, personal property, on Schedule B.

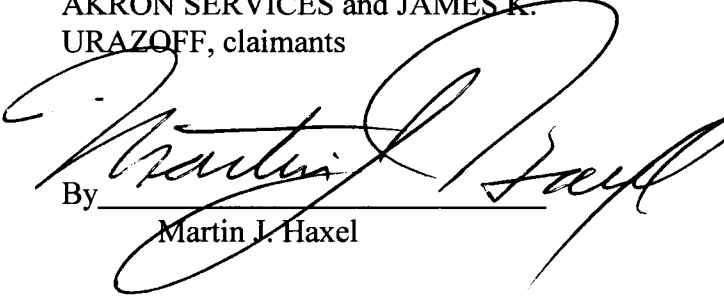
Claimants do not know if the load of corn gluten they picked up on the date of accident came from this storage tank.

- B. Nebraska Energy, LLC is completely owned by another debtor, Aventine Renewable Energy, Inc. (which owns 21.58%) and another debtor, Aventine Renewable Energy, LLC (which owns 78.42%). Aventine Renewable Energy, Inc. is the named defendant in the Illinois lawsuit.
 - C. Aventine Renewable Energy, LLC is completely owned by another debtor, Aventine Renewable Energy Holdings, Inc..
 - D. All of the debtors mentioned above and all of the debtors against whom the claimants have filed claims have common corporate officers. Without the benefit of any discovery, it is impossible to know who makes what decisions for which entity and whether or not those decisions may have an impact upon the issues that may arise out of the Illinois lawsuit.
8. Debtors argue that if the claims listed as objectionable on Exhibit B are not disallowed, claimant's will reap a double recovery from the bankruptcy estate's of the debtors. Not so. Claimants, pursuant to Illinois law, should only be responsible for their pro rata share of culpability. This holds true for any debtor which may be found to be culpable pursuant to Illinois law.
9. On information and belief, debtors have insurance coverage for the pending Illinois lawsuit but only after the payment of a deductible or self-insured retention level. To disallow claimants' claims at this time would completely deprive them of the opportunity to ascertain whether or not a debtor other than Aventine Renewable Energy, Inc. may be liable or may be able to satisfy the deductible of self-insured retention level and able to

assume responsibility for any pro rata share of culpability it may have as determined by Illinois law. At an absolute minimum, debtors' objections to these claims should be stayed or postponed until such a time as sufficient discovery has been completed in the Illinois lawsuit.

WHEREFORE, said claimants pray that the debtors' objections be denied as they pertain to the claims listed in Exhibit B. In the alternative, said claimants pray that this court postpone or stay any decision regarding the debtors' objections until such time as appropriate discovery has been completed in the Illinois lawsuit.

AKRON SERVICES and JAMES K.
URAZOFF, claimants


By _____
Martin J. Haxel

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Exhibit B
Multiple Debtor Claims

----- Objectionable Claims -----				----- Surviving Claims -----				
Name/Address of Claimant	Claim	Date Filed	Case Name	Total Amount Claimed	Claim	Date Filed	Case Name	Total Amount Claimed
Akron Services, Inc. c/o Livingstone, Mueller, O'Brien & Davlin 620 E. Edwards Street PO Box 335 Springfield, IL 62705	437	9/8/2009	Aventine Renewable Energy Holdings, Inc. 09-11214	\$0.00 - (S) \$0.00 - (A) \$0.00 - (P) \$0.00 - (U) \$0.00 - (T)	439	9/8/2009	Aventine Renewable Energy, Inc. 09-11216	\$0.00 - (S) \$0.00 - (A) \$0.00 - (P) \$0.00 - (U) \$0.00 - (T)
Akron Services, Inc. c/o Livingstone, Mueller, O'Brien & Davlin 620 E. Edwards Street PO Box 335 Springfield, IL 62705	438	9/8/2009	Aventine Renewable Energy, LLC 09-11215	\$0.00 - (S) \$0.00 - (A) \$0.00 - (P) \$0.00 - (U) \$0.00 - (T)	439	9/8/2009	Aventine Renewable Energy, Inc. 09-11216	\$0.00 - (S) \$0.00 - (A) \$0.00 - (P) \$0.00 - (U) \$0.00 - (T)
Akron Services, Inc. c/o Livingstone, Mueller, O'Brien & Davlin 620 E. Edwards Street PO Box 335 Springfield, IL 62705	440	9/8/2009	Nebraska Energy, L.L.C. 09-11220	\$0.00 - (S) \$0.00 - (A) \$0.00 - (P) \$0.00 - (U) \$0.00 - (T)	439	9/8/2009	Aventine Renewable Energy, Inc. 09-11216	\$0.00 - (S) \$0.00 - (A) \$0.00 - (P) \$0.00 - (U) \$0.00 - (T)
James K. Urazoff c/o Livingstone, Mueller, O'Brien & Davlin 620 E. Edwards Street PO Box 335 Springfield, IL 62705	433	9/8/2009	Aventine Renewable Energy Holdings, Inc. 09-11214	\$0.00 - (S) \$0.00 - (A) \$0.00 - (P) \$0.00 - (U) \$0.00 - (T)	435	9/8/2009	Aventine Renewable Energy, Inc. 09-11216	\$0.00 - (S) \$0.00 - (A) \$0.00 - (P) \$0.00 - (U) \$0.00 - (T)
James K. Urazoff c/o Livingstone, Mueller, O'Brien & Davlin 620 E. Edwards Street PO Box 335 Springfield, IL 62705	434	9/8/2009	Aventine Renewable Energy, LLC 09-11215	\$0.00 - (S) \$0.00 - (A) \$0.00 - (P) \$0.00 - (U) \$0.00 - (T)	435	9/8/2009	Aventine Renewable Energy, Inc. 09-11216	\$0.00 - (S) \$0.00 - (A) \$0.00 - (P) \$0.00 - (U) \$0.00 - (T)
James K. Urazoff c/o Livingstone, Mueller, O'Brien & Davlin 620 E. Edwards Street PO Box 335 Springfield, IL 62705	436	9/8/2009	Nebraska Energy, L.L.C. 09-11220	\$0.00 - (S) \$0.00 - (A) \$0.00 - (P) \$0.00 - (U) \$0.00 - (T)	435	9/8/2009	Aventine Renewable Energy, Inc. 09-11216	\$0.00 - (S) \$0.00 - (A) \$0.00 - (P) \$0.00 - (U) \$0.00 - (T)

PROOF OF SERVICE

The undersigned hereby certifies that a copy of the foregoing document was served upon the following by placing same in an envelope, postage fully prepaid, depositing in a US Mailbox in Springfield, Illinois on this 23 day of April, 2010

James L. Patton, Jr.
Joel A. Waite
Matthew B. Lunn
Ryan M. Bartley
Young, Conaway, Stargatt & Taylor, LLP
The Brandwine Building
1000 West Street, 17th Floor
Wilmington, Delaware 19801

A handwritten signature in black ink, appearing to read "Matthew B. Lunn", written over a horizontal line. The signature is highly stylized and cursive.