

Motion of Baerlocher Production USA, LLC for Relief from Automatic Stay (the “Baerlocher Setoff Motion”).

By the Baerlocher Setoff Motion, Baerlocher Production USA, LLC (“Baerlocher”) seeks relief from the automatic stay in order to setoff prepetition debts owing between Baerlocher and Chemtura Corporation (“Chemtura”). Baerlocher also requests that relief from the automatic stay be effective immediately upon entry of an order granting Baerlocher relief, and that the ten day stay of the order required under Federal Rule of Bankruptcy Procedure 4001(a)(3) be waived.

Baerlocher asserts that it has a longstanding business relationship with Chemtura pursuant to which the parties buy and sell chemical products from one another. As a result of this business relationship, Chemtura has been both a vendor and customer of Baerlocher over the past eight years. According to Baerlocher, as of the petition date, Baerlocher owed Chemtura \$33,394.91 (the “Baerlocher Payable”), while Chemtura owed Baerlocher \$20,894.84 (the “Baerlocher Receivable”) on account of pre-petition dealings in the ordinary course of business.

Baerlocher is seeking relief from the automatic stay in order to setoff the Baerlocher Payable against the Baerlocher Receivable. Baerlocher alleges that the Baerlocher Payable and the Baerlocher Receivable are the types of debts that are entitled to be setoff because (i) the Baerlocher Payable and Baerlocher Receivable are mutual debts owed between the same parties, (ii) both the Baerlocher Payable and Baerlocher Receivable arose prepetition, and (iii) applicable non-bankruptcy law recognizes setoff rights.

A hearing on the Baerlocher Setoff Motion has been scheduled for February 23, 2010 at 9:45 a.m. (ET), with a corresponding objection deadline of February 16, 2010 at 4:00 p.m. (ET).