

Motion of Wright Rubber Products Pty Limited to Deem Its Late Proof of Claim as Timely Filed Based on Denial of Its Procedural Due Process Rights and Pursuant to Federal Rule of Bankruptcy Procedure 9006(b)(1) (the “Late Claims Motion”).

By the Late Claims Motion, plaintiffs (“WRP”) in a class action titled *Wright Rubber Products Pty Limited v. Bayer AG & Ors* (the “Class Action”) currently pending in a federal court in Australia against certain defendants, including Chemtura Corporation (“Chemtura”) and non-Debtor Chemtura Australia Pty Ltd (“Chemtura Australia”), seek entry of an order deeming their proof of claim (the “WRP Claim”) timely filed.

On September 27, 2007, WRP filed the Class Action alleging a conspiracy to fix the price of rubber chemicals sold in Australia between 1995 and 2001. By the Class Action, WRP sought declaratory and injunctive relief, damages, and costs to compensate WRP for both losses and damages suffered and potential future harm. On November 13, 2009, the Federal Court of Australia Victoria District Registry dismissed the Class Action, and WRP filed a timely appeal. On July 13, 2010, the Full Court of the Federal Court of Australia granted the appeal and set aside the November 13, 2009 order. WRP is currently preparing and amending its complaint in accordance with such ruling.

On March 1, 2010, WRP became aware of Chemtura’s chapter 11 case and, subsequently on March 18, 2010, filed the WRP Claim in an unliquidated amount estimated to be between \$1.7 million and \$3.56 million.

Pursuant to the Late Claims Motion, WRP alleges that Chemtura failed to provide it with notice of the claims bar date as required by the Court’s order dated August 21, 2009, which mandated that Chemtura give notice of the October 30, 2009 bar date (the “Bar Date”) to all known creditors with actual or potential claims. Accordingly, WRP asserts that it is not bound by the Bar Date, and should be allowed pursuant to Bankruptcy Rule 9006(b)(1) to file a late proof of claim. WRP further asserts that Bankruptcy Rule 9006(b)(1) permits late-filed proofs of claim where the delayed filing was a result of excusable neglect. WRP maintains that courts consider the following factors when undergoing an excusable neglect analysis: (i) prejudice to the debtor; (ii) length of delay; (iii) reason for delay and whether it was within reasonable control of the movant and (iv) whether the movant acted in good faith. WRP believes it satisfies all of the foregoing factors because (a) the Debtors will not be prejudiced if the WRP Claim is deemed timely filed because the total size of the WRP Claim is relatively small in comparison to the size of the Debtors’ estates and the Debtors’ plan and disclosure statement were filed after the WRP Claim was filed, (b) the delay in filing the WRP Claim was *de minimis*, (c) WRP’s failure to timely file its claim was not within its control, and (d) WRP has acted in good faith.

A hearing on the Late Claims Motion has been scheduled for August 4, 2010 at 9:45 a.m. (ET) with a corresponding objection deadline of July 28, 2010 at 5 p.m. (ET).