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Inc.*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

QUEBECOR WORLD (USA)¹,

Debtors

EUGENE I. DAVIS, as Litigation Trustee for
the Quebecor World Litigation Trust,

Plaintiff

v.

KRUGER PULP AND PAPER SALES, INC.
d/b/a KRUGER PAPER,

Defendant.

Chapter 11

Case No. 08-10152-JMP
(Jointly Administered)

Hon. Sean H. Lane

Adversary Case

No. 10-01341 JMP

**AMENDED OBJECTION TO NOTICE OF PRESENTMENT OF SUPPLEMENTAL
ORDER ESTABLISHING STREAMLINED PROCEDURES GOVERNING
ADVERSARY PROCEEDINGS BROUGHT BY EUGENE I. DAVIS, AS LITIGATION
TRUSTEE FOR THE QUEBECOR WORLD LITIGATION TRUST, PURSUANT TO
SECTIONS 502, 547, 548, 549 AND 550 OF THE BANKRUPTCY CODE AND**

¹ The Debtors are the following entities: Quebecor World (USA) Inc., Quebecor Printing Holding Company, Quebecor World Capital Corporation, Quebecor World Capital II GP, Quebecor World Capital II LLC, WCZ, LLC, Quebecor World Lease GP, Quebecor World Lease LLC, QW Memphis Corp., The Webb Company, Quebecor World Printing (USA) Corp., Quebecor World Loveland Inc., Quebecor World Systems Inc., Quebecor World San Jose Inc., Quebecor World Buffalo Inc., Quebecor World Johnson & Hardin Co., Quebecor World Northeast Graphics Inc., Quebecor World UP Graphics Inc., Quebecor World Great Western Publishing Inc., Quebecor World DB Acquisition Corp., WCP-D, INC., Quebecor World Taconic Holdings Inc., Quebecor World Retail Printing Corporation, Quebecor World Arcata Corp., Quebecor World Nevada Inc., Quebecor World Atglen Inc., Quebecor World Krueger Acquisition Corp., Quebecor World Book Services LLC, Quebecor World Dubuque Inc., Quebecor World Pendell Inc., Quebecor World Fairfield Inc., QW New York Corp., Quebecor World Dallas II Inc., Quebecor World Nevada II LLC, Quebecor World Dallas, L.P.< Quebecor World Mt. Morris II LLC, Quebecor World Petty Printing Inc., Quebecor World Hazelton Inc., Quebecor World Olive Branch Inc., Quebecor World Dittler Brothers Inc., Quebecor World Atlanta II LLC, Quebecor World RAI Inc., Quebecor World KRI Inc., Quebecor World Century Graphics Corporation, Quebecor World Waukee Inc., Quebecor World Logistics Inc., Quebecor World Mid-South Press Corporation, Quebecor Printing Aviation Inc., Quebecor World Eusey Press Inc., Quebecor World Infiniti Graphics Inc., Quebecor World Magna Graphic Inc., Quebecor World Lincoln Inc. and Quebecor World Memphis LLC.

EXTENDING THE 120-DAY TIME LIMIT FOR SERVICE OF THE SUMMONS AND COMPLAINTS

Defendant Kruger Pulp & Paper Sales, Inc. (“KPP”), by its attorneys, Honigman Miller Schwartz and Cohn LLP, for its *Amended Objection to Notice of Presentment of Supplemental Order Establishing Streamlined Procedures Governing Adversary Proceedings Brought By Eugene I. Davis, As Litigation Trustee For The Quebecor World Litigation Trust, Pursuant To Sections 502, 547, 548, 549 And 550 Of The Bankruptcy Code And Extending The 120-Day Time Limit For Service Of The Summons And Complaints*² (the “Proposed Supplemental Procedures Order”), states:

1. The Proposed Supplemental Procedures Order is not in the best interests of KPP, but will prejudice KPP by reopening closed discovery without Plaintiff filing a motion or establishing cause.

2. Discovery in this adversary proceeding is *closed* under the terms of the Plaintiff’s own *Amended Order Establishing Streamlined Procedures Governing Adversary Proceedings Brought by Eugene I. Davis as Litigation Trustee for the Quebecor World Litigation Trust, Pursuant to Sections 502, 547, 548, 549 and 550 of the Bankruptcy Code and Extending the 120-day Time Limit For Service of the Summons and Complaint* (the “Original Procedures Order”) [A.P. Dkt. Id. 19] and the *Scheduling Order* entered April 18, 2011, in this adversary proceeding [A.P. Dkt. Id. 47] (the “Scheduling Order”). A copy of the Scheduling Order is attached.

² KPP previously filed its Objection to Notice of Presentment of Supplemental Order Establishing Streamlined Procedures Governing Adversary Proceedings Brought by Eugene I. Davis, as Litigation Trustee for the Quebecor World Litigation Trust, Pursuant to Sections 502, 547, 548, 549 and 550 of the Bankruptcy Code and Extending the 120-Day Time Limit for Service of the Summons and Complaints [A.P. Dkt. Id. 58] on June 28, 2011 based on the Notice of Presentment filed on June 2, 2010 [A.P. Dkt. Id. 19]. This amended objection is to the Proposed Order Establishing Streamline Procedures filed on July 5, 2011 [A.P. Dkt. Id. 61], which differs slightly from the June 2, 2010 Notice of Presentment .

3. Defendant is not **asking** to extend discovery deadlines, it is asking to **re-open** discovery for its own convenience.

4. In this adversary proceeding, because Plaintiff failed to diligently pursue discovery, and failed to subpoena relevant information from the Reorganized Debtors and the Debtors' banking institutions until months after the scheduled close of discovery on November 1, 2010, the Court, over KPP's objection, allowed Plaintiff six additional months to complete its discovery. Specifically, in its April 18, 2011 Scheduling Order, the Court allowed the Plaintiff until May 6, 2011, to complete discovery. The Court further ordered that Plaintiff must file any motions related to the status of discovery on or before April 29, 2011.

5. KPP voluntarily extended the deadline for Plaintiff to file discovery related motions to allow Plaintiff a reasonable time after completion of Plaintiff's depositions of KPP's representatives to file any such motions. Plaintiff completed its depositions on May 16, 2011, and the deadline for Plaintiff to file discovery motions has long since past. (Plaintiff had only 11 days after entry of the Scheduling Order to file discovery motions; it has now been over 40 days since Plaintiff completed its depositions.) Moreover, the Scheduling Order required Plaintiff to file any motion related to the status of discovery by April 29, 2011. Plaintiff has filed no such motion, and has given up its right to ask for further extensions of the discovery deadlines in this adversary proceeding.

6. The deadlines contemplated in the Proposed Supplemental Procedures Order would render meaningless the deadlines set forth in the Original Procedures Order and the Scheduling Order. This Court should not countenance Plaintiff's failure to timely conduct discovery in these matters by re-opening discovery, extending the deadlines set forth in the Original Procedures Order, and nullifying the deadlines set forth in the Scheduling Order.

7. The Proposed Supplemental Procedures Order would override the Scheduling Order entered in this matter to reopen discovery for the benefit of Plaintiff and to the detriment of KPP, without Plaintiff even filing a motion to reopen discovery or explaining to the Court the reasons why the Plaintiff needs additional time for discovery.

8. Further, Plaintiff has filed a *Motion for Leave to Amend Complaint to Add Defendants* [A.P. Dkt. Id. 60], seeking to add new defendants. If the Court grants the Motion to Amend, the deadlines in the Proposed Supplemental Procedures Order should not apply to such newly added defendants, who are not parties at this time and were not given notice of the presentment of the Proposed Supplemental Procedures Order. The deadlines in this Proposed Supplemental Procedures Order would be unfair and prejudicial to the newly added defendants, not allowing the new defendants sufficient time to conduct discovery.

WHEREFORE, KPP requests that the Court deny entry of the Proposed Supplemental Procedures Order in the captioned adversary proceeding and for such further relief as is proper and just.

Respectfully submitted,

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Attorneys for Defendant, Kruger Pulp and Paper Sales,
Inc.

Dated: July 8, 2011

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