

April 27, 2009

GLORIA L. FRANKLIN, CLERK  
U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA



Signed: April 25, 2009

*Randall J. Newsome*

RANDALL J. NEWSOME  
U.S. Bankruptcy Judge

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Asyst Technologies, Inc.,  
a California corporation

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

In re  
Asyst Technologies, Inc., a California  
corporation,  
  
Debtor.

Case No. 09-43246

Chapter 11

**ORDER APPROVING EMERGENCY  
MOTION OF DEBTOR IN  
POSSESSION FOR ORDER (1)  
ESTABLISHING LIMITED  
NOTICING PROCEDURES; (2)  
PERMITTING SERVICE ON  
INSURED DEPOSITORY  
INSTITUTIONS BY FIRST CLASS  
MAIL OR OVERNIGHT DELIVERY**

Hearing: April 23, 2009  
Place: United States Bankruptcy  
Court 1300 Clay Street  
Oakland, CA  
Judge: Chief Judge Randall J. Newsome

A hearing was held before this Court on April 23, 2009, at 10:00 a.m. ("Hearing"), to consider the *Emergency Motion For Order (1) Establishing Limited Noticing Procedures, (2) Permitting Service on Insured Depository Institutions by First Class Mail or Overnight Delivery* (the "Motion") filed by Asyst Technologies, Inc., the debtor and debtor in possession in the above-captioned Chapter 11 case (the "Debtor in Possession").

It appears that due and sufficient notice of the Motion has been provided under the circumstances, including upon the Lenders and the Noticed Depository Institutions. The Court has

1 considered the Motion, Memorandum of Points and Authorities filed in support of the Motion, the  
2 Declaration of Paula C. LuPriore (the “LuPriore Declaration”) in support of First Day Motions, and  
3 the statements of counsel for the parties who appeared at the Hearing. Capitalized terms used and  
4 not defined herein shall have the meaning ascribed to them in the LuPriore Declaration. Based on  
5 the proceedings related to the Motion, and after due deliberation and sufficient cause shown, for the  
6 reasons stated on the record at the Hearing,

7 IT IS THEREFORE ORDERED THAT:

- 8 1. The Motion is GRANTED.
- 9 2. Service of the Motion, all other motions filed on an emergency of shortened time  
10 basis, and motions or applications regarding the following types of matters or  
11 proceedings filed by the Debtor in Possession at any time prior to entry of a final  
12 decrees in this case to the extent that such motions or applications otherwise would be  
13 required to be served on a broader list of parties (collectively, the “Limited Notice  
14 Matters” shall be limited to the Limited Service List (as defined below):
  - 15 a. Any proposed use, sale, or lease of property of the Debtor in Possession’s  
16 Chapter 11 estate that is not in the ordinary course of business pursuant to  
17 section 363 of the Bankruptcy Code and Bankruptcy Rules 2002(a)(2),  
18 4001(b), and 6004 (except a sale of substantially all assets of the Debtor in  
19 Possession);
  - 20 b. Any proposed extension of the Debtor in Possession’s exclusive time to file a  
21 plan of reorganization and solicit acceptance thereof (including, without  
22 limitation, the time to file a disclosure statement) pursuant to section 1121 of  
23 the Bankruptcy Code and Bankruptcy Rule 3016;
  - 24 c. Any proposed approval of a compromise or settlement of a controversy  
25 pursuant to section 363 of the Bankruptcy Code and Bankruptcy Rules  
26 2002(a)(3) and 9019;
  - 27 d. Any proposed abandonment or disposition of property of the estate pursuant  
28 to section 554 of the Bankruptcy Code and Bankruptcy Rule 6007(a) or (c);

- 1 e. Any proposed assumption or rejection of contracts or leases under section 365  
2 of the Bankruptcy Code and Bankruptcy Rule 6006;
- 3 f. Any proposed application for retention, or compensation or reimbursement of  
4 expenses of professionals pursuant to sections 327, 328, 329, 330, or 2331 of  
5 the Bankruptcy Code and Bankruptcy Rules 2002(a)(6), 2016, 2017, and  
6 6005, or any such procedures motion; and
- 7 g. A hearing on a contested matter in this case that requires notice to all creditors  
8 or equity holders pursuant to the Bankruptcy Code, Bankruptcy Rule 9014, or  
9 the Bankruptcy Local Rules.

- 10 3. Notwithstanding the foregoing, nothing in this Order shall affect the rights of all  
11 creditors and all parties to receive notice of the following matters or proceedings : (i)  
12 the meeting of creditors under § 341 or 1104(b) of the Bankruptcy Code; (ii) a  
13 hearing on the dismissal or conversion of this case; (iii) the time fixed for filing  
14 objections to a disclosure statements and the hearing to consider approval of a  
15 disclosure statement; (iv) the time fixed for accepting, rejecting or objecting to  
16 confirmation of a plan or any modification thereof and the hearing thereon; (v) the  
17 entry of an order confirming a plan; and (v) the date fixed for filing proofs of claim.
- 18 4. The Debtor in Possession is hereby authorized to limit notice of the Limited Notice  
19 Matters to the following parties and/or counsel (the "Limited Service List"): (i) the  
20 United States Trustee for Region 17; (ii) the Debtor in Possession's thirty (30) largest  
21 unsecured creditors; (iii) counsel for the Agent; (iv) the Lenders, (v) any person or  
22 entity that serves a request for special notice on the Debtor in Possession, and (vi) any  
23 party specifically and directly impacted by the relief sought in the applicable motion.
- 24 5. Should an official committee of creditors be appointed, service of the Limited Notice  
25 Matters on the thirty (30) largest unsecured creditors currently on the Limited Service  
26 List shall no longer be necessary provided that notice of any Limited Notice Matter is  
27 served on such committee or its counsel.
- 28 6. The Debtor in Possession is hereby authorized to serve the Lenders and the Noticed

1                   Depository Institutions with any notices that the Debtor in Possession is required to  
2                   serve upon the Lenders Noticed Depository Institutions by first class mail or  
3                   overnight delivery, or by email pursuant to any properly filed request under  
4                   Bankruptcy Rule 9036.

5                   7. This Order is effective immediately.

6                                   \*\*END OF ORDER\*\*

COURT SERVICE LIST

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