

Lewis, Adam A.

From: Lewis, Adam A.
Sent: Friday, July 17, 2009 9:34 AM
To: 'ASpector@bergersingerman.com'
Cc: 'rlevin@cravath.com'
Subject: Re: APA question

Thanks, Arthur.

From: Arthur J. Spector
To: Lewis, Adam A.
Sent: Fri Jul 17 08:00:15 2009
Subject: APA question

Adam, the Debtor intends not to assume the APA. The APA is not a purchased asset. The cure cost you observed was an error that we'll correct, as I said last week. Sorry that it's taken a while to clarify this for you. We and the UnXis representatives caucused on this to be certain that we were of one mind relative to the purchased assets. We are, and the APA will not be assumed.

7/19/2009