

29. Furthermore, the Debtor seeks a waiver of the notice requirements under Bankruptcy Rule 6004(a) and the stay of the order authorizing the use, sale, or lease of property under Bankruptcy Rule 6004(h).

**Applicable Banks Should Be Authorized To Honor and
Pay Checks Issued and Make Other Transfers To Pay
Employee Obligations or Contract Employee Compensation**

30. The Debtor further requests that the Court authorize Berkshire Bank to receive, process, honor, and pay all prepetition and postpetition checks issued or to be issued, and electronic fund transfers requested or to be requested, by the Debtor in respect of the Employee Obligations. The Debtor also seeks authority to issue new postpetition checks, or effect new electronic fund transfers, on account of the Employee Obligations to replace any prepetition checks or electronic fund transfer requests that may be dishonored or rejected.

31. As a result of the commencement of this Chapter 11 case, and in the absence of an order of the Court providing otherwise, the Debtor's checks, wire transfers and direct deposit transfers in respect of the Employee Obligations compensation may be dishonored or rejected by Berkshire Bank.

32. Authorization to pay all amounts on account of Employee Obligations compensation shall not be deemed to constitute post-petition assumption or adoption of any contract, program, or policy pursuant to Section 365 of the Bankruptcy Code. The Debtor is in the process of reviewing these matters and reserves all of its rights under the Bankruptcy Code with respect thereto. Moreover, authorization to pay all amounts on account of Employee Obligations compensation shall not affect the Debtor's right to contest the amount or validity of any such claims, including without limitation the Payroll Taxes that may be due to any Taxing Authority.