

and expenses incident thereof, whether those checks were presented prior to or after the date of the commencement of these Chapter 11 cases, provided that sufficient funds are available in the accounts to make such payments; and it is further

**ORDERED** that the Berkshire Bank and any other bank may rely on the representations of the Debtor with respect to whether any check or other transfer drawn or issued by the Debtor prior to the Petition Date should be honored pursuant to this Order, and that each bank shall have no liability to any party for relying on such representations by the Debtor as provided for herein; and it is further

**ORDERED** that the Debtor is authorized (consistent with this Order) to issue postpetition checks or to effect postpetition fund transfer requests in replacement of any checks or fund transfer requests related to Employee Obligations or Employee Benefits to the extent that such checks or transfers have been dishonored or rejected as a consequence of the commencement of the Debtor's Chapter 11 cases; and it is further

**ORDERED** that nothing in the Motion or this Order shall be construed as impairing the Debtor's right to contest the validity or amount of any Employee Obligations, including without limitation Payroll Taxes that may be due to any taxing authority; and it is further

**ORDERED** that nothing in the Motion shall be deemed a request by the Debtor for authority to assume, and nothing in this Order shall be deemed authorization to assume, any executory contract pursuant to Section 365 of the Bankruptcy Code; and it is further

**ORDERED** that notwithstanding any applicability of Bankruptcy Rules 6004(h), 7062, or 9014, the terms and conditions of this Order shall be immediately effective and enforceable upon its entry; and it is further