

1 **FORRESTER & WORTH, PLLC**
3636 NORTH CENTRAL AVENUE, SUITE 700
2 PHOENIX, ARIZONA 85012-1927
TELEPHONE (602) 271-4250
3 FACSIMILE (602) 271-4300
S. CARY FORRESTER (006342)
4 E-MAIL SCF@FORRESTERANDWORTH.COM

5 ATTORNEYS FOR THE DEBTOR

6 **UNITED STATES BANKRUPTCY COURT**
7 **DISTRICT OF ARIZONA**

8 In re:
9 NUTRACEA, a California corporation,
10 Debtor.

Chapter 11

2:09-bk-28817-CGC

**MOTION FOR EXPEDITED
CONSIDERATION OF (1)
DEBTOR'S SECOND
APPLICATION FOR APPROVAL
OF EMPLOYMENT OF
COLUMBIA WEST CAPITAL AND
(2) STIPULATED JOINT MOTION
TO FILE DEBTOR'S
ENGAGEMENT AGREEMENT
WITH COLUMBIA WEST
CAPITAL UNDER SEAL**

17 Contemporaneously with the filing of this motion, Debtor has filed an application
18 for approval of its employment of Columbia West Capital, LLC ("**Columbia**") to act as its
19 exclusive agent in the private placement of securities and/or the arrangement of licensing,
20 distribution and/or similar arrangements for Debtor's affiliates, Rice Science, LLC and
21 RiceRx, LLC (the "**Employment Application**"). At the same time, Debtor, the Official
22 Unsecured Creditor's Committee (the "**Committee**") and the Office of the United States
23 Trustee (the "**U.S. Trustee**") filed a joint motion to authorize Debtor to file its engagement
24 agreement with Columbia under seal (the "**Motion to File under Seal**").

25

1 Debtor requests expedited consideration of the Employment Application and the
2 Motion to File under Seal so that Columbia may begin its efforts to raise capital for Debtor
3 at the earliest possible time. A capital raise by Columbia is one of the alternatives being
4 pursued by Debtor to fund the plan of reorganization that it jointly proposed with the
5 Committee. The effective date of the plan must occur by no later than November 30, 2010.

6 Debtor has taken the liberty of serving a negative notice of the Employment
7 Application and the Motion to File under Seal on all those on the Official Notice Service
8 List. The notice provides that objections must be filed within five business days of the date
9 of service. It further provides that the U.S. Trustee must file any objection that it may have
10 to the Application within two business days after its receipt of an un-redacted copy of the
11 engagement agreement. If this procedure is not acceptable to the Court, Debtor requests
12 that it set an expedited hearing on the Motion to File under Seal within five business days
13 from today, and that it set an expedited hearing on the Application within two business
14 days thereafter.

15 DATED this 9th day of July, 2010.

16 FORRESTER AND WORTH, PLLC

17
18
19 By /s/ SCF (006342)

20 S. Cary Forrester
21 Attorney for Debtor
22
23
24
25

File a Motion:[2:09-bk-28817-CGC Nutracea, a California corporation](#)

Type: bk

Chapter: 11 v

Office: 2 (Phoenix)

Assets: y

Judge: CGC

U.S. Bankruptcy Court**District of Arizona**

Notice of Electronic Filing

The following transaction was received from S. CARY FORRESTER entered on 7/9/2010 at 12:18 PM AZ and filed on 7/9/2010

Case Name: Nutracea, a California corporation**Case Number:** [2:09-bk-28817-CGC](#)**Document Number:** [463](#)**Docket Text:**

Motion to Accelerate/Expedite *Consideration of (1) Debtor's Second Application for Approval of Employment of Columbia West Capital and (2) Stipulated Joint Motion to File Debtor's Engagement Agreement With Columbia West Capital Under Seal* filed by S. CARY FORRESTER of FORRESTER & WORTH, PLLC on behalf of Nutracea, a California corporation (related document(s)[460] Application to Employ, [461] Motion to File Under Seal). (FORRESTER, S.)

The following document(s) are associated with this transaction:

Document description:Main Document**Original filename:**N:\Word Docs\Cary\Active\NutraCea\Pleadings\Professionals\Apps to Employ Professionals\Columbia\Debt Raise\F0r Filing 7-9-10\Motion for Expedited Consideration.pdf**Electronic document Stamp:**

[STAMP bkecfStamp_ID=875559564 [Date=7/9/2010] [FileNumber=18474321-0]
[81482cdf256a0b8b899863c9d6579ae639bc54abe8c32cab49870fa0171513529ca7
e9f0be6e2a222b722ee974a35e853119659552c508c2ecf45ceb43de1f1a]]

2:09-bk-28817-CGC Notice will be electronically mailed to:

KEVIN J. BLAKLEY on behalf of Creditor GANADO PAINTING AND WALL COVERING, INC.
kblakley@gblaw.com

J. JAMES CHRISTIAN on behalf of Defendant Harvey Pensack
jjc@tblaw.com, jeg@tblaw.com;sab@tblaw.com

JOHN R. CLEMENCY on behalf of Creditor WELLS FARGO BANK, N.A.
john.clemency@gknet.com, donna.elliott@gknet.com;maricella.nunez@gknet.com

JAMES E. CROSS on behalf of Debtor Nutracea, a California corporation

jcross@omlaw.com, kstewart@omlaw.com;rfranks@omlaw.com

RICHARD J. CUELLAR on behalf of U.S. Trustee U.S. TRUSTEE
ric.j.cuellar@usdoj.gov, coleen.craig@usdoj.gov

S. CARY FORRESTER on behalf of Debtor Nutracea, a California corporation
scf@fwlawaz.com

RICHARD G. HIMELRICK on behalf of Defendant Harvey Pensack
rgh@tblaw.com, sab@tblaw.com

KERRY HODGES on behalf of Creditor Committee Unsecured Creditors Committee
khodges@jsslw.com, cgentis@jsslw.com

CAROLYN J. JOHNSEN on behalf of Creditor Committee Unsecured Creditors Committee
cjjohnsen@jsslw.com

PHILLIP C KIM on behalf of Plaintiff Harvey Pensack
pkim@rosenlegal.com

THOMAS G. LUIKENS on behalf of Creditor AICCO, Inc.
Thomas.Luikens@azbar.org, tglegalassistant@earthlink.net

BRENDA K. MARTIN on behalf of Debtor Nutracea, a California corporation
bmartin@omlaw.com, kstewart@omlaw.com;rfranks@omlaw.com

JEFFREY W PETERS on behalf of Creditor Farmers Rice Milling Company, Inc.
jpeters@powellgroup.com

LAURENCE M ROSEN on behalf of Plaintiff Harvey Pensack
lrosen@rosenlegal.com

JULIE RYSTAD on behalf of Creditor WELLS FARGO BANK, N.A.
julie.rystad@gknet.com, angie.renteria@gknet.com

CHAD L. SCHEXNAYDER on behalf of Creditor AVAZ, Inc. d/b/a Audio Video Resources
cls@jhc-law.com, sh@jhc-law.com

GERALD L. SHELLEY on behalf of Interested Party Bradley Edson
gshelley@fclaw.com, hlahren@fclaw.com

TODD B. TUGGLE on behalf of Creditor W.D. Manor Mechancial Contractors
ttuggle@jsslw.com

STEPHEN L WILLIAMSON on behalf of Creditor Farmers Rice Milling Company, Inc.
swilliamson@monbar.com, ymaranto@monbar.com