

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MINNESOTA**

UNITED STATES OF AMERICA,

*Plaintiff,*

v.

THOMAS J. PETTERS, ET AL.,

*Defendants.*

Case No.: 08-5348 (ADM/JSM)

**LG ELECTRONICS, INC.'S OBJECTION TO RECEIVER  
DOUGLAS A. KELLEY'S MOTION TO AMEND AND CLARIFY THE  
PRELIMINARY INJUNCTION AND RECEIVERSHIP ORDERS**

LG Electronics, Inc. ("LGE") hereby objects to Receiver Douglas A. Kelley's ("Receiver") Motion to Amend and Clarify the Preliminary Injunction and Receivership Orders as follows:

On November 18, 2008, LGE moved this Court for leave to intervene in this action for the purpose of seeking clarification of, modification of, and/or relief from this Court's preliminary injunction order as it relates to suits against Polaroid Corporation. (Docket No. 79.) The Court has scheduled a hearing on LGE's Motion for December 5, 2008, at 9:00 a.m.

On November 24, 2008, the Receiver filed a Motion to Amend and Clarify the Preliminary Injunction and Receivership Orders. (Docket No. 91.) The Receiver also provided the Court and counsel of record with a Proposed Order, purporting to implement the changes requested in the Motion.

The Receiver's Proposed Order contains several modifications that extend well beyond the relief described and sought in the Receiver's Motion. For example, the Receiver proposes amending language in Section V, "Stay of Actions Against Receivership Defendants" (Docket No. 70), yet nowhere in the Receiver's Motion or "Memorandum in Support of Motion to Amend and Clarify the Preliminary Injunction and Receivership Orders" (Docket No. 93) does the Receiver request such relief or notify the Court that such an amendment is contained in the Proposed Order. Furthermore, the Receiver proposes redefining the term "Defendants," as used throughout the order, by broadening its scope and adding various other categories of entities, such as "Initial Receiver Defendants" and "Subsequent Receiver Defendants." Such proposed amendments go directly to the disputed issues this Court will decide at the December 5<sup>th</sup> hearing, and the Receiver's Proposed Order would circumvent such analysis.

Because of these far-reaching modifications, LGE contacted the Receiver in an attempt to revise the Proposed Order to allow the Receiver to implement seemingly innocuous modifications, while leaving unaffected the issues underlying LGE's Motion. (*See* Exhibit A, N. Graubart email to S. Smalley-Fleming, dated Nov. 24, 2008.<sup>1</sup>) The Receiver rejected LGE's proposed revisions to the Proposed Order.

As the Receiver's Proposed Order (further amending the Amended Preliminary Injunction Order (Docket No. 70)) bears directly on the relief sought in LGE's Motion,

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<sup>1</sup> In the email, two documents are attached: (1) "Redline.pdf," which contains LGE's proposed revisions to the Receiver's Proposed Order, and (2) "LG's Revisions to Receiver's Proposed Order on Receiver's Motion to Amend [Docket #91].doc," which is simply a Microsoft Word version of the former document, without the changes tracked.

LGE objects to the Receiver's Proposed Order and asks that the Court reject those aspects of the Proposed Order that impact the merits of LGE's pending Motion.<sup>2</sup>

Dated: November 26, 2008

FISH & RICHARDSON P.C.

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**ATTORNEYS FOR INTERVENOR  
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<sup>2</sup> LGE has no objection to the Court modifying its Amended Preliminary Injunction Order (Docket No. 70) to accomplish items 3 and 4, as described in the Receiver's Motion. (Docket No. 91 at 2-3.) With respect to item 2, the Receiver's Motion is not explicit about the changes sought, rather the Motion merely states that the Receiver seeks to amend "Section I ('Asset Freeze') . . . to clarify the defendants whose assets are subject to the Receivership." Accordingly, to the extent that the Receiver seeks amendments consistent with item 2 that do not affect LGE's pending Motion, LGE would not object to those amendments. (*See Ex. A.*)