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9 General Counsel for The Trust for Certain
10 Creditors of Consolidated Freightways Corporation
11 and Certain Affiliates

12 UNITED STATES BANKRUPTCY COURT
13 CENTRAL DISTRICT OF CALIFORNIA
14 RIVERSIDE DIVISION

15 In re) Case No. 6:02-bk-24284 PC
16)
17 CONSOLIDATED FREIGHTWAYS) Chapter 11
18 CORPORATION OF DELAWARE, et)
19 al.,) (Jointly Administered with
20) Cases No. 6:02-bk-24289 PC;
21 Debtors.) 6:02-bk-24287 PC; 6:02-bk-24293
22) PC; 2:02-bk-24294 PC; and 2:02-
23 Fed. Tax I.D. No. 94-1444797) bk-24295 PC)
24)
25) Date:
26) Time: [No Hearing Required]
27) Place:
28

29 NOTICE OF MOTION FOR ORDER AUTHORIZING MODIFICATION OF PLAN
30 PURSUANT TO 11 U.S.C. § 1127

31 PLEASE TAKE NOTICE that K. Morgan Enterprises, Inc., as
32 trustee (the "Trustee") under the Trust for Certain Creditors of
33 Consolidated Freightways Corporation and Certain Affiliates
34 (collectively, the "Debtors") created pursuant to the Debtors'
35 Consolidated Plan of Liquidation (the "Plan"), dated July 1, 2004
36 (As Amended), confirmed by Order of the Court entered on November
37 22, 2004, has filed a motion (the "Motion") for an order
38 authorizing modification of the Plan pursuant to 11 U.S.C. §
39 1127(b). As more fully discussed in the memorandum of points and
40 authorities filed in support of the Motion, the contemplated Plan
41 modification is designed to re-distribute undeliverable payments
42 made pursuant to the Plan to holders of Allowed Claims. The
43 Trustee believes that the proposed modification does not
44 adversely change the treatment of any creditor under the Plan, in

1 that the proposed modification is purely technical in nature and
2 intended to ease the administrative burden on the Court and the
3 Trust resulting from the undeliverable payments. As detailed in
4 the Motion, the payments remain undeliverable despite extensive
5 efforts by the Trustee to locate the appropriate claimants.

6 PLEASE TAKE FURTHER NOTICE that the Motion is based upon
7 this notice of motion ("Notice"), the Motion, the memorandum of
8 points and authorities and the declarations of Kerry K. Morgan
9 and Robert Coco in support thereof. The Motion and
10 aforementioned papers can be found on the Trust's Internet
11 website at www.cfwy.com, under the Bankruptcy Information
12 section. If you are unable to access the Motion on the Internet
13 or do not have access to the Internet, a hard copy of the Motion
14 can be obtained upon written request to Jason Klassi, Levene,
15 Neale, Bender, Yoo & Brill L.L.P., 10250 Constellation Boulevard,
16 Suite 1700, Los Angeles, California 90067-6200 (facsimile (310)
17 229-1244).

18 PLEASE TAKE FURTHER NOTICE that, pursuant to Local Rule
19 9013-1(o)(1), the Trustee has requested that the Court rule upon
20 the Motion without the need for a hearing thereon. Pursuant to
21 Local Rule 9013-1(o)(1)(A)(ii), any response to the Motion and
22 request for a hearing with respect thereto, must be filed with
23 the Clerk of the Bankruptcy Court and served upon counsel for the
24 Trustee at the address set forth in the upper left-hand corner of
25 the first page of this Notice and Motion within 14 days after the
26 date of service of the Notice.

27 PLEASE TAKE FURTHER NOTICE that, pursuant to Local
28 Bankruptcy Rule 9013-1(h), the failure to file and serve a timely
opposition to the Motion may be deemed by the Court to constitute
consent to the Court's granting of the relief sought by the
Trustee.

DATED: October 5, 2010

K. MORGAN ENTERPRISES, INC., AS
TRUSTEE UNDER THE TRUST FOR CERTAIN
CREDITORS OF CONSOLIDATED
FREIGHTWAYS CORPORATION AND CERTAIN
AFFILIATES

By: /s/ Carmela T. Pagay
DAVID L. NEALE
CARMELA T. PAGAY
LEVENE, NEALE, BENDER, YOO
& BRILL L.L.P.
General Counsel for the Trust