

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF VERMONT



In re:

FiberMark, Inc., )  
FiberMark North American, Inc., and ) Case No. 04-10463  
FiberMark International Holdings LLC ) *Chapter 11*  
Jointly Administered

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**AMENDED ORDER SUPPLEMENTING ORDER DIRECTING THE  
APPOINTMENT OF AN EXAMINER, ETC. DATED APRIL 19, 2005**

**UPON** the Motion for Emergency Conference dated May 10, 2005 (the “Motion”) filed by Akin Gump Strauss Hauer & Feld LLP (“Akin Gump”), and further

**UPON** the Response to the Motion filed by Silver Point Capital Advisors, LLC (“Silver Point”) by its attorneys, Kasowitz, Benson, Torres & Friedman LLP, and further

**UPON** the telephonic conference held on May 10, 2005 at 1:00 p.m., and further  
**UPON** the appearances of Harvey R. Miller as the Examiner and Kevin Purcell for the United States Trustee, and all other appearances as stated on the record of the telephonic conference held, and further

**UPON** the Order dated April 19, 2005 Directing the Appointment of an Examiner and specifying Examiner’s duties pursuant to §1104(c) and §1106(b) of the Bankruptcy Code (the “Examiner Order”), and

**UPON** the Order dated April 22, 2005 approving the appointment of Harvey R. Miller as the Examiner, and the relevant provision of the Examiner Order which provides that the “Official Committee of Unsecured Creditors (the “Committee”) and its members, Alex Kwader and other individuals who were employed by the debtors when his or her individual claims were transferred to Silver Point, representatives of Solutions Dispersions, Inc. and all other parties in interest who have information that the Examiner deems relevant to this investigation shall cooperate fully with the Examiner,” and further

**UPON** consideration of the entire record before the Court, and after all of the proceedings had in connection with the telephonic conference, the Court finds that it is in the best interest of the estate to supplement the Examiner Order, and


**THEREFORE**, it is hereby ordered,

1. That the Examiner's report pursuant to the Examiner Order (the "Examiner's Report") shall be confidential and filed with the Court under seal subject to further Order of the Court.
2. At the time of the filing of the Examiner's Report, the Examiner shall serve a copy of the Examiner's Report upon the Office of the United States Trustee, the debtors, General Electric Capital Corporation as administrative agent for the debtors' postpetition lenders, the Official Committee of Unsecured Creditors, Silver Point, AIG Global Investment Corp. ("AIG"), Post Advisory Group, LLC ("Post") and Wilmington Trust Company ("Wilmington") as members of the Committee and as claimants against the debtors and their respective attorneys. All recipients of the Examiner's Report shall hold and maintain the Examiner's Report subject to the confidentiality provided by this Order and shall not distribute or otherwise publicize the Examiner's Report subject to further Order of the Court.
3. The Examiner's investigation shall be deemed conducted for all purposes pursuant to Rule 2004 of the Federal Rules of Bankruptcy Procedure.
4. The Committee, each Committee member, Akin Gump, as attorneys for the Committee, and all other parties from whom the Examiner has requested, subpoenaed or will request production of documents, emails, correspondence, etc. (the "Documents") shall promptly produce the Documents requested consistent with Rule 2004 of the Federal Rules of Bankruptcy Procedure. Such production of Documents to the Examiner shall not be deemed to constitute a waiver of any privilege, doctrine, right, or immunity pertaining to such Documents (collectively, the "Privileges") with respect to any third party.

5. Notwithstanding anything to the contrary herein, to the extent that any Committee member reasonably believes that any requested Document falls within the Privileges held by it individually, the Committee member may withhold such Document(s) subject to the production of a privilege log and subject to any further order of the Court.
6. Nothing contained in this Order shall prejudice the right of the Examiner to seek to compel production of Documents withheld on the grounds of Privileges.

**SO ORDERED.**

May 13, 2005  
Burlington, Vermont

  
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Colleen A. Brown  
United States Bankruptcy Judge