

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:)	Chapter 11
)	
MIDWAY GAMES, INC., <i>et al.</i> ,)	Case No. 09-10465 (KG)
)	(Jointly Administered)
<u>Debtors.</u>)	
MIDWAY GAMES, INC., <i>et al.</i>)	
)	
Plaintiffs,)	
)	
v.)	Adv. Proc. No. 09-52288 (KG)
)	
JOHANNA ANONUEVO, MARCELLA)	
CASTRO, KATHLEEN DEL PIETRO,)	
JAMES GENTILE, CORY HALPERIN,)	
ANTHONY LEWELLEN, RUSSELL)	
MASON, SARAH MOSCHEA,)	
STEVEN PAWLIK, BRIAN)	
SCHULTZ, RANDY SEVERIN,)	
BETHANN SMULKOWSKI, JAMES)	
TAYLOR, JEFFREY TROUTMAN,)	
CHRISTIANA WOSS, AND)	
CATHERINE SHANNON, DIRECTOR)	
OF THE STATE OF ILLINOIS,)	
DEPARTMENT OF LABOR.)	
)	
<u>Defendants.</u>)	Re Dkt Nos. 26 and 28

**OPINION CLARIFYING OPINION
DENYING DEFENDANTS' MOTION TO DISMISS**

The plaintiffs, debtors and debtors in possession (the “Debtors”), have filed pursuant to Federal Rule of Civil Procedure 60(a), made applicable by Federal Rule of Bankruptcy Procedure 9024, their Motion for Clarification of Opinion Denying Defendants’ Motions to Dismiss (the “Motion”) (Adv. Dkt. No. 28). The Motion is unopposed.

In the Opinion, dated March 25, 2010 (Adv. Dkt. No. 26), the Court states that, both at oral argument and in the briefing, the Debtors made representations to the Court that, pursuant to the terms of the proposed Plan, the claims filed by the Individual Defendants would be paid in full. See Opinion at 10, 14. The Court agrees with Debtors that the Opinion is not consistent with the record on the Motions to Dismiss. The Court therefore corrects the Opinion as follows:

a. The proposed plan, if confirmed, provides for holders of allowed priority unsecured claims to receive payment in full, and holders of allowed non-priority unsecured claims to receive a pro rata recovery under the proposed Creditors' Committee Settlement.

b. The former Employee Defendants are expected to receive full recovery on the priority portion of their claims and a pro rata recovery on the unsecured non-priority portion of their claims, as allowed.

SO ORDERED this 20th day of May, 2010.



KEVIN GROSS, U.S.B.J.