

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

<b>IN RE:</b>	§	
	§	
<b>INTROGEN THERAPEUTICS, INC.,</b>	§	<b>CASE NO. 08-12442-FRM</b>
<b>INTROGEN TECHNICAL SERVICES, INC.,</b>	§	<b>CASE NO. 08-12443-FRM</b>
<b>TMX REALTY CORPORATION,</b>	§	<b>CASE NO. 08-12444-CAG</b>
	§	<b>CHAPTER 11</b>
<b>DEBTORS</b>	§	<b><i>JOINT ADMINISTRATION REQUESTED</i></b>
	§	
<b>301 CONGRESS AVENUE, SUITE 1850</b>	§	
<b>AUSTIN, TEXAS 78701</b>	§	
	§	
<b>TAXPAYER IDENTIFICATION NOS.:</b>	§	
<b>74-2704230, 35-2340711, 74-2896565</b>	§	

**DEBTORS' MOTION FOR ORDER  
AUTHORIZING JOINT ADMINISTRATION**

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

COME NOW Introgen Therapeutics, Inc., Introgen Technical Services, Inc., and TMX Realty Corporation (collectively, the "Debtors"), and hereby file this their Motion for Order Authorizing Joint Administration of their cases under FED. R. BANKR. P. 1015(b)(4) ("Rule 1015(b)"), and would show the Court as follows:

1. On December 2, 2008, Introgen Therapeutics, Inc. ("Introgen Therapeutics"), Introgen Technical Services, Inc. ("Introgen Technical Services"), and TMX Realty Corporation ("TMX") filed their voluntary Chapter 11 petitions.

2. Introgen Technical Services and TMX are affiliates of Introgen Therapeutics. Therefore, it is appropriate and necessary, in order to avoid costly, duplicate proceedings and to save attorney time, court time, and the attendant costs of duplicate matters in each case, that Introgen

Therapeutics, Introgen Technical Services and TMX be jointly administered and be treated as a single case for administrative purposes pursuant to Rule 1015(b).

3. The Debtors propose to use the case caption that is attached hereto as *Exhibit "A"* in the jointly administered cases. A notice, substantially similar to that is attached hereto as *Exhibit "B"* will be sent to all creditors and will be filed in each of the Debtors' cases. Once the parties cases are jointly administered, the Debtors propose to file only one original document to be placed in the Introgen Therapeutics, Inc. case court file. In all other court files for related cases, creditors and parties in interest will be directed to the Introgen Therapeutics, Inc. case file to locate all pleadings filed subsequent to the Court's Joint Administration Order.

4. In as much as no substantive rights of creditors or parties in interest will be affected by an order of joint administration, the Debtors believe that prior notice to creditors of this request is not necessary or appropriate for the expeditious and economical administration of the estates.

WHEREFORE, the Debtors respectfully request that the Court approve Debtors' Motion for Order Authorizing Joint Administration and authorize:

- (1) combining the estates by using a single docket for administrative matters, including a listing of claims filed, and the filing, lodging and docketing of pleadings and orders;
- (2) the combining of notices to creditors and parties in interest;
- (3) the scheduling of hearings;
- (4) financial reporting by the Debtors;
- (5) the joint and several liability of the estates for administrative expenses; and
- (6) the joint handling of other administrative matters.

Respectfully submitted,

BROWN MCCARROLL, L.L.P.  
111 Congress Avenue, Suite 1400  
Austin, Texas 78701  
(512) 479-1141  
(512) 226-7320 (fax)

By: /s/ Patricia B. Tomasco  
Patricia Baron Tomasco  
State Bar No. 01797600  
Kell C. Mercer  
Texas State Bar No. 24007668

ATTORNEYS FOR DEBTORS

**CERTIFICATE OF SERVICE**

I hereby certify that on this 3rd day of December, 2008, a true and correct copy of the foregoing pleading was served, via the Court's CM/ECF notification system and/or regular first class mail, on the parties set forth on the attached Service List.

/s/ Patricia B. Tomasco  
Patricia Baron Tomasco



**EXHIBIT "B"**

**IN THE UNITED STATES BANKRUPTCY COURT  
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<b>74-2704230, 35-2340711, 74-2896565</b>	§	

**NOTICE OF ORDER AUTHORIZING JOINT ADMINISTRATION**

TO CREDITORS AND PARTIES IN INTEREST:

PLEASE TAKE NOTICE that pursuant to FED. R. BANKR. P. 1015(b), the United States Bankruptcy Court has ordered the joint administration of the following chapter 11 cases: Introgen Therapeutics, Inc., Introgen Technical Services, Inc. and TMX Realty Corporation.

Joint administration of the estates in each of the above-referenced cases includes:

- (1) the use of a single docket for administrative matters, including the listing of claims filed, and the filing, lodging and docketing of pleadings, orders and all other papers;
- (2) the combining of notices to creditors and other parties in interest;
- (3) the scheduling of hearings;
- (4) financial reporting by the Debtors;
- (5) the joint and several liability of the estates for administrative expenses incurred in the cases; and

(6) the joint handling of other administrative matters.

Pursuant to the Court's order, the official case caption of the Debtors' chapter 11 cases is the caption used in this notice. All papers filed in the jointly administered cases should use the official caption and case numbers as shown on this notice and should indicate that the cases are jointly administered. The Debtors' estates have not been substantively consolidated.

Respectfully submitted,

BROWN MCCARROLL, L.L.P.  
111 Congress Avenue, Suite 1400  
Austin, Texas 78701  
(512) 472-5456  
(512) 479-1101 (telecopy)

By: /s/ Patricia B. Tomasco

Patricia B. Tomasco  
State Bar No. 01797600  
Kell C. Mercer  
State Bar No. 24007668

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/s/ Patricia B. Tomasco

Patricia Baron Tomasco



appearing that no harm to creditors or potential conflicts of interest will result, and with it further appearing that prior notice to creditors of the Motion beyond that provided is not necessary under the circumstances of the cases, with good cause appearing,

IT IS ORDERED as follows:

(1) The Motion is approved and the Court authorizes the chapter 11 cases of the following debtors shall be jointly administered pursuant to FED. R. BANKR. P. 1015(b): Introgen Therapeutics, Inc., Introgen Technical Services, Inc. and TMX Realty Corporation.

(2) Joint administration of the Debtors' cases includes:

- (a) the use of a single docket for administrative matters, including the list of claims filed, and the filing, lodging and docketing of pleadings and orders;
- (b) the combining of notices to creditors and other parties in interest;
- (c) the scheduling of hearings;
- (d) the filing of financial reporting by the Debtors within the jointly administered docket; provided, however, that unless modified by subsequent Order of this Court after notice and hearing, each of the jointly administered debtors shall file separate monthly operating reports;
- (e) the joint and several liability of the estates for administrative expenses incurred in the cases; and
- (f) the joint handling of other administrative matters.

(3) The official caption of the jointly administered cases shall be as set forth in the attached Exhibit "A."

(4) Notice of the joint administration of the estates shall be separately filed and docketed in each of the Debtors' cases and served on all creditors or parties in interest in each case, and shall substantially conform to the proposed notice attached hereto as Exhibit "B."

# # #

Order prepared and is being submitted by:

BROWN MCCARROLL, L.L.P.

Patricia B. Tomasco

State Bar No. 01797600

111 Congress Avenue, Suite 1400

Austin, Texas 78701

(512) 479-1141

(512) 226-7320 (fax)

ATTORNEYS FOR DEBTORS



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