**UNITED STATES BANKRUPTCY COURT**

**SOUTHERN DISTRICT OF OHIO**

In re : Case No.

 : Chapter 11

 : Judge

Debtor

**CASE MANAGEMENT ORDER**

This bankruptcy case was filed on [DATE].A Notice of Election as Complex Chapter 11 Case was filed. A motion for expedited consideration of First Day Matters was filed on [DATE].

**VERIFICATION AS COMPLEX CASE**

After a review of the initial filings in this case, the Court hereby verifies that this is a complex case as defined in General Order 30-2.

**MASTER SERVICE LIST**

**Required Parties.** The debtor shall maintain a master service list identifying the parties to be served whenever a motion or other document requires notice. Unless otherwise required by the Code or Rules, notices of motions and other matters shall be limited to the parties on the master service list. The master service list shall initially include:

(1) the debtor;

(2) the debtor’s attorney;

(3) the United States trustee;

(4) any pre-petition secured lender;

(5) any post-petition secured lender;

(6) the debtor’s twenty (20) largest unsecured creditors;

(7) any committee appointed under the Code and its attorney;

(8) any party who specifically requested notice;

(9) any applicable government agencies to the extent required by the Rules;

(10) any indenture trustee; and

(11) any petitioning creditors.

**Updates.** The initial master service list shall be filed with the petition. The debtor shall file an updated master service list at least every seven (7) days during the first thirty (30) days of the case and at least every thirty (30) days thereafter throughout the case; provided, if there are no changes to the list, an updated master service list need not be filed.

**Jointly Administered Cases.** If joint administration is sought, the debtor shall file a consolidated list of unsecured creditors of no less than 30 and no more than 50 largest unsecured creditors. The list shall be filed in the proposed lead case.

**HEARING PROCEDURES**

**First Day Hearings**

**Request.** If the debtor files motions or other documents that require consideration on or near the first day of the case (the “First Day Matters”), the debtor shall file a motion for expedited consideration. The debtor’s attorney shall contact the chambers of the judge assigned to the case regarding the request. Chambers shall notify the debtor’s attorney of the hearing date and time. First Day Matters shall be heard within two (2) business days of the request.

**Notice of Hearing.** Upon the entry of an order granting the request for expedited consideration of certain First Day Matters (the “First Day Order and Notice”), the debtor’s attorney shall promptly serve a copy of the First Day Order and Notice by hand delivery, facsimile, electronic mail, overnight mail or by next day United States mail on the parties on the Master Service List and any other party asserting a security interest in the assets of the debtor that are the subject of a First Day Matter.

**Service of Documents.** The debtor may post the First Day Matters on the noticing agent’s website. Such a posting, together with service of the First Day Order and Notice, shall be sufficient notice of the First Day Matters and the hearing to consider those matters, provided the First Day Order and Notice includes a website URL to the documents on the website and the contact information, including the name, telephone number and email address of the person or persons whom a party may contact to obtain a copy of the First Day Matters in another format, including paper, at the expense of the debtor. If service is not made as set forth in this paragraph, service shall be made in the same manner as set forth in the paragraph above titled Notice of Hearing.

**Paper Copies to Chambers.** The debtor’s attorney shall provide paper copies of all First Day Matters and a proposed agenda to chambers as soon as practicable following the filing of the petition.

**Omnibus Hearings**

**Request.** The debtor may request that the court establish weekly, bi-monthly or monthly dates and times for omnibus hearings (the “Omnibus Hearings”). This may be a first day motion. The court shall accommodate this request if it appears justified. The court shall adjust the frequency of the dates as necessary based on the progress of the case.

**Matters to Be Heard.** After the Omnibus Hearing dates are established, any matter in the case, whether initiated by the debtor or another party, shall be set on an Omnibus Hearing date. Unless otherwise ordered, any matter filed at least fourteen (14) days before the next Omnibus Hearing date shall be heard on the next Omnibus Hearing date. Objections, if any, shall be filed at least seven (7) days before the Omnibus Hearing date. Replies, if any, shall be filed at least three (3) days before the Omnibus Hearing date. The motion or other initiating document shall include the Omnibus Hearing date and time, the deadline for objections, and the deadline for replies.

**Notice of Hearing.** Service of the agenda as set forth herein shall constitute service of notice of matters to be heard at Omnibus Hearings.

**General**

**Expedited Hearings.** If a party files a motion or other document that it contends requires consideration on less than fourteen (14) days’ notice, the party shall file a separate motion for expedited hearing which shall include an explanation of the need for an expedited hearing. Motions for expedited hearings shall only be granted for cause shown. If the court grants the motion for an expedited hearing, the underlying motion or document will be set on the next Omnibus Hearing date or other date as determined by chambers. The agenda shall clearly denote any matter that is scheduled to be heard on an expedited basis.

**Evidentiary Hearings.** Every hearing is presumed to be an evidentiary hearing. The agenda shall clearly denote any matter that is scheduled to be heard as an evidentiary hearing.

**Telephonic Appearances.** A motion for a telephonic appearance is not necessary. The case management order entered in the case shall include instructions for arranging a telephonic appearance. Unless otherwise ordered, testimony and exhibits may not be offered by an attorney appearing telephonically.

**Electronic Devices.** Use of cellular telephones, laptops and other electronic devices in the courtroom by attorneys and parties shall be permitted, except recording devices. All devices shall be set to silent.

**HEARING AGENDAS**

**Filing and Service.** At least two (2) business days before the hearing, the attorney for the debtor or trustee shall file an agenda and serve it on the Master Service List.

**Sequence of Matters.** Uncontested matters shall be listed before contested matters.

**Contents.** For each matter, the agenda shall indicate the following:

(1) moving party’s name;

(2) docket number of the initiating document; and

(3) status, e.g., settled, going forward, continuance requested, continuance opposed, continued by consent.

For each matter going forward or where a request for continuance is opposed, the agenda shall also include the following:

 (4) docket number of any objections, responses, replies and documents in support; and

 (5) filing party’s name.

**Settlements.** Chambers shall be promptly notified of a settlement.

**Omnibus Objections to Claims.** The agenda may list responses continued by consent collectively.

**Expedited and Evidentiary Hearings.** The agenda shall clearly denote any expedited hearings and evidentiary hearings.

**Amended Agendas.** Amended agendas shall be filed. Amendments shall be highlighted in some fashion. Only amendments from the most recently filed prior agenda shall be highlighted.

**Not Limiting.** The requirements listed above do not prohibit the inclusion of other procedural information that would be helpful.

**TELEPHONIC APPEARANCES**

Instructions for arranging a telephonic appearance at a hearing: [INSTRUCTIONS]

**CLAIMS AND NOTICING AGENTS**

Contact information for the Claims Agent and Noticing Agent: [CONTACT INFORMATION]

**PROFESSIONAL COMPENSATION AND REIMBURSEMENT OF EXPENSES**

**Purpose.** To streamline the professional compensation process and more effectively enable the court and all parties to monitor the professional fees incurred, the following procedures shall apply, unless otherwise ordered.

**Service of Monthly Statement.** After the end of a month for which compensation is sought, each professional seeking compensation may serve a monthly statement (the “Monthly Statement”) on (1) the debtor’s attorney, (2) the United States trustee (3) any pre-petition secured lender, (4) any post-petition secured lender, (5) the attorney for any committee appointed under the Code, and (6) any other party the court designates (collectively, the “Professional Fee Notice Parties”).

**Contents.** The Monthly Statement shall contain a list of individuals and their job titles who provided the services during the statement period, their billing rates, the aggregate hours spent by each individual, contemporaneously maintained time entries for each individual in increments of tenths of an hour, and a reasonably detailed breakdown of expenses incurred. The Monthly Statement shall include a notice that any objections shall be filed within ten (10) days of service of the Monthly Statement. After the expiration of the ten (10) day period, the Debtor shall be authorized to pay 90% of the undisputed fees and expenses identified in the Monthly Statement.

**Filing of Summary.** If a Monthly Statement is served, a summary of the total fees and expenses requested shall be filed.

**Objections.** Any objection to a Monthly Statement shall be served on the affected professional and the other Professional Fee Notice Parties. The objection shall state the nature of the objection and the amount of fees or expenses at issue. After expiration of the ten (10) day period, the debtor shall be authorized to pay the remainder of the fees and expenses identified in the Monthly Statement.

**Resolutions.** If any objecting party resolves a dispute with a professional, the objecting party or the debtor with the consent of the objecting party, shall serve a notice on the Professional Fee Notice Parties that the objection is withdrawn. The notice shall describe the terms of the resolution. The debtor shall be authorized to pay the portion of the fees and expenses identified in the Monthly Statement that is no longer subject to an objection.

**Preservation of Objections.** Any objection that is not resolved shall be preserved and presented to the court at the next interim or final fee application hearing.

**No Waiver.** Whether a party objects to a Monthly Statement or not, any party may object to any fee application filed with the court in accordance with the Code. The failure to object to a Monthly Statement shall not be a waiver of any kind or prejudice that party’s right to object to any subsequently filed fee application.

**Applications.** Each professional shall file an application for interim or final approval of allowance of compensation and reimbursement of expenses pursuant to §§ 330 and 331 of the Code, including compensation previously paid by the debtor on the basis of a Monthly Statement, every one hundred and twenty (120) days, unless the court orders a different frequency.

**Court Approval.** Neither the payment of nor the failure to pay, in whole or in part, monthly compensation and reimbursement of expenses shall have any effect on the court’s interim or final allowance of compensation or reimbursement of expenses. All fees and expenses, whether or not paid or objected to in connection with a Monthly Statement, remain subject to review and approval by the court in connection with interim and final fee applications. All fees and expenses are subject to disgorgement or offset if not approved by the court on a final basis.

**Standard Hourly Rates.** Professionals, including attorneys, may request and be awarded compensation at their standard hourly rates.

**Committee Members**. These procedures may be used for reimbursement of expenses for members of a committee appointed under the Code. The attorney for the committee shall collect and submit statements of expenses, with supporting vouchers, from the committee members.

**Investment Bankers.** An investment banker may file an application for employment under § 328 of the Code.

**SERVICE AND CERTIFICATES OF SERVICE**

**Service.** Any party whose interest is directly affected by the relief sought in a filed document shall be served with all filed documents relating to that interest.

**Certificates of Service.** Certificates of service may be filed separately from the served document. A separately filed certificate of service shall be filed but does not need to be served.

**PROPOSED ORDERS**

Every motion or other request for relief shall include a proposed order as an attachment. If the proposed order is not attached, the motion shall include an explanation.

**AUTOMATIC BRIDGE ORDERS**

If a motion to extend the time to take any action is filed before the expiration of the period presumed by the Code, the Rules, the Local Rules, the Federal Rules of Civil Procedure or court order, the time shall be automatically extended until the court acts on the motion, without the necessity of a bridge order.

**SERVICE OF THIS ORDER**

The Debtor shall serve this Case Management Order as soon as practicable.

**SO ORDERED.**

Distribution List: Default List