

Rule 1002-2 COMPLEX CHAPTER 11 CASES

(a) A “Complex Chapter 11 Case” is defined as a case filed in the Western District of Pennsylvania under Chapter 11 of the Bankruptcy Code that requires special scheduling and other procedures because of a combination of factors, including, but not limited to, one (1) or more of the following factors:

- (1) the need for expedited hearings for consideration of case management and administrative orders, the use of cash collateral, debtor in possession financing, retaining professionals on an interim basis, maintaining existing bookkeeping systems, paying employees wages and benefits, utility deposit orders for a limited period, and other matters vital to the survival of the business;
- (2) the size of the case;
- (3) the large number of parties in interest in the case;
- (4) the fact that claims against the debtor and/or equity interests in the debtor are publicly traded;
- (5) the need for special noticing and hearing procedures.

(b) To secure designation as a Complex Chapter 11 Case, the party shall file a motion. The motion shall substantially conform to Local Bankruptcy Form 2 (Ex Parte Motion for Designation as Complex Chapter 11 Bankruptcy Case).

(c) Generally, requests for relief will be heard on at least forty-eight (48) hours’ notice to the parties specified in W.P.A.LBR 1002-2(d). If immediate relief is requested, the Court, in its sole discretion, may preliminarily grant the relief requested without notice and hearing, provided, however, that the Court shall direct that any such order entered be served, together with a notice of objection and hearing dates, prior to entry of a final order. Upon the request of a party in interest, the Court may issue an order substantially in the form of Local Bankruptcy Form 3 (Initial Order for Complex Chapter 11 Bankruptcy Case).

(d) Any motion filed under this Local Bankruptcy Rule, together with notice providing the time by which any objection shall be filed and the date, time, and place of hearing, shall be served on:

- (1) the three (3) largest secured creditors;
- (2) any committee appointed under the Bankruptcy Code or its authorized agent or, if no committee has been appointed, on the twenty (20) largest unsecured creditors;
- (3) the Office of the United States Trustee, and
- (4) any other entity that the Court may direct.

(e) The Court may require agenda letters and paper copies of documents in complex cases.

(f) Any claims and/or noticing agent approved by the Court pursuant to 28 U.S.C. § 156(c) shall be subject to the following requirements:

- (1) the claims and/or noticing agent shall maintain records of all services rendered which, at a minimum, show dates, categories of services, fees charged, and expenses incurred;
- (2) counsel to the debtor shall notify the Clerk's Office and the claims and/or noticing agent of the dismissal or conversion of the case by forwarding a copy of the order of dismissal or conversion within seven (7) days of its entry;
- (3) at the conclusion of a case or upon termination of the claims and/or noticing agent's services, the debtor or the trustee must obtain an order terminating the services of the claims and/or noticing agent;
- (4) the claims and/or noticing agent is responsible for archiving the claims with the Federal Records Center or the National Archives, as applicable;
- (5) the claims and/or noticing agent shall file and serve monthly invoices on the debtor, U.S. Trustee, the committee, if any, monitoring the expenses of the debtor, and any party-in-interest who requests, in writing directed to the claims and/or noticing agent, service of the monthly invoices; and
- (6) if any dispute arises relating to the engagement agreement or monthly invoices, the parties shall meet and confer in an attempt to resolve the dispute. If resolution is not achieved, the parties may seek resolution of the matter from the Court.