

Rule 1002-7 SPECIAL REQUIREMENTS FOR CERTAIN TYPES OF FIRST DAY MOTIONS

First Day Motions are subject to the following special requirements:

(a) Motions of the type described in W. PA. LBR 1002-6(e)(12) shall describe the proposed cash management system and, in cases where money will be transferred between debtors or from a debtor to a non-debtor affiliate, represent why such transfers are desirable from the debtor's perspective, affirm that the debtor(s) will maintain records of all post-petition intercompany transfers of funds, and describe what repayment terms exist.

(b) Motions of the type described in W. PA. LBR 1002-6(e)(13) shall disclose the amount of funds which the debtor proposes to invest outside the statute's enumerated permitted investments and the proposed types of investments to be made. If the debtor proposes to invest or deposit money in or with an entity that has not satisfied the requirement of 11 U.S.C. § 345 (b) (a "Non-Qualified Entity") the First Day Motion should demonstrate and explain why such an investment or deposit is necessary and, to the extent known, why the Non-Qualified Entity cannot or has not satisfied the requirements of 11 U.S.C. § 345(b).

(c) Motions of the type described in W. PA. LBR 1002-6(e)(14) shall set forth in the motion the amounts to be paid. If the motion requests authority to pay amounts in excess of the amount set forth in 11 U.S.C. § 507(a)(4) per employee, then a list of the names and position/job titles of all employees as to whom those payments will be made shall be attached. However, the propriety of those requests shall be considered on a case by case basis. The motion also shall state whether, and the extent to which, the claims proposed to be paid constitute priority claims under 11 U.S.C. § 507 ("Priority Claims") and, if such claims are not Priority Claims, the motion should explain why those claims should be afforded the treatment requested in the motion. The motion may also ask the Court to direct banks to honor prepetition checks for such amounts and authorize the debtor to replace prepetition checks that have been dishonored.

(d) Motions of the type described in W. PA. LBR 1002-6(e)(15) shall set forth in the motion the amounts to be paid. If the motion requests authority to pay amounts in excess of the amounts set forth in 11 U.S.C. § 507(a)(5) (as modified by 11 U.S.C. § 104(b)), then a list of the names and position/job titles of all employees as to whom those payments will be made shall be attached. However, the propriety of those requests shall be considered on a case by case basis. The motion also shall state whether, and the extent to which, the claims proposed to be paid constitute Priority Claims and, if such claims are not Priority Claims, the motion should explain why those claims should be afforded the treatment requested in the motion.

(e) Motions of the type described in W. PA. LBR 1002-6(e)(16) and 1002-6(e)(17) shall set forth in the motion the amounts to be paid. The motion also shall state whether, and the extent to which, the claims proposed to be paid constitute Priority Claims and, if such claims are not Priority Claims, the motion should explain why those claims should be afforded the treatment requested in the motion.

(f) Motions of the type described in W. PA. LBR 1002-6(e)(18) shall list and state all contracts subject to the motion and whether, and the extent to which, the claims proposed to be paid are believed to be Priority Claims and, if such claims are not Priority Claims, the motion should explain why those claims should be afforded the treatment requested in the motion.

(g) Motions of the type described in W. PA. LBR 1002-6(e)(19) shall include a proposed Case Management Procedures Order, substantially in the form of Local Form 58. The debtor or trustee filing such motion shall file the proposed order in both a “clean” version, and a “red-line” version which indicates any changes that have been made from Local Form 58.