

Proposed Changes to the Local Rules & Forms of the U.S. Bankruptcy Court



**for the
Western District of Pennsylvania**

FOR PUBLIC COMMENT

December 5, 2019 - January 10, 2020

PROPOSED CHANGES TO LOCAL RULES: REDLINE WITH EXPLANATIONS

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Explanation: Based on the input of the local bar through its representation on the Court's Standing Local Rules Committee and an ad hoc Chapter 11 Committee, On October 15, 2018, the Court issued Standing Order #18-204 which implemented procedures related to Complex Chapter 11 cases. Pursuant to Local Rule 1004-1, Standing Order #18-204 is being incorporated into the Court's Local Rules by way of New Local Rules 1002-2 through 1002-10.

Rule 1002-2 COMPLEX CHAPTER 11 CASES

(a) For purposes of Local Rules 1002-2 through 1002-10 (“the Complex Chapter 11 Case Rules”), a “Complex Chapter 11 Case” is defined as a case filed in the Court under Chapter 11 of the Bankruptcy Code that requires special scheduling and other procedures due to a combination of factors, including, but not limited to, one or more of the following:

(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) In the event of any conflict between the Complex Chapter 11 Case Rules and another Local Rule, the Complex Chapter 11 Case Rules will prevail unless ordered otherwise by the Court.

Explanation: Based on the input of the local bar through its representation on the Court's Standing Local Rules Committee and an ad hoc Chapter 11 Committee, On October 15, 2018, the Court issued Standing Order #18-204 which implemented procedures related to Complex Chapter 11 cases. Pursuant to Local Rule 1004-1, Standing Order #18-204 is being incorporated into the Court's Local Rules by way of New Local Rules 1002-2 through 1002-10.

Rule 1002-3 PRE-FILING NOTICE OF COMPLEX CHAPTER 11 CASES

At least three days prior to the anticipated filing date of a Complex Chapter 11 case, or as soon thereafter as reasonably possible, the debtor shall:

- (1) notify the United States Trustee of the debtor's intention to file such a Complex Chapter 11 Case;
- (2) provide the United States Trustee with drafts of all anticipated First Day Motions, with the proposed orders attached as exhibits; and
- (3) without disclosing the name of the debtor, contact the Clerk of the Court to discuss the anticipated filing, the amount of the debtor's assets, number and type of creditors, procedures for handling public inquiries (i.e., the names, addresses and telephone numbers of the persons to whom such inquiries should be directed), procedures for handling First Day Motions, claims and proofs of claim process, whether the debtor will request the Court to set a last date to file proofs of claim or interest, and any other matter which may need particular attention given the nature of the debtor and the Chapter 11 case. The Clerk of the Court will not assign the case to a judge until the petition is filed.

Explanation: Based on the input of the local bar through its representation on the Court's Standing Local Rules Committee and an ad hoc Chapter 11 Committee, On October 15, 2018, the Court issued Standing Order #18-204 which implemented procedures related to Complex Chapter 11 cases. Pursuant to Local Rule 1004-1, Standing Order #18-204 is being incorporated into the Court's Local Rules by way of New Local Rules 1002-2 through 1002-10.

Rule 1002-4 DESIGNATION OF A COMPLEX CH. 11 CASE

To secure designation as a Complex Chapter 11 Case, debtor shall file a Notice of Designation as Complex Case as soon as practicable after the case has been filed, substantially in the form of Local Form 49, and shall utilize the applicable procedures for such cases as set forth in the Local Rules. Upon the filing of the Notice of Designation as Complex Case, the case shall be deemed a Complex Chapter 11 Case unless and until ordered otherwise by the Court.

Explanation: Based on the input of the local bar through its representation on the Court's Standing Local Rules Committee and an ad hoc Chapter 11 Committee, On October 15, 2018, the Court issued Standing Order #18-204 which implemented procedures related to Complex Chapter 11 cases. Pursuant to Local Rule 1004-1, Standing Order #18-204 is being incorporated into the Court's Local Rules by way of New Local Rules 1002-2 through 1002-10.

Rule 1002-5 AFFIDAVIT OF DEBTOR

In a case designated as a Complex Chapter 11 Case, concurrently with the Notice of Designation as Complex Case, the principal debtor shall file an affidavit of a knowledgeable authorized representative containing the following information:

- (1) A description of the debtor's business and operations including where such operations are located;
- (2) A statement of the reasons for the bankruptcy filing;
- (3) A description of the debtor's organizational chart and corporate structure;
- (4) A summary of the debtor's capital structure, including a description of its secured and unsecured debt;
- (5) A statement identifying the number of the debtor's employees, the location of those employees, and whether any are members of a union;
- (6) A statement as to what, if any, retiree benefit or pension obligations that the debtor has and the funding status thereof;
- (7) A description of any proposed financing and/or use of cash collateral;
- (8) A description of the First Day Motions (as defined in Local Rule 1002-6) for which the debtor will seek approval and the need for each; and
- (9) Any other information the debtor believes would be helpful to the Court in understanding the case and considering any First Day Motions.

Explanation: Based on the input of the local bar through its representation on the Court's Standing Local Rules Committee and an ad hoc Chapter 11 Committee, On October 15, 2018, the Court issued Standing Order #18-204 which implemented procedures related to Complex Chapter 11 cases. Pursuant to Local Rule 1004-1, Standing Order #18-204 is being incorporated into the Court's Local Rules by way of New Local Rules 1002-2 through 1002-10.

Rule 1002-6 FIRST DAY MOTIONS AND ORDERS IN COMPLEX CHAPTER 11 CASES

(a) "First Day Motions" are motions filed by the debtor on or shortly after the filing of the petition and the Notice of Designation of Complex Chapter 11 Case which require expedited consideration by the Court. "First Day Orders" are orders which result from First Day Motions.

(b) If the debtor in a Complex Chapter 11 case is filing any First Day Motions in the case, then along with the Notice of Designation of Complex Chapter 11 Case the debtor shall also file a Request for Emergency Consideration of First Day Motions, substantially in the form of Local Form 50.

(c) Promptly upon the receipt of a Request for Emergency Consideration of First Day Motions, the Court will issue an Order scheduling a First Day Motion hearing. Each Judge shall arrange the Judge's calendar so that First Day emergency hearings can be conducted consistent with the Bankruptcy Code and Rules, including Rule 4001, as required by the circumstances, but not more than two business days after the filing of a Request for Emergency Consideration of First Day Motions. If the Judge assigned to a Complex Chapter 11 Case is unable to hold hearings on any First Day Motions within two business days after request by the debtor, the Court will make another Judge available to hear any First Day Motions within two business days of the request by the debtor and the Clerk shall notify counsel for the debtor immediately thereof.

(d) As soon as practicable following filing of a Complex Chapter 11 case with First Day Motions, the debtor shall provide Chambers with a "First Day" binder with paper copies of the Notice of Designation of Complex Chapter 11 Case, the Request for Emergency Consideration of First Day Motions, all filed First Day Motions, any proposed Orders, any responses or objections that have been filed by that time, a proposed Agenda for the First Day hearing, and the Affidavit of Debtor meeting the requirements set forth in W. PA. LBR 1002-5.

(e) First Day Motions which may be entertained by the Court within two business days of the date of filing of the First Day Motions include, but are not limited to, the following:

(1) Motions to authorize debtor's use of cash collateral on an emergency basis, pending a final hearing, and providing adequate protection; see W.PA.LBR 4001-2.

- (2) Motions to authorize debtor to obtain post-petition financing on an emergency basis, pending final hearing; see W.PA.LBR 4001-2.
- (3) Motions to direct joint administration of debtors' cases if more than one case is commenced.
- (4) Motions to authorize debtor to mail initial notices, including the Notice of Meeting of Creditors under 11 U.S.C. § 341(a).
- (5) Motions to extend debtor's time for filing schedules and statement of financial affairs to a specified date.
- (6) Motions to authorize payment of pre-petition amounts owed to critical vendors.
- (7) Motions to authorize employment and payment without fee applications of professionals used in ordinary course of business, not to exceed a specified individual and aggregate amount.
- (8) Motions to establish procedures for compensation and reimbursement of expenses of professionals.
- (9) Motions for interim order prohibiting utilities from altering, refusing or discontinuing service on account of pre-petition claims and establishing procedures for determining requests for additional adequate assurance.
- (10) Motions to authorize retention and appointment of claims and noticing agent under 28 U.S.C. §156(c) and 11 U.S.C. §105(a).
- (11) Motions to authorize the employment and retention of administrative agent.
- (12) Motions to authorize debtor to maintain existing bank accounts and cash management system, and to continue using existing business forms (including checks) without "debtor-in-possession" designation, subject to the requirements of W. PA. LBR 1002-7(a).
- (13) Motions to authorize debtor to deviate from enumerated permitted investments set forth in 11 U.S.C. § 345, subject to the requirements of W. PA. LBR 1002-7(b).
- (14) Motions to authorize debtor to pay pre-petition wages, salaries and commissions (including vacation, severance and sick leave pay) earned by an individual in an amount not to exceed specified per employee and aggregate amounts, subject to the requirements of W. PA. LBR 1002-7(c).

(15) Motions to authorize debtor to pay claims for contribution to employee benefit plans in an amount not to exceed a specified amount, subject to the requirements of W. PA. LBR 1002-7(d).

(16) Motions to authorize debtor to reimburse employee business expenses in an amount not to exceed a specified amount per employee and not to exceed a specified aggregate amount, subject to the requirements of W. PA. LBR 1002-7(e).

(17) Motions to authorize debtor to honor pre-petition customer claims (e.g., refund of deposits, lay-a-way plans) and warranties, not to exceed specified aggregate and per claimant amounts, subject to the requirements of W. PA. LBR 1002-7(e).

(18) Motions to authorize continued performance without assumption under key executory contracts, including payment of prepetition amounts due and owing thereunder in an amount not to exceed specified aggregate and per claimant amounts, subject to the requirements of W. PA. LBR 1002-7(f).

(19) Motions for the entry of a case management order setting forth filing, notice and hearing procedural requirements for the case.

Comment: Generally, the purpose of First Day Motions is to expeditiously deal with essential administrative matters to ensure that the debtor's business and operations are stabilized and conducted in a manner consistent with past practice so as to afford the debtor an opportunity to reorganize its affairs. While the Court recognizes the necessity and desirability of entertaining appropriate First Day Motions, the terms and conditions of any resulting First Day Orders will depend upon the facts and circumstances of the case, the notice given, and related factors, and they will take into account the needs of the debtor and the rights of other parties in interest.

Explanation: Based on the input of the local bar through its representation on the Court's Standing Local Rules Committee and an ad hoc Chapter 11 Committee, On October 15, 2018, the Court issued Standing Order #18-204 which implemented procedures related to Complex Chapter 11 cases. Pursuant to Local Rule 1004-1, Standing Order #18-204 is being incorporated into the Court's Local Rules by way of New Local Rules 1002-2 through 1002-10.

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.

Explanation: Based on the input of the local bar through its representation on the Court's Standing Local Rules Committee and an ad hoc Chapter 11 Committee, On October 15, 2018, the Court issued Standing Order #18-204 which implemented procedures related to Complex Chapter 11 cases. Pursuant to Local Rule 1004-1, Standing Order #18-204 is being incorporated into the Court's Local Rules by way of New Local Rules 1002-2 through 1002-10.

Rule 1002-8 EMPLOYMENT OF CLAIMS AND NOTICING AGENTS UNDER 28 U.S.C. § 156(c)

(a) An application seeking to retain a claims and noticing agent under 28 U.S.C. § 156(c) ("Section 156(c) Application") should be limited in scope to those duties that would be performed by a Clerk of Court with respect to providing notice and processing claims (such as maintaining a claims register). The Section 156(c) Application should exclude those duties that would not be performed by a Clerk of Court, for example, duties involving the preparation of schedules, acting as balloting and tabulation agent, or distributing assets pursuant to a confirmed plan of reorganization; such services should be the subject of a separate application and order of the Court.

(b) A Section 156(c) Application shall be substantially in the form of Local Form 51, and the proposed order accompanying the Section 156(c) Application shall be substantially in the form of Local Form 52. The debtor or trustee filing those documents shall file them in both a "clean" version, and a "red-line" version which indicates any changes that have been made from Local Forms 51 and 52.

(c) To ensure the use of a competitive process in the selection of claims and noticing agents, parties submitting a Section 156(c) Application shall adhere to the following procedures, and the Section 156(c) Application shall include representations and attachments as indicated:

(1) A debtor or trustee seeking to retain a claims and noticing agent under chapter 7, 11 or 15 shall obtain and review engagement proposals from at least three (3) qualified claims and noticing agents.

(2) The Section 156(c) Application agent shall contain an affirmative statement, under penalty of perjury and Fed. R. Bankr. P. 9011, that the applicant chose the claims and noticing agent after the review and competitive comparison of at least three (3) proposals.

(3) As a condition of retention, the claims and noticing agent has a duty to comply with all relevant statutory provisions and rules of procedure, including the Local Rules and General Orders of this Court and applicable guidelines.

- (4) As a condition of retention, the claims and noticing agent shall agree to maintain records of all services which, at a minimum, will show dates, categories of services, fees charged, and expenses incurred.
- (5) The fee structure for the claims and noticing agent shall be included in the engagement agreement. The engagement agreement shall be annexed to the Section 156(c) Application.
- (6) The claims and noticing agent shall serve its monthly invoices on the committee, if any, monitoring the expenses of the debtor, and any party-in-interest who requests service of the monthly invoices.
- (7) If requested by the claims and noticing agent, and disclosed in the Section 156(c) Application, the debtor or trustee may pay an agreed sum as a retainer to cover fees and expenses such as postage, printing, publication, etc.
- (8) If any dispute arises relating to an 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.
- (9) Debtor shall notify both the Clerk's Office and the claims and noticing agent within seven days of an order of dismissal or conversion of the case.
- (10) At the end of a case or upon termination of the claims and noticing agent's services, the debtor or the trustee must obtain a termination order to terminate the services of the claims and noticing agent. The claims and noticing agent is responsible for archiving the claims with the Federal Archives Record Administration, if applicable.
- (11) A claims and noticing agent shall be disinterested person as that term is defined in Section 101(14) of the Bankruptcy Code with respect to the matters upon which it is to be engaged.
- (d) Other than the specific obligations of the applicant, debtor or the trustee set forth above in W. PA. LBR 1002-8(b)(1), (2), (9) and 1(0,) the failure of the claims and noticing agent to comply with the duties set out in this Local Rule, as applicable, and with the provisions set out in the Section 156(c) Application and the order approving it may lead to removal of the claims and noticing agent's name from any list of approved agents maintained by the Court.
- (e) A debtor or trustee seeking an order terminating the services of a claims and noticing agent shall do so by filing an application setting forth the factual and legal basis for such termination. As part of such application the debtor or trustee shall include a Notice of Proposed Order Authorizing Termination of Claims and Noticing Agent, substantially in the form of Local Form 53, and a proposed Order Terminating Services of Claims and Noticing Agent, substantially

in the form of Local Form 54.

Explanation: Based on the input of the local bar through its representation on the Court's Standing Local Rules Committee and an ad hoc Chapter 11 Committee, On October 15, 2018, the Court issued Standing Order #18-204 which implemented procedures related to Complex Chapter 11 cases. Pursuant to Local Rule 1004-1, Standing Order #18-204 is being incorporated into the Court's Local Rules by way of New Local Rules 1002-2 through 1002-10.

Rule 1002-9 EXPANSION OF DUTIES OF CLAIMS AND NOTICING AGENTS

(a) To the extent a debtor or trustee in a Complex Chapter 11 Case would like a claim and noticing agent who has been retained pursuant to a granted Section 156(c) Application to be allowed an enlarged scope of duties beyond those permitted by W. PA. LBR 1002-8, such requests shall be made on a case-by-case basis upon proper Application for Employment of Administrative Agent, as set forth herein.

(b) An Application for Employment of Administrative Agent shall be substantially in the form of Local Form 55, it shall be accompanied by a Declaration in Support substantially in the form of Local Form 56, and the proposed order accompanying the Application for Employment of Administrative Agent shall be substantially in the form of Local Form 57. The debtor or trustee filing those documents shall file them in both a "clean" version, and a "red-line" version which indicates any changes that have been made from Local Forms 55, 56, and 57.

Explanation: Rule 1002-10 is a new rule requiring attorneys to verify the corporate structure of their debtor clients, thereby allowing any disputes as to the debtor's legal authority to file a voluntary petition to be addressed at the outset of the proceedings.

Rule 1002-10 PROOF OF AUTHORIZATION TO FILE

In a voluntary case, there shall be filed on the petition date a duly attested resolution authorizing the commencement of the bankruptcy case executed by the body whose approval is required for the commencement of a bankruptcy case under applicable law. A suitable authorization must similarly be filed with any consent to an involuntary petition.

Explanation: Subpart (a) is amended to reflect the Court's general policy toward payment of fees on an interim basis and subpart (b)(2) is revised to prevent undisclosed counsel from receiving compensation from the bankruptcy estate.

Rule 2016-1 PROFESSIONAL FEES AND EXPENSES

(a) Fee applications are required in all cases, except those originally filed Chapter 7 cases where counsel for the debtor is compensated via a lump sum payment prior to filing, and in those Chapter 13 cases when counsel opts for compensation pursuant to the “no-look fee” provisions of this Local Bankruptcy Rule. The Court is receptive to motions seeking approval of interim compensation procedures as appropriate on a case-by-case basis.

(b) No compensation or expenses will be allowed, or paid by the estate or any third-party source, to any professional for services rendered in any case unless:

- (1) a motion to approve employment has been filed; and
- (2) an order granting the motion has been entered, except that initial bankruptcy counsel for debtors in Chapter 13 cases are not required to file such a motion or obtain such an order.

(c) An application for fees and expenses filed pursuant to W.PA.LBR 2016-1(b) shall include the following:

- (1) the date of the order appointing the professional, with a copy thereof attached as an exhibit;
- (2) a statement indicating whether the application is for final or interim compensation and expenses, the total amounts thereof, and the period covered by the application;
- (3) the dates and amounts of previous compensation requested and the amounts approved, if any, including any retainers paid, with copies of the orders approving the prior payments, the retention agreement, an itemization of fees and expenses paid from any source other than the debtor's estate, a copy of the attorney disclosure statement previously filed pursuant to Fed. R. Bankr. P. 2016, attached as exhibits;
- (4) a list of all timekeepers included in the application, including, but not limited to: the attorneys, paraprofessionals, or other professionals contributing services, number of years in practice, their billing rates, total hours, total dollars, and the blended hourly rate;
- (5) a chronological listing of time and services performed (“Chronological Listing”) or a listing of time and services by category of service arranged chronologically (“Category Listing”), attached to the Application. Regardless of the approach utilized, both a Chronological Listing and a Category Listing shall include the date, the professional or other timekeeper, a description of the service, and the time involved;

- (A) If a Category Listing is provided, each category shall be preceded by a heading generally describing the services within that category and a brief statement detailing the result to the estate. A separate category shall be included for preparation of the fee application and another for all administrative services such as file maintenance, docket review, typing, filing and service of documents, etc.
 - (B) If a Chronological Listing is provided, a separate summary of time and service by category shall be attached, and each category shall be given an identifying number. This identifying number shall be placed beside each chronological entry to identify the category number into which it falls. A separate category shall be included in the summary for preparation of the fee application and another for all administrative services such as file maintenance, docket review, typing, filing and service of documents, etc.
 - (C) In Chapter 13 cases, if the professional or other timekeeper has performed services in connection with the debtor's participation in the Loss Mitigation Program, described in W.PA.LBR 9020-1, the application for fees and expenses shall:
 - (i) separately itemize any fees for services rendered and expenses incurred in connection with the debtor's participation in the Loss Mitigation Program; and,
 - (ii) otherwise comply with the requirements of W.PA.LBR 9020-7(c).
- (6) an itemization of the expenses for which reimbursement is requested:
- (A) Expenses shall be billed and allowed only at actual cost without overhead or add-ons; and
 - (B) If compensation for travel time is requested, unless appropriate, special circumstances are set forth, typically only fifty percent (50%) of the applicable hourly rate of the professional will be allowed for travel;
- (7) a statement that the professional or other timekeeper is a disinterested person and does not represent or hold an interest adverse to the interest of the estate on the matter on which he was employed;
- (8) a history of the case in narrative form;
- (9) a summary cover sheet substantially conforming to Local Bankruptcy Form 9 (Summary Cover Sheet). A fee application filed without a completed cover sheet shall be dismissed without prejudice to refiling;

- (10) a proposed order of Court;
 - (11) in complex Chapter 11 cases, a spreadsheet which reflects all fees that are requested pursuant to the application and a cumulative total for professional by category; and
 - (12) if the Court enters an administrative fee order in a particular case, the terms of the order shall govern;
- (d) All entries in a fee application shall:
- (1) list each service or task separately and state in increments not exceeding one-tenth (1/10) of an hour the amount of time expended in its performance;
 - (2) identify the subject matter of any correspondence or phone call and the party with whom the professional or other timekeeper has communicated if the service involves telephone and/or written correspondence;
 - (3) identify where appropriate, and in the interest of clarity, the subject matter of any hearing or trial with specificity, including the case or adversary number, if the service involved attendance at a hearing or trial;
 - (4) identify any document with specificity if the service involves preparation of that document; and
 - (5) include all other information necessary to a full understanding of the services performed and the person and time involved.
- (e) Unless leave to seek interim compensation has been allowed by order of the Court, all fee applications filed in Chapter 7 cases will be considered only after:
- (1) the trustee in the case has filed a final account;
 - (2) there has been a proposed order of final distribution submitted for the Court's consideration in which the allowed fees are included; and
 - (3) notice has been given to all parties in interest of:
 - (A) the last date to file objections thereto; and
 - (B) the hearing date and time, if any.
- (f) The Chapter 13 "no look attorney fee" shall be limited to a maximum of \$4,000.00 and the Chapter 13 "no-look expense charge" shall be limited to a maximum in the amount of \$500 (allowable expenses charged include the petition filing fee, postage, copying, certifications and other costs incurred in the administration of the case.) When the fee and expenses charged by counsel is less than or equal to either or both of the no-look fee and expense charge, no fee application is required. The no-look attorney fee and expense charge:

- (1) shall include any retainer received;
- (2) shall be reduced on a dollar-for-dollar basis for anything paid directly by the client, for instance if the client pays the petition filing fee directly, the no-look expense charge shall be equal to \$500 less the filing fee; and,
- (3) does not preclude the award of additional fees and/or expenses by the Court upon the filing of a fee application consistent with these Local Bankruptcy Rules requiring in such case a detailed statement and accounting of fees and expenses charged; *provided however*, in order to "opt out" of the no-look fee provisions of this Local Bankruptcy Rule:
 - (A) counsel shall have entered into a written fee agreement at the commencement of the representation providing the alternative of opting out of the no-look fee compensation option and for payment of additional fees in the event of unforeseen, future case complications; and
 - (B) to the extent counsel seeks such additional compensation, counsel is required to file a cumulative fee application subject to the other provisions of this Local Bankruptcy Rule.

(g) If counsel opts to be paid via the no-look fee, counsel shall nevertheless advise and represent the debtor(s) in a manner consistent with applicable professional standards and be required to perform all matters necessary to properly and timely complete the bankruptcy case, including the following services:

- (1) the debtor(s) will be interviewed by counsel and appropriately briefed on the Chapter 13 process;
- (2) accurate and complete schedules, statements of financial affairs, and related documents will be prepared by counsel;
- (3) all documents will be explained;
- (4) counsel will file a Chapter 13 plan that meets with the requirements of Local Bankruptcy Form 10 (Chapter 13 Plan) and is capable of confirmation;
- (5) in addition to the first meeting of creditors, counsel will attend all hearings and will remain counsel of record until the case is either completed or dismissed, unless the Court has issued an order discharging the attorney as counsel of record;
- (6) counsel will file all motions and objections contemplated in the confirmed plan in a timely fashion; and

(7) counsel will complete representation without additional charge to the debtor(s) for the duration of the Chapter 13 case.

(h) Counsel fees paid through the Chapter 13 plan shall be at the monthly rate and level set forth in the plan.

(i) Additional fees may be paid through the Chapter 13 plan if either:

(1) the confirmed Chapter 13 plan contemplated such fees without decreasing the percentage or amount originally to be paid to other creditors through the plan, and proper application for allowance and payment is filed and approved; or

(2) in instances where the additional fees are not contemplated in the plan, assuming the plan is amended within fourteen (14) days after the application for fees is allowed and such fees are paid from plan resources without decreasing the percentage or amount to be paid to other creditors through the plan.

(j) Notwithstanding W.PA.LBR 2016-1(i), the Court recognizes that additional services provided by debtor's counsel may provide a benefit to the estate. Upon counsel's request, the Court may determine that the benefit to the estate warrants a diminution in the dividend paid to unsecured creditors and an amendment to the plan is not necessary. In such cases, any fee application filed shall specify:

(1) in detail, the benefit received by the estate; and

(2) whether and to what extent the unsecured creditors would receive a lower dividend under the existing plan if the fee application were granted and the fees were paid by the trustee from debtor's plan payments.

Explanation: Subpart (e) is added to require the filing of a Certification of Discharge Eligibility (substantially in the form of Local Bankruptcy Form 24).

Rule 4001-4 POSTCONFIRMATION MATTERS IN CHAPTER 13 CASES

(a) Notwithstanding any provision in a Chapter 13 plan revesting property of the estate in the debtor, all sales of real and personal property shall be conducted in accordance with the Federal Rules of Bankruptcy Procedure and Local Bankruptcy Rules. The Notice of Sale shall state the proposed disposition of sale proceeds.

(b) Any postpetition extensions of credit sought by the debtor shall be in the form of a motion subject to the Federal Rules of Bankruptcy Procedure and Local Bankruptcy Rules. Such motion shall be served on the Chapter 13 trustee and all parties in interest.

(c) A motion seeking real estate/mortgage financing shall include the following information:

- (1) the identity of the property that is subject to the financing;
- (2) the identity of the source of funds;
- (3) a description of the terms of the financing, including:
 - (A) whether it will be the first mortgage on the subject property;
 - (B) the amount of principal borrowed;
 - (C) the interest rate;
 - (D) the term of the loan and its amortization schedule;
 - (E) the amount of the monthly payment; and
 - (F) all other material terms of the financing agreement;
- (4) whether the new mortgage financing is to be incorporated into the existing plan or is designed to complete payments under the plan;
- (5) the status of plan payments at the time that the motion is filed;
- (6) if a discharge is sought through the financing, whether the provisions of 11 U.S.C. § 1328 are met; and
- (7) the date the loan is expected to close.

(d) A motion seeking approval of motor vehicle financing shall include the following:

- (1) the type and cost of vehicle being purchased;
- (2) the source of funds;

- (3) the terms of financing, including:
 - (A) the principal borrowed;
 - (B) the interest rate;
 - (C) the term of the loan and its amortization schedule;
 - (D) the amount of the monthly payment; and
 - (E) all other material terms of the financing agreement;
- (4) how the new payment will be incorporated into the Chapter 13 plan;
- (5) the status of plan payments at the time the motion is filed;
- (6) whether any further plan modification is necessary;
- (7) the date the loan is expected to close;
- (8) if the treatment of other creditors will be changed as a result of this financing, a statement of the rationale and underlying facts in support of that change;
- (9) if the plan payment is to be changed as a result of the financing, sufficient facts to demonstrate the feasibility of the plan amendment;
- (10) whether the standards of 11 U.S.C. § 1325(b) are met; and
- (11) whether and when an amended plan will be filed.

(e) Upon completion of a chapter 13 plan, a debtor shall file a Certification of Discharge Eligibility (substantially in the form of Local Bankruptcy Form 24).

Explanation: Section (b) is amended to eliminate the ambiguity that otherwise would exist in cases of individual chapter 11 debtors who are not required to complete a post-confirmation financial management course.

Rule 4004-4 MOTIONS FOR DISCHARGE IN CHAPTER 11 CASES BROUGHT BY INDIVIDUALS

Within ninety (90) days after final distribution of all plan payments, the debtor shall:

- (a) file a combined motion to reopen the case and to waive the filing fee; and
- (b) file a motion seeking discharge with a final report and account certifying that all plan payments have been made, that debtor has completed the financial management course to the extent required by Bankruptcy Rule 1007(b)(7), and that all domestic support obligations (if any) are current. The report shall include a list of all creditors, the amount of each creditor's claim, and the principal and interest paid to each creditor.

Explanation: Subsection (c) is modified to add an objection to claim to the list of documents which are exceptions to the general rule that electronic service, as opposed to personal service or mail delivery, is sufficient for service on “Filing Users” registered with the Court’s CM/ECF System. This was done because the current version of the Local Rule appears to conflict with the requirement for service of an objection to claim as set forth in Fed. R. Bankr .P. 3007(a)(2)(A). In addition, a generic “catch all” provision was also added to account for any other exception to the general rule that may be needed to comply with any other provision of the Bankruptcy Code, or the Federal Rules of Bankruptcy Procedure.

Rule 5005-8 NOTICE AND SERVICE

(a) The CM/ECF System automatically generates a Notice of Electronic Filing (“NEF”) when a document is filed. The NEF contains a hyperlink to the document filed and identifies by e-mail address each Filing User to whom the CM/ECF System automatically transmits the NEF. The generation of an NEF by the CM/ECF System creates a presumption of effective notice and service as to each Filing User identified in the NEF.

(b) By registering as a Filing User with the Court, a Filing User consents to electronic notice in the form of a CM/ECF System-generated NEF, and waives his or her right to receive notice by first-class mail, including, but not limited to, the entry of an order or judgment pursuant to Fed. R. Bankr. P. 9022.

(c) By registering as a Filing User with the Court, a Filing User consents to electronic service in the form of a CM/ECF System-generated NEF which contains a hyperlink to a PDF of the document(s) being served, and waives his or her right to service by personal service or first-class mail, except with regard to service of an objection to claim pursuant to Fed.R.Bankr.P. 3007, a summons and complaint pursuant to Fed. R. Bankr. P. 7004, a motion initiating a contested matter under Fed. R. Bankr. P. 9014, ~~and/or~~ a subpoena under Fed. R. Bankr. P. 9016, or any other document which the Bankruptcy Code or the Federal Rules of Bankruptcy Procedure explicitly require to be served by personal service or first-class mail.

(d) As to persons who are not Filing Users, notice and service shall be effectuated by nonelectronic means in accordance with all applicable Local Bankruptcy Rules and Federal Rules of Bankruptcy Procedure.

(e) A certificate of service shall identify the specific method of service upon each person served.

Explanation: This Local Rule is revised to reflect a change in Court procedure. Unredacted documents will now be submitted to the Court in paper, and if a motion to file under seal is denied, the unredacted documents will be retrieved by the filer rather than by default being docketed for public view.

Rule 5005-20 DOCUMENTS FILED UNDER SEAL

(a) Filing Users shall electronically file a motion to file documents under seal, accompanied by a proposed order. The Filing User shall attach a copy of the documents to be filed under seal that have been redacted in good faith to conceal Documents that contain confidential, scandalous, or defamatory matter. Upon filing the motion to seal, the moving party must hand deliver a copy of the motion to seal and the unredacted documents sought to be sealed in a secured envelope to the Clerk's Office. The envelope containing the documents shall be conspicuously marked "FILED UNDER PENDING MOTION TO SEAL" and stating the complete case number. shall be filed using docket events specified by the Clerk, and access to the documents shall be limited to parties authorized by the Judge. In the event the motion to file documents under seal is denied, the motion to seal documents and attachments, as well as any associated documents electronically filed by the movant, shall be made publicly accessible on the docket.

(b) A party who is not a Filing User shall file on paper a motion to file documents under seal. Accompanying the motion shall be a proposed order, an unredacted copy of the documents to be filed under seal, and a copy of the documents to be filed under seal that have been redacted in good faith to conceal confidential, scandalous, or defamatory matter. The motion, proposed order, unredacted copy of the documents, and a redacted copy of the documents shall be hand delivered in a single secured envelope to the Clerk's Office. The envelope containing the documents shall be conspicuously marked "FILED UNDER PENDING MOTION TO SEAL" and stating the complete case number and related documents containing confidential, scandalous, or defamatory matter. The document to be sealed shall be in a secured envelope. Affixed to the outside of the envelope shall be a statement containing a case caption, a case number, the nature of the document, and a notation that the document is being filed under seal.

(c) The motion to file documents under seal shall include a proposed order which grants the relief requested and further states: "The docket entry for the document(s) filed under seal shall describe the document(s) as follows: [Note: Filer to include a docket description for the sealed document.]" The docket entry for a sealed document shall describe the nature of the document filed without divulging confidential, scandalous, or defamatory information.

(dc) A motion to file documents under seal, and the redacted version of the documents to be filed under seal, shall be available for public review on the docket, unless it contains confidential, scandalous, or defamatory matter, in which case the motion itself shall be filed under seal.

(d) If a motion to file under seal is denied, the filer shall promptly contact the Clerk's Office and arrange to retrieve the unredacted version of the documents.

(e) The docket entry for a sealed document shall describe the nature of the document filed without divulging confidential, scandalous, or defamatory information.

(~~fe~~) If a motion to file under seal is granted, tThe Judge shall determine who shall scan the documents ~~s~~ ~~and enter it~~ into the electronic filing system, as well as the parties that can view the sealed documents~~it~~. Paper copies of documents submitted to the Court ~~The document~~ shall be destroyed after they are ~~it is~~ entered into the electronic filing system.

(~~gf~~) The filing party shall keep the original documents for a period of six (6) years from the date of submission.

Explanation: Subsection (a) is changed to clarify that an oral motion made during a hearing or trial is permitted only when the Court recognizes that a motion has been made. This is designed to protect against ex post facto attempts to characterize ambiguous or vague oral statements made at a hearing as having been a “motion” when it was not clear at the time that a motion was being made. Subsection (b) is changed to replace the prior Official Form number with the current number, and also to stress that motion titles should be succinct. Subsection (c) is the former Subsection (h) moved to a new location within the LR believed to be more suitable. Subsection (d) corresponds to former Subsection (c), and has been changed in several respects. An introductory phrase has been added to show that the timing provisions therein only apply unless the Court orders otherwise, which is quite common. A new reference has been added to make clear that even if no response is filed to a motion it will not be deemed uncontested unless and until a CNO is filed if required, which will usually be the case. The CNO process has worked well for the Court and this change is designed to highlight its importance. Also, the recognition of a motion as uncontested simply means that the Court may then decide to grant it without hearing, not that it must do so, as the former version of the LR implied. Finally, the proposed LR eliminates set timing requirements for replies and surreplies and instead provides for a time frame to be set by the Court. The occurrence of replies and surreplies is fairly rare and it was thought that timing for them is better handled on a case by case basis. Subsection (e) is a replacement for former subsections (d) and (e), with certain modifications. Both of the former subsections dealt with briefs, one for “main” briefs and the other for ‘reply” briefs if allowed, and it was thought they were better combined into a single provision. In accordance with the same new phrase added to new Subsection (d), new Subsection (e) clarifies that its requirements apply unless the Court orders otherwise. Subsection (f), dealing specifically with motions to continue a trial, remains unchanged. Former Subsections (g) and (i), dealing respectively with requests for oral argument and certification that briefing is completed, are eliminated as unnecessary since they are routinely disregarded anyway in current practice.

Rule 7008-1 MOTIONS IN ADVERSARY PROCEEDINGS

(a) All motions shall be in writing unless made orally during a hearing or trial and so recognized by the Court.

(b) Motions filed within adversary proceedings shall contain a short, concise descriptive title of the motion in addition to the complete adversary caption. The caption shall conform to Official Form ~~16D-416D~~ (Caption for Use in Adversary Proceeding).

(c) A proposed order of Court shall be filed as an attachment to all motions and all other requests for relief.

(e d) Unless otherwise directed by the Court, tThe response to any motion shall be filed and served within fourteen (14) days after service of the motion plus an additional three (3) days as provided by Fed. R. Bankr. P. 9006(f) when service is by mail. If no response is timely filed, and upon the filing of a CNO by the moving party if required, the motion shall be deemed uncontested, and the Court ~~shall~~ may dispose of the motion without hearing. Replies and surreplies are not permitted unless ordered by the Court. If permitted, replies and surreplies shall be filed and served within the time frame set by the Court. seven (7) days, plus an additional three (3) days as provided by Fed. R. Bankr. P. 9006(f) when service is by mail, after service of the response or reply, as applicable.

~~(d) The movant shall file a brief, if any, and any supporting affidavits as an attachment to the motion, and the respondent shall file a brief, if any, and any supporting affidavits as attachments to the response. Briefs shall be limited to twenty (20) pages.~~

~~(e) Unless otherwise directed by the Court, briefs by the moving party and responding party are optional, are limited to twenty (20) pages, and are due at least one week prior to the hearing date on the motion. If authorized, reply and surreply briefs shall address only matters not addressed in its the initial brief and shall be due as set forth in the order allowing them. If authorized, reply and surreply briefs shall be limited to five (5) pages, and shall address only matters not addressed in the initial brief. The deadlines for such briefs shall be set forth in the order granting their authorization.~~

(f) Motions for continuance of a trial date shall be considered by the Court only upon motion filed and served at least seven (7) calendar days before the scheduled trial.

~~(g) Any request for oral argument or hearing on a contested motion within an adversary proceeding shall be in writing and referenced in the caption.~~

~~(h) A proposed order of Court shall be filed as an attachment to all motions and all other requests for relief.~~

~~(i) When briefing is complete, the moving party shall file a certification that briefing is completed substantially in compliance with Local Bankruptcy Form 16 (Certification That Briefing Completed). The Court may not act until the certificate is filed with the Clerk. In addition, when briefing is complete, a tabbed binder with all related pleadings, documents, exhibits, and an index shall be delivered to the Judge's Chambers.~~

Explanation: Subsection (a) is changed to replace the prior Official Form number with the current number. Subsection (b) is changed to stress that motion titles should be succinct.

Rule 7010-1 CAPTIONS OF ADVERSARY PROCEEDINGS AND OF MOTIONS FILED WITHIN ADVERSARIES

(a) The caption of an adversary proceeding shall conform to Official Form ~~16D~~ 416D (Caption for Use in Adversary Proceeding). Additionally, the initials of the Presiding Judge shall be appended to the bankruptcy case number.

(b) Motions filed within adversary proceedings shall contain a short, concise descriptive title of the motion in addition to the complete adversary caption and adversary proceeding number.

(c) Responses or replies to motions filed within adversary proceedings shall contain the adversary caption and number and the same caption as the motion, but the description shall indicate that it is a response or reply.

Explanation: Over time it has become apparent that the Mediation Panel CLE Requirement has become somewhat onerous and impractical due to the decline of mediations actually being assigned by the Court. Requiring a hard and fast formula for performing pro bono mediations, as a practical matter is not realistic especially when the number of mediation assignments has dropped so precipitously coupled with the Mediation Panel's commitment to provide pro bono services whenever required by the Court to do so. As such, Rule 9019-3(c) has been changed to reflect the aspirational nature of the Mediation Panel's commitment to provide pro bono mediation services in place of a rigid formula. The modification of Rule 9019-3(d) regarding the accumulation of more than 2 CLE credits in one calendar year and the concomitant credit assigned to that accumulation of CLE credits, tracks the manner in which the PA Supreme Court Continuing Legal Education Board treats accumulated CLE credit from year to year. For example, rather than requiring 2 CLE credits related to mediation in every calendar year, if 6 eligible credits are received in one calendar year, for purposes of eligibility on the WDPA Bankruptcy Mediation Panel, those credits may be "carried forward" over a 3-year period to meet our CLE eligibility requirement.

Rule 9019-3 MEDIATORS

(c) East applicant shall agree to serve in a *pro bono* capacity for his or her initial mediation appointment. Thereafter, recognizing that the commitment to perform pro bono services is aspirational in nature, the applicant shall serve in a *pro bono* capacity when asked to do so by the Court, on average, at least one (1) out of every five (5) subsequent appointments as a mediator.

(d) Not later than March 1 of every year using Local Bankruptcy Form 31 (Application for Admission to Bankruptcy Mediation Program Register), each applicant accepted for designation to the Register shall reaffirm the continued existence and accuracy of the qualifications, statements, and representations made in the application, and file amendments as needed, and certify that such applicant has completed at least two (2) Continuing Legal Education (CLE) credits in the preceding year period ending on December 31st with substantially mediation-related content. In meeting this minimum CLE threshold for each year, the applicant may use accumulated relevant credits not previously exhausted toward this requirement. In the event an applicant fails to meet the required CLE threshold in any one year, the applicant will be immediately removed from the Mediation Panel until the requisite CLE requirement is met.

PROPOSED CHANGES TO LOCAL FORMS: REDLINE WITH EXPLANATIONS

- Local Form 6 AMENDMENT COVERSHEET
- Local Form 10 CHAPTER 13 PLAN
- Local Form 11 EX PARTE MOTION FOR ORDER TO PAY TRUSTEE PURSUANT TO WAGE ATTACHMENT
- Local Form 49 NOTICE OF DESIGNATION OF COMPLEX CASE
- Local Form 50 REQUEST FOR EMERGENCY CONSIDERATION OF FIRST DAY MOTIONS
- Local Form 51 APPLICATION TO APPOINT CLAIMS AND NOTICING AGENT
- Local Form 52 ORDER APPOINTING CLAIMS AND NOTICING AGENT
- Local Form 53 NOTICE OF PROPOSED ORDER AUTHORIZING TERMINATION OF CLAIMS AND NOTICING AGENT
- Local Form 54 ORDER TERMINATING SERVICES OF CLAIMS AND NOTICING AGENT
- Local Form 55 APPLICATION FOR EMPLOYMENT OF ADMINISTRATIVE AGENT
- Local Form 56 DECLARATION IN SUPPORT OF APPLICATION FOR EMPLOYMENT OF ADMINISTRATIVE AGENT
- Local Form 57 ORDER EMPLOYING ADMINISTRATIVE AGENT
- Local Form 58 CASE MANAGEMENT PROCEDURES ORDER

Explanation: The proposed change eliminates the "Certificate of Service" language, because it is duplicative when considering Local Rule 1009-1(d)(3).

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In Re:	:	Bankruptcy No.
	:	
Debtor	:	
	:	Chapter
	:	
Movant	:	
	:	Related to Document No.
v.	:	
	:	
Respondent (if none, then "No Respondent")	:	

AMENDMENT COVER SHEET

Amendment(s) to the following petition, list(s), schedule(s), or statement(s) are transmitted herewith:

_____ Voluntary Petition - *Specify reason for amendment:*

Official Form 6 Schedules (Itemization of Changes Must Be Specified)

- _____ Summary of Schedules
- _____ Schedule A - Real Property
- _____ Schedule B - Personal Property
- _____ Schedule C - Property Claimed as Exempt
- _____ Schedule D - Creditors holding Secured Claims
 - Check one:
 - _____ Creditor(s) added
 - _____ NO creditor(s) added
 - _____ Creditor(s) deleted
- _____ Schedule E - Creditors Holding Unsecured Priority Claims
 - Check one:
 - _____ Creditor(s) added
 - _____ NO creditor(s) added
 - _____ Creditor(s) deleted
- _____ Schedule F - Creditors Holding Unsecured Nonpriority Claims
 - Check one:
 - _____ Creditor(s) added
 - _____ NO creditor(s) added
 - _____ Creditor(s) deleted
- _____ Schedule G - Executory Contracts and Unexpired Leases
 - Check one:
 - _____ Creditor(s) added
 - _____ NO creditor(s) added
 - _____ Creditor(s) deleted
- _____ Schedule H - Codebtors
- _____ Schedule I - Current Income of Individual Debtor(s)
- _____ Schedule J - Current Expenditures of Individual Debtor(s)
- _____ Statement of Financial Affairs
- _____ Chapter 7 Individual Debtor's Statement of Intention
- _____ Chapter 11 List of Equity Security Holders
- _____ Chapter 11 List of Creditors Holding 20 Largest Unsecured Claims
- _____ Disclosure of Compensation of Attorney for Debtor

Other: _____

PAWB Local Form 6 (TBD)

Page 1 of 2

~~NOTICE OF AMENDMENT(S) TO AFFECTED PARTIES~~

~~Pursuant to Fed.R.Bankr.P. 1009(a) and Local Bankruptcy Rule 1009-1, I certify that notice of the filing of the amendment(s) checked above has been given this date to the U.S. Trustee, the trustee in this case, and to entities affected by the amendment as follows:~~

Date: _____

Attorney for Debtor(s) [or *pro se* Debtor(s)]_____
(Typed Name)_____
(Address)_____
(Phone No.)_____
List Bar I.D. and State of Admission

Note: An amended matrix of creditors added by the amendment must be submitted on disk with the amendment. Attorneys filing electronically on the Case Management/Electronic Case Filing System may add creditors to the case electronically.

Explanation: Part 2.1 is changed to clarify that the statement of plan length is intended to reflect the total plan length, and not the number of months remaining in the plan term. Parts 3.1, 3.2, 3.3, 3.4, 3.5, 4.4, 5.4, and 6.1 are changed to add redacted account numbers. Part 3.2, is changed to require the identification of the treatment of non-long term debt secured claims. Additionally, reference to an adversary proceeding is changed to a motion pursuant to Rule 3012, in accordance with Rule 7001(2). Parts 4.5 and 4.8 are changed to add the option of “none.” The provision for payment of postpetition utilities has been moved from part 5.3 to 4.8, to reflect the fact that those payments are administrative claims. Part 5.4 has been renumbered to 5.3 due to the move of the utility provision to Part 4.

Fill in this information to identify your case:

Debtor 1 _____
First Name Middle Name Last Name

Debtor 2 _____
(Spouse, if filing) First Name Middle Name Last Name

United States Bankruptcy Court for the Western District of Pennsylvania

Case number _____
(if known)

Check if this is an amended plan, and list below the sections of the plan that have been changed.

Western District of Pennsylvania
Chapter 13 Plan Dated:

Part 1: Notices

To Debtors: This form sets out options that may be appropriate in some cases, but the presence of an option on the form does not indicate that the option is appropriate in your circumstances. Plans that do not comply with local rules and judicial rulings may not be confirmable. The terms of this plan control unless otherwise ordered by the court.

In the following notice to creditors, you must check each box that applies.

To Creditors: **YOUR RIGHTS MAY BE AFFECTED BY THIS PLAN. YOUR CLAIM MAY BE REDUCED, MODIFIED, OR ELIMINATED.**

You should read this plan carefully and discuss it with your attorney if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

IF YOU OPPOSE THIS PLAN'S TREATMENT OF YOUR CLAIM OR ANY PROVISION OF THIS PLAN, YOU OR YOUR ATTORNEY MUST FILE AN OBJECTION TO CONFIRMATION AT LEAST SEVEN (7) DAYS BEFORE THE DATE SET FOR THE CONFIRMATION HEARING, UNLESS OTHERWISE ORDERED BY THE COURT. THE COURT MAY CONFIRM THIS PLAN WITHOUT FURTHER NOTICE IF NO OBJECTION TO CONFIRMATION IS FILED. SEE BANKRUPTCY RULE 3015. IN ADDITION, YOU MAY NEED TO FILE A TIMELY PROOF OF CLAIM IN ORDER TO BE PAID UNDER ANY PLAN.

The following matters may be of particular importance. *Debtor(s) must check one box on each line to state whether the plan includes each of the following items. If the "Included" box is unchecked or if both boxes are checked on each line, the provision will be ineffective if set out later in the plan.*

1.1	A limit on the amount of any claim or arrearages set out in Part 3, which may result in a partial payment or no payment to the secured creditor (a separate action will be required to effectuate such limit)	<input type="checkbox"/> Included	<input type="checkbox"/> Not Included
		<input type="checkbox"/>	<input type="checkbox"/>

Debtor(s) _____

Case number _____

1.2	Avoidance of a judicial lien or nonpossessory, nonpurchase-money security interest, set out in Section 3.4 (a separate action will be required to effectuate such limit)	Included	Not Included
1.3	Nonstandard provisions, set out in Part 9	<input type="checkbox"/> Included	Not Included

Part 2: Plan Payments and Length of Plan

2.1 Debtor(s) will make regular payments to the trustee:

Total amount of \$ _____ per month for a remaining-total plan term of _____ months shall be paid to the trustee from future earnings as follows:

Payments	By Income Attachment	Directly by Debtor	By Automated Bank Transfer
D#1	\$ _____	\$ _____	\$ _____
D#2	\$ _____	\$ _____	\$ _____

(Income attachments must be used by debtors having attachable income) (SSA direct deposit recipients only)

2.2 Additional payments:

Unpaid Filing Fees. The balance of \$ _____ shall be fully paid by the Trustee to the Clerk of the Bankruptcy Court from the first available funds.

Check one.

None. If "None" is checked, the rest of Section 2.2 need not be completed or reproduced.

The debtor(s) will make additional payment(s) to the trustee from other sources, as specified below. Descr be the source, estimated amount, and date of each anticipated payment.

2.3 The total amount to be paid into the plan (plan base) shall be computed by the trustee based on the total amount of plan payments plus any additional sources of plan funding described above.

Part 3: Treatment of Secured Claims

3.1 Maintenance of payments and cure of default, if any, on Long-Term Continuing Debts.

Check one.

None. If "None" is checked, the rest of Section 3.1 need not be completed or reproduced.

The debtor(s) will maintain the current contractual installment payments on the secured claims listed below, with any changes required by the applicable contract and noticed in conformity with any applicable rules. These payments will be disbursed by the trustee. Any existing arrearage on a listed claim will be paid in full through disbursements by the trustee, without interest. If relief from the automatic stay is ordered as to any item of collateral listed in this paragraph, then, unless otherwise ordered by the court, all payments under this paragraph as to that collateral will cease, and all secured claims based on that collateral will no longer be treated by the plan. If monthly payment changes exist, state the amounts and effective dates of the changes.

Name of creditor <u>and redacted account number</u>	Collateral	Current installment payment (including escrow)	Amount of arrearage (if any)	Effective Start date (MM/YYYY)
_____	_____	\$ _____	\$ _____	_____
-	-	-	-	-
_____	_____	\$ _____	\$ _____	_____
-	-	-	-	-

Insert additional claims as needed.

3.2 Request for valuation of security, payment of fully secured claims, and/or modification of undersecured claims.

Debtor(s) _____

Case number _____

Check one.

None. If "None" is checked, the rest of Section 3.2 need not be completed or reproduced.

The remainder of this paragraph will be effective only if the applicable box in Part 1 of this plan is checked.

Fully paid at contract terms with no modification

<u>Name of Creditor and redacted account number</u>	<u>Collateral</u>	<u>Amount of Secured claim</u>	<u>Interest rate</u>	<u>Monthly payment to creditor</u>
_____	_____	\$ _____	_____ %	\$ _____
_____	_____	\$ _____	_____ %	\$ _____

Fully paid at modified terms

<u>Name of Creditor and redacted account number</u>	<u>Collateral</u>	<u>Amount of Secured claim</u>	<u>Interest rate</u>	<u>Monthly payment to creditor</u>
_____	_____	\$ _____	_____ %	\$ _____
_____	_____	\$ _____	_____ %	\$ _____

The remainder of this paragraph will be effective only if the applicable box in Part 1 of this plan is checked.

The debtor(s) will request, **by filing a separate adversary-motion pursuant to Rule 3012 proceeding**, that the court determine the value of the secured claims listed below.

For each secured claim listed below, the debtor(s) state that the value of the secured claims should be as set out in the column headed *Amount of secured claim*. For each listed claim, the value of the secured claim will be paid in full with interest at the rate stated below.

The portion of any allowed claim that exceeds the amount of the secured claim will be treated as an unsecured claim under Part 5. If the amount of a creditor's secured claim is listed below as having no value, the creditor's allowed claim will be treated in its entirety as an unsecured claim under Part 5 (provided that an appropriate order of court is obtained through a an adversary proceeding motion pursuant to Rule 3012).

<u>Name of Creditor and redacted account number</u>	<u>Estimated amount of creditor's total claim (See Para. 8.7 below)</u>	<u>Collateral</u>	<u>Value of collateral</u>	<u>Amount of claims senior to creditor's claim</u>	<u>Amount of Secured claim</u>	<u>Interest rate</u>	<u>Monthly payment to creditor</u>
_____	\$ _____	_____	\$ _____	\$ _____	\$ _____	_____ %	\$ _____
_____	\$ _____	_____	\$ _____	\$ _____	\$ _____	_____ %	\$ _____

Insert additional claims as needed.

3.3 Secured claims excluded from 11 U.S.C. § 506.

Check one.

None. If "None" is checked, the rest of Section 3.3 need not be completed or reproduced.

The claims listed below were either:

- (1) Incurred within 910 days before the petition date and secured by a purchase money security interest in a motor vehicle acquired for personal use of the debtor(s), or
- (2) Incurred within 1 year of the petition date and secured by a purchase money security interest in any other thing of value.

Debtor(s) _____

Case number _____

These claims will be paid in full under the plan with interest at the rate stated below. These payments will be disbursed by the trustee.

Name of Creditor <u>and redacted account number</u>	Collateral	Amount of claim	Interest rate	Monthly payment to creditor
_____	_____	\$ _____	_____ %	\$ _____
_____	_____	\$ _____	_____ %	\$ _____

Insert additional claims as needed.

3.4 Lien Avoidance.

Check one.

None. If "None" is checked, the rest of Section 3.4 need not be completed or reproduced. *The remainder of this paragraph will be effective only if the applicable box in Part 1 of this plan is checked.*

The judicial liens or nonpossessory, nonpurchase-money security interests securing the claims listed below impair exemptions to which the debtor(s) would have been entitled under 11 U.S.C. § 522(b). The debtor(s) will request, *by filing a separate motion*, that the court order the avoidance of a judicial lien or security interest securing a claim listed below to the extent that it impairs such exemptions. The amount of any judicial lien or security interest that is avoided will be treated as an unsecured claim in Part 5 to the extent allowed. The amount, if any, of the judicial lien or security interest that is not avoided will be paid in full as a secured claim under the plan. See 11 U.S.C. § 522(f) and Bankruptcy Rule 4003(d). If more than one lien is to be avoided, provide the information separately for each lien.

Name of creditor <u>and redacted account number</u>	Collateral	Modified principal balance*	Interest rate	Monthly payment or pro Rata
_____	_____	\$ _____	_____ %	\$ _____
_____	_____	\$ _____	_____ %	\$ _____

Insert additional claims as needed.

*If the lien will be wholly avoided, insert \$0 for Modified principal balance.

3.5 Surrender of Collateral.

Check one.

None. If "None" is checked, the rest of Section 3.5 need not be completed or reproduced.

The debtor(s) elect to surrender to each creditor listed below the collateral that secures the creditor's claim. The debtor(s) request that upon final confirmation of this plan the stay under 11 U.S.C. § 362(a) be terminated as to the collateral only and that the stay under 11 U.S.C. § 1301 be terminated in all respects. Any allowed unsecured claim resulting from the disposition of the collateral will be treated in Part 5.

Name of creditor <u>and redacted account number</u>	Collateral
_____	_____
_____	_____

Insert additional claims as needed.

3.6 Secured tax claims.

Name of taxing authority	Total amount of claim	Type of tax	Interest Rate*	Identifying number(s) if collateral is real estate	Tax periods
_____	_____	_____	_____	_____	_____

Debtor(s) _____

Case number _____

_____ \$ _____ % _____
 _____ \$ _____ % _____

Insert additional claims as needed.

* The secured tax claims of the Internal Revenue Service, Commonwealth of Pennsylvania and any other tax claimants shall bear interest at the statutory rate in effect as of the date of confirmation.

Part 4: Treatment of Fees and Priority Claims

4.1 General.

Trustee's fees and all allowed priority claims, including Domestic Support Obligations other than those treated in Section 4.5, will be paid in full without postpetition interest.

4.2 Trustee's fees.

Trustee's fees are governed by statute and may change during the course of the case. The trustee shall compute the trustee's percentage fees and publish the prevailing rates on the court's website for the prior five years. It is incumbent upon the debtor(s)' attorney or debtor (if *pro se*) and the trustee to monitor any change in the percentage fees to ensure ~~insure~~ that the plan is adequately funded.

4.3 Attorney's fees.

Attorney's fees are payable to _____. In addition to a retainer of \$ _____ (of which \$ _____ was a payment to reimburse costs advanced and/or a no-look costs deposit) already paid by or on behalf of the debtor, the amount of \$ _____ is to be paid at the rate of \$ _____ per month. Including any retainer paid, a total of \$ _____ in fees and costs reimbursement has been approved by the court to date, based on a combination of the no-look fee and costs deposit and previously approved application(s) for compensation above the no-look fee. An additional \$ _____ will be sought through a fee application to be filed and approved before any additional amount will be paid through the plan, and this plan contains sufficient funding to pay that additional amount, without diminishing the amounts required to be paid under this plan to holders of allowed unsecured claims.

Check here if a no-look fee in the amount provided for in Local Bankruptcy Rule 9020-7(c) is being requested for services rendered to the debtor(s) through participation in the bankruptcy court's Loss Mitigation Program (do not include the no-look fee in the total amount of compensation requested, above).

4.4 Priority claims not treated elsewhere in Part 4.

None. If "None" is checked, the rest of Section 4.4 need not be completed or reproduced.

Name of creditor <u>and redacted account number</u>	Total amount of claim	Interest rate (0% if blank)	Statute providing priority status
_____	\$ _____	_____ %	_____
_____	\$ _____	_____ %	_____
_____	\$ _____	_____ %	_____
_____	\$ _____	_____ %	_____

Insert additional claims as needed.

4.5 Priority Domestic Support Obligations not assigned or owed to a governmental unit.

Check one.

None. If "None" is checked, the rest of Section 4.5 need not be completed or reproduced.

If the debtor(s) is/are currently paying Domestic Support Obligations through existing state court order(s) and leaves this section blank, the debtor(s) expressly agrees to continue paying and remain current on all Domestic Support Obligations through existing state court orders.

Debtor(s) _____

Case number _____

Check here if this payment is for prepetition arrearages only.

Name of creditor (specify the actual payee, e.g. PA SCDU)	Description	Claim	Monthly payment or pro rata
_____	_____	\$ _____	\$ _____
_____	_____	\$ _____	\$ _____

Insert additional claims as needed.

4.6 Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount.

Check one.

None. If "None" is checked, the rest of Section 4.6 need not be completed or reproduced.

The allowed priority claims listed below are based on a Domestic Support Obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim under 11 U.S.C. § 1322(a)(4). This provision requires that payments in Section 2.1 be for a term of 60 months. See 11 U.S.C. § 1322(a)(4).

Name of creditor	Amount of claim to be paid
_____	\$ _____
-	-
_____	\$ _____
-	-

Insert additional claims as needed.

4.7 Priority unsecured tax claims paid in full.

None. If "None" is checked, the rest of Section 4.7 need not be completed or reproduced.
This provision should have a checkable none box.

Name of taxing authority	Total amount of claim	Type of tax	Interest rate (0% if blank)	Tax periods
_____	\$ _____	_____	_____ %	_____
_____	\$ _____	_____	_____ %	_____
_____	\$ _____	_____	_____ %	_____
_____	\$ _____	_____	_____ %	_____
_____	\$ _____	_____	_____ %	_____

Insert additional claims as needed.

Debtor(s) _____

Case number _____

4.8 Postpetition utility monthly payments.

The provisions of this Section 4.8 are available only if the utility provider has agreed to this treatment. The charges for post petition utility service are allowed as an administrative claim. These payments comprise a single monthly combined payment for postpetition utility services, any postpetition delinquencies, and unpaid security deposits. The claim payment will not change for the life of the plan unless amended. Should the utility obtain an order authorizing a payment change, the debtor(s) will be required to file an amended plan. These payments may not resolve all of the postpetition claims of the utility. Any unpaid post petition utility claims will survive discharge and the utility may require additional funds from the debtor(s) after discharge.

<u>Name of creditor and redacted account number</u>	<u>Monthly payment</u>	<u>Postpetition account number</u>
_____	\$ _____	_____
_____	\$ _____	_____

Insert additional claims as needed.

Part 5: Treatment of Nonpriority Unsecured Claims

5.1 Nonpriority unsecured claims not separately classified.

Debtor(s) **ESTIMATE(S)** that a total of \$ _____ will be available for distribution to nonpriority unsecured creditors.

Debtor(s) **ACKNOWLEDGE(S)** that a **MINIMUM** of \$ _____ shall be paid to nonpriority unsecured creditors to comply with the liquidation alternative test for confirmation set forth in 11 U.S.C. § 1325(a)(4).

The total pool of funds estimated above is **NOT** the **MAXIMUM** amount payable to this class of creditors. Instead, the actual pool of funds available for payment to these creditors under the plan base will be determined only after audit of the plan at time of completion. The estimated percentage of payment to general unsecured creditors is _____%. The percentage of payment may change, based upon the total amount of allowed claims. Late-filed claims will not be paid unless all timely filed claims have been paid in full. Thereafter, all late-filed claims will be paid pro-rata unless an objection has been filed within thirty (30) days of filing the claim. Creditors not specifically identified elsewhere in this plan are included in this class.

5.2 Maintenance of payments and cure of any default on nonpriority unsecured claims.

Check one.

None. If "None" is checked, the rest of Section 5.2 need not be completed or reproduced.

The debtor(s) will maintain the contractual installment payments and cure any default in payments on the unsecured claims listed below on which the last payment is due after the final plan payment. These payments will be disbursed by the trustee. The claim for the arrearage amount will be paid in full as specified below and disbursed by the trustee.

<u>Name of creditor and redacted account number</u>	<u>Current installment payment</u>	<u>Amount of arrearage to be paid on the claim</u>	<u>Estimated total payments by trustee</u>	<u>Payment beginning date (MM/YYYY)</u>
_____	\$ _____	\$ _____	\$ _____	_____
_____	\$ _____	\$ _____	\$ _____	_____

Insert additional claims as needed.

5.3 Postpetition utility monthly payments.

~~The provisions of Section 5.3 are available only if the utility provider has agreed to this treatment. These payments comprise a single monthly combined payment for postpetition utility services, any postpetition delinquencies, and unpaid security deposits. The claim payment will not change for the life of the plan. Should the utility obtain an order authorizing a payment change, the debtor(s) will be required to file an amended plan. These payments may not resolve all of the postpetition claims of the utility. The utility may require additional funds from the debtor(s) after discharge.~~

Debtor(s) _____

Case number _____

Name of creditor	Monthly payment	Postpetition account number
------------------	-----------------	-----------------------------

_____	\$ _____	_____
_____	\$ _____	_____

Insert additional claims as needed.

Debtor(s) _____

Case number _____

5.34 Other separately classified nonpriority unsecured claims.

Check one

- None.** If "None" is checked, the rest of Section 5.4 need not be completed or reproduced.
- The allowed nonpriority unsecured claims listed below are separately classified and will be treated as follows:

Name of creditor and redacted account number	Basis for separate classification and treatment	Amount of arrearage to be paid	Interes t rate	Estimated total payments by trustee
_____	_____	\$ _____	_____ %	\$ _____
_____	_____	_____	_____ %	_____
_____	_____	\$ _____	_____ %	\$ _____
_____	_____	_____	_____ %	_____

Insert additional claims as needed.

Part 6: Executory Contracts and Unexpired Leases

6.1 The executory contracts and unexpired leases listed below are assumed and will be treated as specified. All other executory contracts and unexpired leases are rejected.

Check one.

- None.** If "None" is checked, the rest of Section 6.1 need not be completed or reproduced.
- Assumed items.** Current installment payments will be disbursed by the trustee. Arrearage payments will be disbursed by the trustee.

Name of creditor and redacted account number	Description of leased property or executory contract	Current installment payment	Amount of arrearage to be paid	Estimated total payments by trustee	Payment beginning date (MM/YYYY)
_____	_____	\$ _____	\$ _____	\$ _____	_____
_____	_____	\$ _____	\$ _____	\$ _____	_____

Insert additional claims as needed.

Part 7: Vesting of Property of the Estate

7.1 Property of the estate shall not re-vest in the debtor(s) until the debtor(s) have completed all payments under the confirmed plan.

Part 8: General Principles Applicable to All Chapter 13 Plans

- 8.1** This is the voluntary chapter 13 reorganization plan of the debtor(s). The debtor(s) understand and agree(s) that the chapter 13 plan may be extended as necessary by the trustee (up to any period permitted by applicable law) to insure that the goals of the plan have been achieved. Notwithstanding any statement by the trustee's office concerning amounts needed to fund a plan, the adequacy of plan funding in order to meet the plan goals remains the sole responsibility of debtor(s) and debtor(s)' attorney. It shall be the responsibility of the debtor(s) and debtor(s)' attorney to monitor the plan in order to ensure that the plan remains adequately funded during its entire term.
- 8.2** Prior to the meeting of creditors, the debtor(s) shall comply with the tax return filing requirements of 11 U.S.C § 1308 and provide the trustee with documentation of such compliance by the time of the meeting. Debtor(s)' attorney or debtor(s) (if *pro se*) shall provide the trustee with the information needed for the trustee to comply with the requirements of 11 U.S.C. § 1302 as to the notification to be given to Domestic Support Obligation creditors, and debtor(s)' attorney or debtor(s) (if *pro se*) shall provide the trustee with the calculations relied upon to determine the debtor(s)' current monthly income and disposable income.

Debtor(s) _____

Case number _____

- 8.3 The debtor(s) shall have a duty to inform the trustee of any assets acquired while the chapter 13 case is pending, such as insurance proceeds, recovery on any lawsuit or claims for personal injury or property damage, lottery winnings, or inheritances. The debtor(s) must obtain prior court approval before entering into any postpetition financing or borrowing of any kind, and before selling any assets.
- 8.4 Unless otherwise stated in this plan or permitted by a court order, all claims or debts provided for by the plan to receive a distribution shall be paid by and through the trustee.
- 8.5 Percentage fees to the trustee are paid on receipts of plan payments at the rate fixed by the United States Trustee. The trustee has the discretion to adjust, interpret, and implement the distribution schedule to carry out the plan, provided that, to the extent the trustee seeks a material modification of this plan or its contemplated distribution schedule, the trustee must seek and obtain prior authorization of the court. The trustee shall follow this standard plan form sequence unless otherwise ordered by the court:
 - Level One: Unpaid filing fees.
 - Level Two: Secured claims and lease payments entitled to 11 U.S.C. § 1326(a)(1)(C) pre-confirmation adequate protection payments.
 - Level Three: Monthly ongoing mortgage payments, ongoing vehicle and lease payments, installments on professional fees, and postpetition utility claims.
 - Level Four: Priority Domestic Support Obligations.
 - Level Five: Mortgage arrears, secured taxes, rental arrears, vehicle payment arrears.
 - Level Six: All remaining secured, priority and specially classified claims, and miscellaneous secured arrears.
 - Level Seven: Allowed nonpriority unsecured claims.
 - Level Eight: Untimely filed nonpriority unsecured claims for which an objection has not been filed.
- 8.6 As a condition to the debtor(s)' eligibility to receive a discharge upon successful completion of the plan, debtor(s)' attorney or debtor(s) (if *pro se*) shall file Local Bankruptcy Form 24 (Debtor's Certification of Discharge Eligibility) with the court within forty-five (45) days after making the final plan payment.
- 8.7 The provisions for payment to secured, priority, and specially classified unsecured creditors in this plan shall constitute claims in accordance with Bankruptcy Rule 3004. Proofs of claim by the trustee will not be required. In the absence of a contrary timely filed proof of claim, the amounts stated in the plan for each claim are controlling. The clerk shall be entitled to rely on the accuracy of the information contained in this plan with regard to each claim. Unless otherwise ordered by the court, if a secured, priority, or specially classified creditor timely files its own claim, then the creditor's claim shall govern, provided the debtor(s) and debtor(s)' attorney have been given notice and an opportunity to object. The trustee is authorized, without prior notice, to pay claims exceeding the amount provided in the plan by not more than \$250.
- 8.8 Any creditor whose secured claim is not modified by this plan and subsequent order of court shall retain its lien.
- 8.9 Any creditor whose secured claim is modified or whose lien is reduced by the plan shall retain its lien until the underlying debt is discharged under 11 U.S.C. § 1328 or until it has been paid the full amount to which it is entitled under applicable nonbankruptcy law, whichever occurs earlier. Upon payment in accordance with these terms and entry of a discharge order, the modified lien will terminate and be released. The creditor shall promptly cause all mortgages, liens, and security interests encumbering the collateral to be satisfied, discharged, and released.
- 8.10 The provisions of Sections 8.8 and 8.9 will also apply to allowed secured, priority, and specially classified unsecured claims filed after the bar date. **LATE-FILED CLAIMS NOT PROPERLY SERVED ON THE TRUSTEE AND THE DEBTOR(S)' ATTORNEY OR DEBTOR(S) (IF PRO SE) WILL NOT BE PAID.** The responsibility for reviewing the claims and objecting where appropriate is placed upon the debtor(s).

Part 9: Nonstandard Plan Provisions

9.1 Check "None" or List Nonstandard Plan Provisions.

None. If "None" is checked, the rest of Part 9 need not be completed or reproduced.

Under Bankruptcy Rule 3015(c), nonstandard provisions must be set forth below. A nonstandard provision is a provision not otherwise included in the Local Form or deviating from it. Nonstandard provisions set out elsewhere in this plan are ineffective.

The following plan provisions will be effective only if the applicable box in Part 1 is checked. Any provision set forth herein is subject to court approval after notice and a hearing upon the filing of an appropriate motion.

Debtor(s) _____

Case number _____

Part 10: Signatures

10.1 Signatures of Debtor(s) and Debtor(s)' Attorney.

If the debtor(s) do not have an attorney, the debtor(s) must sign below; otherwise the debtor(s)' signatures are optional. The attorney for the debtor(s), if any, must sign below.

By signing this plan the undersigned, as debtor(s)' attorney or the debtor(s) (if pro se), certify(ies) that I/we have reviewed any prior confirmed plan(s), order(s) confirming prior plan(s), proofs of claim filed with the court by creditors, and any orders of court affecting the amount(s) or treatment of any creditor claims, and except as modified herein, this proposed plan conforms to and is consistent with all such prior plans, orders, and claims. False certifications shall subject the signatories to sanctions under Bankruptcy Rule 9011.

By filing this document, debtor(s)' attorney or the debtor(s) (if pro se), also certify(ies) that the wording and order of the provisions in this chapter 13 plan are identical to those contained in the standard chapter 13 plan form adopted for use by the United States Bankruptcy Court for the Western District of Pennsylvania, other than any nonstandard provisions included in Part 9. It is further acknowledged that any deviation from the standard plan form shall not become operative unless it is specifically identified as "nonstandard" terms and are approved by the court in a separate order.

X _____
Signature of Debtor 1

X _____
Signature of Debtor 2

Executed on _____
MM / DD / YYYY

Executed on _____
MM / DD / YYYY

X _____
Signature of debtor(s)' attorney

Date _____
MM / DD / YYYY

Explanation: The proposed changes to Local Form 11 adds language about the frequency of the pay periods and the monthly amount to bring the form order into compliance with Local Rule 3015-2(g). Additionally, stylistic revisions were made to improve the clarity of the form.

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In Re:	:	Bankruptcy No.
	:	
Debtor(s)	:	
	:	Chapter 13
Trustee, or Debtors(s), Movant	:	
	:	Motion No. <input type="checkbox"/> WO-1
v.	:	Motion No. <input type="checkbox"/> WO-2
	:	
Respondents	:	

EX PARTE MOTION FOR ORDER TO PAY TRUSTEE PURSUANT TO WAGE ATTACHMENT

The undersigned respectfully represents as follows:

1. A Chapter 13 case was filed.
2. It appears that the Debtor receives regular income which may be attached under 11 U.S.C. §1326 to fund the Chapter 13 Plan.
3. The likelihood of success in the case will be much greater if the Debtor's income is attached to fund the plan.

WHEREFORE, the Chapter 13 Trustee and/or the Debtor respectfully request that this Court enter an Order to Pay Trustee in the form attached.

Signature of Chapter 13 Trustee or Attorney for Debtor(s)

Typed Name of Chapter 13 Trustee or Attorney for Debtor(s)

Address of Chapter 13 Trustee or Attorney for Debtor(s)

Phone No. and Pa. I.D. No. of Chapter 13 Trustee or
Attorney for Debtor(s)

In Re: : Bankruptcy No.
: :
Debtor : :
: Chapter 13
: :
Standing Chapter 13 Trustee or Debtor(s) : :
Movant : :
: Related to Document No.
v. : :
: :
Respondent(s) :

ORDER TO PAY TRUSTEE PURSUANT TO WAGE ATTACHMENT

The above-named Debtor(s) having filed a Chapter 13 petition and Debtor(s) or Trustee having moved to attach wages to fund the Chapter 13 Plan:

IT IS, THEREFORE, ORDERED that:

—until further order of this Court, the entity Respondent from which the Debtor receives income,:

(1) shall deduct from that income the sum of \$ _____, (choose one: weekly, biweekly, twice a month, monthly, other) beginning on the next pay day following receipt of this order and shall deduct a similar amount each pay period thereafter, including any period for which the Debtor receives a periodic or lump sum payment as a result of vacation, termination, or other benefit arising out of present or past employment, or from any other benefits payable to the Debtor, and shall remit the deducted sums ON AT LEAST A MONTHLY BASIS to:

RONDA J. WINNECOUR
CHAPTER 13 TRUSTEE, W.D.PA.
P.O. BOX 84051
CHICAGO, IL 60689-4002

- (2) the Debtor is paid (specify how often) _____, and the monthly plan payment is \$ _____.
- (3) ~~IT IS FURTHER ORDERED that~~ the above-named entity shall notify the Chapter 13 Trustee if the Debtor's income is terminated and the reason therefor.
- (4) ~~IT IS FURTHER ORDERED that~~ the Debtors shall serve this order and a copy of the Notification of Debtor's Social Security Number, Local Bankruptcy Form 12, that includes the debtor's full Social Security number on the above-named entity Respondent. Debtor shall file a certificate of service regarding service of the order and local form, but the Social Security number shall not be included on the certificate.
- (5) ~~IT IS FURTHER ORDERED that~~ all remaining income of the Debtor, except the amounts required to be withheld for taxes, Social Security, insurance, pension, or union dues shall be paid to the Debtor in accordance with usual payment procedures.
- (6) ~~IT IS FURTHER ORDERED THAT~~ NO OTHER DEDUCTIONS FOR GARNISHMENT, WAGE ASSIGNMENT, CREDIT UNION, OR ANY OTHER PURPOSE SHALL BE MADE FROM THE INCOME OF DEBTOR WITH THE SOLE EXCEPTION OF ANY CHILD OR DOMESTIC SUPPORT PAYMENTS.
- (7) ~~IT IS FURTHER ORDERED that~~ this order supersedes previous orders made to the above-named entity Respondent in this case.
- (8) ~~IT IS FURTHER ORDERED that~~ the above-named entity Respondent shall not charge any fee to the Debtor for the administration of this attachment order, except as may be allowed upon application to and order of this Court.

(9) that the debtor(s) shall remain responsible for timely making all monthly plan payments to the Chapter 13 Trustee, either in whole or in part, until such time as the automatic paycheck withdrawals by the employer or other automatic attachments such as automatic bank transfers or welfare checks begin. The first Plan payment is due within thirty (30) days after the Chapter 13 Plan has been filed. Any failure to timely remit full Plan payments to the Trustee may result in the dismissal of the case after notice and hearing. Employers and others who fail to withhold funds and pay them over to the Trustee as ordered herein may be subject to sanctions including damages to debtor and this estate.

DATED this _____ day of _____, _____.

United States Bankruptcy Judge

Explanation: New Forms 49 through 58 correspond with the requirements set forth in the Complex Chapter 11 Rules (New Rules 1002-2 through 1002-10).

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE: _____ : Case No. _____
Debtor : Chapter 11
Movant :
 :
v. :
 :
No Respondent :

Notice of Designation as Complex Case

This bankruptcy case was filed on _____. The debtor believes that this case qualifies as a Complex Chapter 11 Case pursuant to the Local Rules of the Court because (check all that apply):

- The debtor has total debt of more than \$_____ and unsecured non-priority debt of more than \$_____.
- There are more than ____ parties in interest in this case.
- Claims against the debtor are publicly traded.
- Equity interests in the debtor are publicly traded.
- Other. (Substantial explanation is required. Attach additional sheets if necessary).

Date: _____

By: _____

Signature

Typed Name

Address

Phone No.

Bar I.D. and State of Admission

Explanation: New Forms 49 through 58 correspond with the requirements set forth in the Complex Chapter 11 Rules (New Rules 1002-2 through 1002-10).

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:	:	Case No.
	:	
	:	
Debtor	:	Chapter 11
	:	
Movant	:	
	:	
v.	:	
	:	
No Respondent	:	

Request for Emergency Consideration of First Day Motions

The Debtor has filed a Notice of Designation as Complex Case in this case. The Debtor requests emergency First Day Motion treatment pursuant to W. PA. LBR 1002-6 for the following motions:

(List all First day Motions here, along with the Doc. No. of each if known)

Date: _____

By: _____

Signature

Typed Name

Address

Phone No.

Bar I.D. and State of Admission

Explanation: New Forms 49 through 58 correspond with the requirements set forth in the Complex Chapter 11 Rules (New Rules 1002-2 through 1002-10).

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

	Debtor	:	Case No. _____
		:	Chapter 11
	Movant	:	
		:	
	v.	:	
		:	
	Respondent	:	
	(If none then "No Respondent")	:	

**APPLICATION FOR AN ORDER APPOINTING [name of claims and noticing agent] AS
CLAIMS AND NOTICING AGENT FOR THE DEBTORS PURSUANT TO 28 U.S.C. §
156(c), 11 U.S.C. § 105(a), AND (local rule)**

The Debtors and Debtors in possession in the above-captioned cases (collectively, the "Debtors") hereby move for entry of an order, substantially in the form of Exhibit C hereto (the "Retention Order") pursuant to section 156(c) of title 28 of the United States Code and section 105(a) of title 11 of the United States Code, 11 U.S.C. §§ 101 *et seq.* (the "Bankruptcy Code"), appointing [name of claims and noticing agent] as claims and noticing agent ("Claims and Noticing Agent") in the Debtors' chapter 11 cases (the "Section 156(c) Application"). In support of this Section 156(c) Application, the Debtors respectfully represent as follows:

JURISDICTION AND VENUE

(1) The Court has jurisdiction over this matter under 28 U.S.C. §§ 157 and 1334. This is a core proceeding under 28 U.S.C. § 157(b). Venue is proper in this district under 28 U.S.C. §§ 1408 and 1409.

RELIEF REQUESTED

(2) This Section 156(c) Application is made pursuant to 28 U.S.C. § 156(c), section 105(a) of the Bankruptcy Code, and W.P.A. LBR 1002-8 for an order appointing Claims and Noticing Agent to act as the claims and noticing agent in order to assume full responsibility for the distribution of notices and the maintenance, processing and docketing of proofs of claim filed in the Debtors' chapter 11 cases. The Debtors' selection of Claims and Noticing Agent to act as the claims and noticing agent has satisfied the requirements of W. PA. LBR 1002-8(c), in that the Debtors have obtained and reviewed engagement proposals from at least three (3) qualified claims and noticing agents to ensure selection through a competitive process. Moreover, the Debtors submit, based on all engagement proposals obtained and reviewed, that Claims and Noticing Agent's rates are competitive and reasonable given Claims and Noticing Agent's quality of services and expertise. The terms of retention are set forth in the Engagement Agreement annexed hereto as Exhibit A (the "Engagement Agreement"); provided, however, that Claims and Noticing Agent is seeking approval solely of the terms and provisions as set forth in this Application and the proposed order attached hereto.

(3) Although the Debtors have not yet filed their schedules of assets and liabilities, they anticipate that there will be in excess of [_____] entities to be noticed. In view of

the number of anticipated claimants and the complexity of the Debtors' businesses, the Debtors submit that the appointment of a claims and noticing agent is both necessary and in the best interests of both the Debtors' estates and their creditors.

(4) By appointing Claims and Noticing Agent as the claims and noticing agent in these chapter 11 cases, the distribution of notices and the processing of claims will be expedited, and the clerk's office will be relieved of the administrative burden of processing what may be an overwhelming number of claims. In support of this Section 156(c) Application, the Debtors submit the Claims and Noticing Agent's affidavit attached hereto as Exhibit B (the "Claims and Noticing Agent Affidavit").

(5) This Section 156(c) Application pertains only to the work to be performed by Claims and Noticing Agent under the Clerk's delegation of duties permitted by 28 U.S.C. § 156(c) and W. PA. LBR 1008-2(a), and any work to be performed by Claims and Noticing Agent outside of this scope is not covered by this Section 156(c) Application or by any Order granting approval hereof. Specifically, Claims and Noticing Agent will perform the following tasks in its role as claims and noticing agent (the "Claims and Noticing Services"), as well as all quality control relating thereto:

- (a) Prepare and serve required notices and documents in the chapter 11 cases in accordance with the Bankruptcy Code and the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules") in the form and manner directed by the Debtors and/or the Court, including (i) notice of the commencement of the chapter 11 cases and the initial meeting of creditors under Bankruptcy Code § 341(a), (ii) notice of any claims bar date, (iii) notices of transfers of claims, (iv) notices of objections to claims and objections to transfers of claims, (v) notices of any hearings on a disclosure statement and confirmation of the Debtors' plan or plans of reorganization,

including under Bankruptcy Rule 3017(d), (vi) notice of the effective date of any plan and (vii) all other notices, orders, pleadings, publications and other documents as the Debtors or Court may deem necessary or appropriate for an orderly administration of the chapter 11 cases.

- (b) Maintain an official copy of the Debtors' schedules of assets and liabilities and statement of financial affairs (collectively, "Schedules"), listing the Debtors' known creditors and the amounts owed thereto;
- (c) Maintain (i) a list of all potential creditors, equity holders and other parties-in-interest; and (ii) a "core" mailing list consisting of all parties described in sections 2002(i), (j) and (k) and those parties that have filed a notice of appearance pursuant to Bankruptcy Rule 9010; update said lists and make said lists available upon request by a party-in-interest or the Clerk;
- (d) Furnish a notice to all potential creditors of the last date for the filing of proofs of claim and a form for the filing of a proof of claim, after such notice and form are approved by this Court, and notify said potential creditors of the existence, amount and classification of their respective claims as set forth in the Schedules, which may be effected by inclusion of such information (or the lack thereof, in cases where the Schedules indicate no debt due to the subject party) on a customized proof of claim form provided to potential creditors;
- (e) Maintain a post office box or address for the purpose of receiving claims and returned mail, and process all mail received;
- (f) For *all* notices, motions, orders or other pleadings or documents served, prepare and file or caused to be filed with the Clerk an affidavit or certificate of service within seven (7) business days of service which includes (i) either a copy of the notice served or the docket numbers(s) and title(s) of the pleading(s) served, (ii) a list of persons to whom it was mailed (in alphabetical order) with their addresses, (iii) the manner of service, and (iv) the date served;

- (g) Process all proofs of claim received, including those received by the Clerk's Office, and check said processing for accuracy, and maintain the original proofs of claim in a secure area;
- (h) Maintain the official claims register for each Debtor (the "Claims Registers") on behalf of the Clerk on a case specific website; upon the Clerk's request, provide the Clerk with certified, duplicate unofficial Claims Registers; and specify in the Claims Registers the following information for each claim docketed: (i) the claim number assigned, (ii) the date received, (iii) the name and address of the claimant and agent, if applicable, who filed the claim, (iv) the amount asserted, (v) the asserted classification(s) of the claim (*e.g.*, secured, unsecured, priority, *etc.*), (vi) the applicable Debtor, and (vii) any disposition of the claim;
- (i) Provide public access to the Claims Registers, including complete proofs of claim with attachments, if any, without charge;
- (j) Implement necessary security measures to ensure the completeness and integrity of the Claims Registers and the safekeeping of the original claims;
- (k) Record all transfers of claims and provide any notices of such transfers as required by Bankruptcy Rule 3001(e);
- (l) Relocate, by messenger or overnight delivery, all of the court-filed proofs of claim to the offices of Claims and Noticing Agent, not less than weekly;
- (m) Upon completion of the docketing process for all claims received to date for each case, turn over to the Clerk copies of the Claims Registers for the Clerk's review (upon the Clerk's request)
- (n) Monitor the Court's docket for all notices of appearance, address changes, and claims-related pleadings and orders filed and make necessary notations on and/or changes to the Claims Registers;
- (o) Assist in the dissemination of information to the public and respond to requests for administrative information regarding the case as directed by the Debtors or the Court, including through the use of a case website and/or call center.
- (p) If the case is converted to chapter 7, contact the Clerk's Office within three (3) days of the notice to

Claims and Noticing Agent of entry of the order converting the case;

- (q) Thirty (30) days prior to the close of these cases, to the extent practicable, request that the Debtors submit to the Court a proposed Order dismissing the Claims and Noticing Agent and terminating the services of such agent upon completion of its duties and responsibilities and upon the closing of these cases;
- (r) Within seven (7) days of notice to Claims and Noticing Agent of entry of an order closing the chapter 11 cases, provide to the Court the final version of the Claims Registers as of the date immediately before the close of the chapter 11 cases; and
- (s) At the close of these cases, box and transport all original documents, in proper format, as provided by the Clerk's Office, to (i) the Federal Archives Record Administration, located at **Central Plains Region, 200 Space Center Drive, Lee's Summit, MO 64064** or (ii) any other location requested by the Clerk's Office.

(6) Claims and Noticing Agent shall not employ any past or present employee of the Debtors for work that involves the Debtors' bankruptcy cases.

(7) The Debtors respectfully request that the undisputed fees and expenses incurred by Claims and Noticing Agent in the performance of the above services be treated as administrative expenses of the Debtors' chapter 11 estates pursuant to 28 U.S.C. § 156(c) and 11 U.S.C. § 503(b)(1)(A) and be paid in the ordinary course of business without further application to or order of the Court. Claims and Noticing Agent agrees to maintain records of all services showing dates, categories of services, fees charged and expenses incurred, and to serve monthly invoices on the Debtors, the office of the United States Trustee, counsel for the Debtors, counsel for any official committee, if any, monitoring the expenses of the Debtors and any party-in-interest

who specifically requests service of the monthly invoices. 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.

(8) Prior to the Petition Date, the Debtors provided Claims and Noticing Agent a retainer in the amount of \$_____. Claims and Noticing Agent seeks to first apply the retainer to all pre-petition invoices, and thereafter, to have the retainer replenished to the original retainer amount, and thereafter, to hold the retainer under the Engagement Agreement during the chapter 11 cases as security for the payment of fees and expenses incurred under the Engagement Agreement.

(9) In connection with its retention as claims and noticing agent, Claims and Noticing Agent represents in the Claims and Noticing Agent Affidavit, among other things, that:

- (a) Claims and Noticing Agent will not consider itself employed by the United States government and shall not seek any compensation from the United States government in its capacity as the claims and noticing agent in the Chapter 11 Cases;
- (b) By accepting employment in the Chapter 11 Cases, Claims and Noticing Agent waives any rights to receive compensation from the United States government in connection with the Debtors' chapter 11 cases;
- (c) In its capacity as the claims and noticing agent in the Chapter 11 Cases, Claims and Noticing Agent will not be an agent of the United States and will not act on behalf of the United States; and
- (d) It is a "disinterested person" as that term is defined in section 101(14) of the Bankruptcy Code with respect to the matters upon which it is to be engaged.

(10) To the extent that there is any inconsistency between this Application, the Retention Order and the Engagement Agreement, the Retention Order shall govern.

(11) This Section 156(c) Application complies with W. PA. LBR 1002-8 and conforms to the standard Section 156(c) Application in use in this Court. The Debtors have provided copies of this Section 156(c) Application to the Clerk of Court and to the United States Trustee [ADD ADDITIONAL NOTICE PARTIES AS APPROPRIATE] and submit that no further notice is necessary under the circumstances.

WHEREFORE, the Debtors request entry of an order, in the form annexed hereto as Exhibit C, authorizing [*name of claims and noticing agent*] to act as claims and noticing agent for the maintenance and processing of claims and the distribution of notices.

Dated: _____, 20__

Attorneys for Debtors or Debtors in Possession

By: _____

Name: _____

Address: _____

Telephone: _____

Explanation: New Forms 49 through 58 correspond with the requirements set forth in the Complex Chapter 11 Rules (New Rules 1002-2 through 1002-10).

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

	:	
Debtor	:	Case No. _____
	:	
	:	Chapter 11
Movant	:	
	:	
v.	:	
	:	
Respondent	:	
(If none then "No Respondent")	:	

**ORDER AUTHORIZING RETENTION AND APPOINTMENT
OF [name of claims and noticing agent] AS CLAIMS AND NOTICING
AGENT UNDER 28 U.S.C. § 156(c), 11 U.S.C. § 105(a), AND (local rule)
AND GRANTING RELATED RELIEF**

Upon the Section 156(c) Application (the "Application") of [*name of Debtors*], Debtors and Debtors in possession (the "Debtors"), for an order authorizing the retention and appointment of [*name of claims and noticing agent*] as Claims and Noticing Agent ("Claims and Noticing Agent"), under 28 U.S.C. §156(c), Section 105(a) of the Bankruptcy Code¹, and W. PA. LBR 1002-8 to, among other things, (i) distribute required notices to parties in interest, (ii) receive,

¹ Capitalized terms not otherwise defined herein shall have the meanings ascribed to such terms in the Application.

maintain, docket and otherwise administer the proofs of claim filed in the Debtors' chapter 11 cases, and (iii) provide such other administrative services – as required by the Debtors – that would fall within the purview of services to be provided by the Clerk's Office and upon the affidavit of _____ submitted in support of the Application; and the Debtors having estimated that there are in excess of [_____] creditors in these chapter 11 cases, many of which are expected to file proofs of claim, and it appearing that the receiving, docketing and maintaining of proofs of claim would be unduly time consuming and burdensome for the Clerk; and the Court being authorized under 28 U.S.C. §156(c) to utilize, at the Debtors' expense, outside agents and facilities to provide notices to parties in title 11 cases and to receive, docket, maintain, photocopy and transmit proofs of claim; and the Court being satisfied that Claims and Noticing Agent has the capability and experience to provide such services and that Claims and Noticing Agent does not hold an interest adverse to the Debtors or the estates respecting the matters upon which it is to be engaged; and good and sufficient notice of the Application having been given; and no other or further notice being required; and it appearing that the employment of Claims and Noticing Agent is in the best interests of the Debtors, the estates and creditors; and sufficient cause appearing therefore,

AND NOW this _____ *day of* _____ **20**____, it is hereby ***ORDERED, ADJUDGED,*** and ***DECREED*** that:

(1) Notwithstanding the terms of the Engagement Letter attached to the Application, the Application is approved solely as set forth in this Order.

(2) The Debtors are authorized to retain Claims and Noticing Agent effective

[date] under the terms of the Engagement Agreement, and Claims and Noticing Agent is authorized and directed to perform noticing services and to receive, maintain, record and otherwise administer the proofs of claim filed in these chapter 11 cases, and all related tasks, all as described in the Application (the “Claims and Noticing Services”).

(3) The Claims and Noticing Agent shall serve as the custodian of court records and shall be designated as the authorized repository for all proofs of claim filed in these chapter 11 cases and is authorized and directed to maintain official Claims Registers for each of the Debtors, to provide public access to every proof of claim unless otherwise ordered by the Court and to provide the Clerk with a certified duplicate thereof upon the request of the Clerk.

(4) The Claims and Noticing Agent is authorized and directed to obtain a post office box or address for the receipt of proofs of claim.

(5) The Claims and Noticing Agent is authorized to take such other action to comply with all duties set forth in the Application.

(6) The Debtors are authorized to compensate Claims and Noticing Agent in accordance with the terms of the Engagement Agreement upon the receipt of reasonably detailed invoices setting forth the services provided by Claims and Noticing Agent and the rates charged for each, and to reimburse Claims and Noticing Agent for all reasonable and necessary expenses it may incur, upon the presentation of appropriate documentation, without the need for Claims and Noticing Agent to file fee applications or otherwise seek Court approval for the compensation of its services and reimbursement of its expenses.

(7) The Claims and Noticing Agent shall maintain records of all services showing dates, categories of services, fees charged, and expenses incurred, and shall serve monthly

Invoices on the Debtors, the office of the United States Trustee, counsel for the Debtors, counsel for any official committee, if any, monitoring the expenses of the Debtors and any party-in-interest who specifically requests service of the monthly invoices.

(8) The parties shall meet and confer in an attempt to resolve any dispute which may arise relating to the Engagement Agreement or monthly invoices, and that the parties may seek resolution of the matter from the Court if resolution is not achieved.

(9) Pursuant to section 503(b)(1)(A) of the Bankruptcy Code, the fees and expenses of Claims and Noticing Agent under this Order shall be an administrative expense of the Debtors' estates.

(10) The Claims and Noticing Agent may apply its retainer to all pre-petition invoices, which retainer shall be replenished to the original retainer amount, and thereafter, Claims and Noticing Agent may hold its retainer under the Engagement Agreement during the chapter 11 cases as security for the payment of fees and expenses incurred under the Engagement Agreement.

(11) The Debtors shall indemnify Claims and Noticing Agent under the terms of the Engagement Agreement.

(12) All requests by Claims and Noticing Agent for the payment of indemnification as set forth in the [Application and/or Engagement Letter] shall be made by means of an application to the Court and shall be subject to review by the Court to ensure that payment of such indemnity conforms to the terms of the [Application and/or Engagement Letter] and is reasonable under the circumstances of the litigation or settlement in respect of which indemnity is

sought, provided however, that in no event shall Claims and Noticing Agent be indemnified in the case of its own bad-faith, self-dealing, breach of fiduciary duty (if any), gross negligence or willful misconduct.

(13) In the event that Claims and Noticing Agent seeks reimbursement from the Debtor[s] for attorneys' fees and expenses in connection with the payment of an indemnity claim pursuant to the [Application and/or Engagement Letter], the invoices and supporting time records for the attorneys' fees and expenses shall be included in Claims and Noticing Agent's own applications, both interim and final, but determined by this Court after notice and a hearing.

(14) In the event Claims and Noticing Agent is unable to provide the services set out in this order, Claims and Noticing Agent will immediately notify the Clerk and Debtors' attorney and cause to have all original proofs of claim and computer information turned over to another claims and noticing agent with the advice and consent of the Clerk and Debtors' attorney.

(15) The Debtors may submit a separate retention application, pursuant to 11 U.S.C. § 327, W.P.A. LBR 1002-9, and/or any applicable law, for work that is to be performed by Claims and Noticing Agent but is not specifically authorized by this Order.

(16) The Debtors and Claims and Noticing Agent are authorized to take all actions necessary to effectuate the relief granted pursuant to this Order in accordance with the Application.

(17) Notwithstanding any term in the Engagement Agreement to the contrary, the Court retains jurisdiction with respect to all matters arising from or related to the implementation of this Order.

(18) The Claims and Noticing Agent shall not cease providing claims processing services during the chapter 11 case(s) for any reason, including nonpayment, without an order of the Court.

(19) In the event of any inconsistency between the Engagement Agreement, the Application and the Order, the Order shall govern.

Date: _____, 20__

UNITED STATES BANKRUPTCY JUDGE

Explanation: New Forms 49 through 58 correspond with the requirements set forth in the Complex Chapter 11 Rules (New Rules 1002-2 through 1002-10).

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:	:	
	:	
Debtor	:	Case No. _____
	:	
	:	Chapter 11
	:	
Movant	:	
	:	
v.	:	
	:	
Respondent	:	
(If none then "No Respondent")	:	

**NOTICE OF PROPOSED ORDER AUTHORIZING DEBTORS TO
TERMINATE RETENTION OF CLAIMS AND NOTICING AGENT**

PLEASE TAKE NOTICE that upon the annexed application (the "Application"), Debtors and Debtors in Possession in the above-captioned chapter 11 cases (collectively, the "Debtors"), will present an order substantially in the form annexed to the Application as Exhibit A, to the Honorable Judge _____ on _____, 20__ at [*time*] at the United States Bankruptcy Court for the Western District of Pennsylvania, 5414 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219 [or other appropriate address], authorizing the Debtors to terminate the retention of [*name of claims and noticing agent*], the claims and noticing agent for these chapter 11 cases.

PLEASE TAKE FURTHER NOTICE that objections, if any, to the relief sought herein shall be made in writing, state with particularity the grounds therefor, filed with the Court (with courtesy copy to chambers) and served upon counsel to the Debtors at the address set forth below,

and [*name and address counsel for the Creditors' Committee*], counsel for the Creditors' Committee, in a manner calculated to be received no later than *time, day, date*. Unless objections are received by that time, the order may be entered.

Dated: _____

[*Name of Firm*]

By:

Explanation: New Forms 49 through 58 correspond with the requirements set forth in the Complex Chapter 11 Rules (New Rules 1002-2 through 1002-10).

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

Debtor : Case No. _____

:

: Chapter 11

Movant :

:

v. :

:

Respondent :

(If none then "No Respondent") :

:

:

ORDER TERMINATING SERVICES OF CLAIMS AND NOTICING AGENT

The above-referenced Debtor (the "Debtor") having filed a petition for relief under chapter 11 with this Court on [date]; the Debtor having obtained an Order of Retention on [date] to retain [Name of the Claims and Noticing Agent] to act as the claims and noticing agent by assuming full responsibility for noticing, processing of claims, preparation and maintenance of a claims register and providing custody of all proofs of claim; the Plan having been confirmed on [date], by order of this Court; the last date to file claims having occurred on [date]; the Debtor, in consultation with the Clerk of Court, having determined that the requirement for a claims and noticing agent no longer exists in these chapter 11 cases

AND NOW this ___ day of ___ 20___, it is hereby **ORDERED, ADJUDGED,** and **DECREED** that:

- (1) The services of [name of the claims and noticing agent] are terminated effective thirty days from the entry of this Order;

(2) *[name of the claims and noticing agent]* will prepare final claims registers for the Clerk's Office pursuant to any current guidelines for implementing 28 U.S.C. § 156(c);

(3) *[name of the claims and noticing agent]* will box and transport all claims to the Federal Archives, at the direction of the Clerk's Office; and

(4) The above services to be rendered by *[name of the claims and noticing agent]* shall be a charge to the estate.

Date: _____, 20__

UNITED STATES BANKRUPTCY JUDGE

Explanation: New Forms 49 through 58 correspond with the requirements set forth in the Complex Chapter 11 Rules (New Rules 1002-2 through 1002-10).

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:	:	
	:	
	:	Debtor(s)
	:	Case No. _____
	:	
	:	Chapter 11
Movant(s)	:	
	:	
	:	v.
	:	
Respondent(s)	:	
(If none then "No Respondent")	:	
	:	

**DEBTORS' APPLICATION PURSUANT TO 11 U.S.C. § 327(a) AND
FED. R. BANKR. P. 2014 FOR ENTRY OF AN ORDER AUTHORIZING THE
EMPLOYMENT AND RETENTION OF _____, ___ AS
ADMINISTRATIVE AGENT, *NUNC PRO TUNC* TO THE RELIEF DATE**

_____ (“_____”)

and its debtor affiliates, as debtors and debtors in possession (collectively, the “*Debtors*”), respectfully file this application (the “*Section 327 Application*”), for the entry of an order substantially in the form attached hereto as **Exhibit A** (the “*Order*”), authorizing the employment and retention of _____. (“Administrative Agent”), as *Administrative Agent nunc pro tunc* to the Relief Date (as defined below). In support of the Section 327 Application, the Debtors submit the declaration of _____, _____(title) (the “_____ *Declaration*”) attached hereto as **Exhibit B**. A true and correct copy of the

retention agreement between the *Administrative Agent* and the Debtors (the “*Retention Agreement*”) is attached hereto as Exhibit 1 to Exhibit A. In further support of this Section 327 Application, the Debtors respectfully state as follows:

Background

(1) On the _____, (the “*Relief Date*”), the Debtors filed for relief commencing chapter 11 cases for each of the Debtors. The Debtors are authorized to operate their business and manage their properties as debtors in possession pursuant to sections 1107(a) and 1108 of title 11 of the United States Code (the “*Bankruptcy Code*”).²

Jurisdiction

(2) The Court has subject matter jurisdiction to consider and determine this matter pursuant to 28 U.S.C. § 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b). Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

² Information regarding the Debtors’ business and the background of these chapter 11 cases can be found in the Declaration of _____ Pursuant to Standing Order dated ____ or W.PA LBR _____ of the Local Bankruptcy Rules for the Western District of Pennsylvania in Support of First-Day Pleadings (the “*First Day Declaration*”) filed on the Relief Date.

Relief Requested

(3) Pursuant to Bankruptcy Code sections 327(a), 328(a), 330 and 331, Rules 2014 and 2016 of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”), and W. PA. LBR 1002-9 (the “**Local Bankruptcy Rules**”), the Debtors file this Section 327 Application.

(4) Prior to filing this Section 327 Application, the Debtors filed an application under 28 U.S.C. § 156(c) for authorization to retain the *Administrative Agent* to serve as the notice and claims agent in these cases (the “**Section 156(c) Application**”). The Court approved the Section 156(c) Application on _____ [Docket No. ____] (the “**Section 156(c) Order**”).

(5) In accordance with 28 U.S.C. § 156(c), the Section 156(c) Order was limited to authorizing the *Administrative Agent* to perform only notice and claim-related functions. However, given that the administration of these cases will require the *Administrative Agent* to perform duties beyond the distribution of notices and the processing of claims, and therefore perform duties beyond the scope authorized by 28 U.S.C. § 156(c) and the Section 156(c) Order, the Debtors have filed this Section 327 Application as a supplement to the Section 156(c) Application. For the avoidance of doubt, the *Administrative Agent* is not seeking any additional compensation pursuant to this Section 327 Application.

(6) 11 U.S.C. § 327(a) provides that a debtor, subject to the court approval may employ one or more attorneys, accountants, appraisers, auctioneers, or other professional persons, that do not hold or represent interest adverse to the estate, and that are disinterested persons, to represent or assist the [debtor] in carrying out the [debtor]’s duties under this title.

(7) Bankruptcy Rule 2014(a) requires that an application for retention include: [S]pecific facts showing the necessity for the employment, the name of the [firm] to be employed,

the reasons for the selection, the professional services to be rendered, any proposed arrangement for compensation, and, to the best of the applicant's knowledge, all of the [firm's] connections with the debtor, creditors, any other party in interest, their respective attorneys and accountants, the United States trustee, or any person employed in the office of the United States trustee.

FED. R. BANKR. P. 2014.

(8) In particular, the Debtors seek to retain the *Administrative Agent* to provide, among other things, the following bankruptcy administrative services, if and to the extent requested:

- (a) Create and maintain a publicly-accessible case administration website, _____ containing information about the Debtors, these cases, and their restructuring, including but not limited to the posting of a claim register, key pleadings, scheduled hearings, and press releases;
- (b) Host a toll-free telephone hotline, (800) xxx-xxxx, that provides information regarding the cases;
- (c) To the extent necessary, assist with the preparation and filing of the Debtors' schedules of assets and liabilities and statement of financial affairs;
- (d) Respond to creditor inquiries via telephone, letter, e-mail or facsimile, as appropriate; Generate and provide claim reports and claim objection exhibits, as requested by the Debtors and their professionals;
- (e) Manage the preparation, compilation, and mailing of documents to creditors and other parties in interest in connection with the solicitation of a chapter 11 plan (a "*Plan*");
- (f) Manage the publication of legal notices, as requested;
- (g) Collect and tabulate votes in connection with any Plan filed by the Debtors and provide ballot reports to the Debtors and their professionals;

- (h) Generate an official ballot certification and testify, if necessary, in support of the ballot tabulation results; and
- (i) Manage any distributions made pursuant to a confirmed Plan.

Retention of Administrative Agent

(9) Although the Debtors have not yet filed their schedules of assets and liabilities, the Debtors anticipate that there will be in excess of _____ entities to be noticed. In view of the number of anticipated claimants and the complexity of the Debtors' business, the Debtors submit that the appointment of an *Administrative Agent* is both necessary and in the best interests of both the Debtors' estates and their creditors.

(10) The *Administrative Agent* has provided administrative services in numerous cases of comparable size and complexity, including several cases which are currently pending in the United States Bankruptcy Court for the Western District of Pennsylvania. *See, e.g.*, (List cases). The *Administrative Agent's* expertise allows it to provide such services with effectiveness and efficiency.

(11) The Debtors submit that the *Administrative Agent* will provide the most cost-effective and efficient administrative service for these cases. The Debtors chose the *Administrative Agent* based on its experience, reputation and the competitiveness of its fees. Accordingly, the Debtors believe that the *Administrative Agent* is well-qualified to serve in the capacity of administrative agent, and that the *Administrative Agent's* retention in such capacity is in the best interests of the Debtors' estates and their creditors.

(12) By appointing _____ as the *Administrative Agent* in these cases, the administration of these cases will be expedited, so the Debtors and the Debtors'

professionals will be relieved of handling certain administrative burdens necessary for the successful prosecution of the cases.

Compensation

(13) The *Administrative Agent* intends to apply to the Court for allowances of compensation and reimbursement of out-of-pocket expenses incurred after the Relief Date in connection with these cases, subject to Court approval and in accordance with the applicable provisions of the Bankruptcy Code, the Bankruptcy Rules, the Local Rules, the guidelines established by the United States Trustee for the Western District of Pennsylvania (the “*U.S. Trustee*”) and further orders of this Court.

(14) The *Administrative Agent* has informed the Debtors that, subject to Court approval, it will bill at its standard hourly rates, which currently are \$_____ - \$_____ for senior management, \$_____ - \$_____ for project managers, and \$_____ - \$_____ for administrative and clerical staff.

(15) The Debtors believe that these rates are consistent with market rates for comparable services. These hourly rates are subject to periodic adjustments (typically in January of each year) to reflect economic and other conditions. The *Administrative Agent* will maintain detailed records of actual and necessary costs and expenses incurred in connection with the legal services described above.

(16) The *Administrative Agent* has received an initial retainer of \$_____ from the Debtors for its services under this Section 327 Application and the Section 156(c) Application, and will apply any unused portion of that retainer first against all pre-Relief Date fees

and expenses and then against the first application for fees and expenses that _____ will submit in these cases.

Disinterestedness

(17) To the best of the Debtors' knowledge, except as disclosed in the _____ Declaration, _____ (i) does not have any adverse connection with the Debtors, the Debtors' creditors or any other party in interest or its respective attorneys and accountants, or the United States Trustee; and (ii) does not hold or represent an interest adverse to the Debtors' estate.

(18) Based on the _____ Declaration and to the best of the Debtors' knowledge, other than in connection with these cases, neither _____ nor any employee thereof has any connection with the Debtors, their creditors, the United States Trustee or any other party in interest herein; it is a "disinterested person," as that term is defined in Bankruptcy Code section 101(14); and it does not hold or represent any interest adverse to the Debtors' estate, except as set forth herein and in the _____ Declaration.

(19) Prior to the Relief Date, the *Administrative Agent* performed certain professional services for the Debtors in accordance with the Retention Agreement. Except as set forth in Paragraph 16 above, the Debtors do not owe _____ any amount for services performed or expenses incurred prior to the Relief Date.

(20) To the extent there is any inconsistency between this Section 327 Application, the Retention Agreement, and the Order approving the Section 327 Application, the Order shall control. The *Administrative Agent* will conduct an ongoing review of its files to ensure

that no conflict or other disqualifying circumstances exist or arise. If any new facts or relations are discovered, the *Administrative Agent* will supplement its disclosure to the Court.

Notice

(21) No trustee, examiner or creditors' committee has been appointed in these chapter 11 cases. The Debtors have provided notice of this Motion to: (a) the Office of the United States Trustee for the Western District of Pennsylvania; (b) the entities listed on the Consolidated List of Creditors Holding the 30 Largest Unsecured Claims filed pursuant to Bankruptcy Rule 1007(d); (c) _____, counsel to the agent under the Debtors' prepetition secured term loan; (d) _____, counsel to _____ and _____; (e) _____, counsel to _____ and _____; (f) the Internal Revenue Service; (g) the Securities and Exchange Commission; and (h) the Federal Communications Commission. A copy of this Motion is also available on _____'s website, at (_____). In light of the nature of the relief requested, the Debtors respectfully submit that no further notice is necessary.

WHEREFORE, the Debtors request entry of an order, in the form annexed hereto, (i) authorizing _____ to act as administrative agent as requested herein; and (ii) granting the Debtors such other and further relief as is just, proper and equitable.

Dated: _____

(Counsel for the Debtor)

Explanation: New Forms 49 through 58 correspond with the requirements set forth in the Complex Chapter 11 Rules (New Rules 1002-2 through 1002-10).

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:	:	
	:	
Debtor(s)	:	Case No. _____
	:	
	:	Chapter 11
Movant(s)	:	
	:	
v.	:	
	:	
Respondent(s)	:	
(If none then "No Respondent")	:	
	:	

DECLARATION OF _____ IN SUPPORT OF DEBTORS' APPLICATION PURSUANT TO 11 U.S.C. § 327(a) AND FED. R. BANKR. P. 2014 FOR AN ORDER AUTHORIZING THE EMPLOYMENT AND RETENTION OF _____ AS ADMINISTRATIVE AGENT, NUNC PRO TUNC TO THE RELIEF DATE

I, _____, being duly sworn, depose and state:

(1) I am a _____ (title) of _____, ("_____"), and I am authorized to make and submit this declaration on behalf of _____. This declaration is submitted in support of the application (the "*Section 327 Application*") of _____ ("_____") and its debtor affiliates, as debtors and debtors in possession (collectively, the "*Debtors*"), pursuant to sections 327(a), 328(a), 330, and 331 of title 11 of the United States Code (the "*Bankruptcy Code*"), Rules 2014 and 2016 of the Federal Rules of Bankruptcy Procedure (the "*Bankruptcy Rules*") and W.

PA. LBR 1002-9 (the “*Local Bankruptcy Rules*”) for authorization to retain _____ as the official administrative agent (“*Administrative Agent*”) for the above-captioned chapter 11 cases (the “*Cases*”). The statements contained herein are based upon personal knowledge.

(2) On _____ (the “_____”), chapter 11 petitions (the “_____”) were _____ (collectively, the “*Petitioning Creditors*”).²

(3) On _____ (the “*Relief Date*”), was entered _____.

(4) Prior to filing this Section 327 Application, the Debtors filed an application under 28 U.S.C. § 156(c) for authorization to retain the *Administrative Agent* to serve as the notice and claims agent in these Cases (the “*Section 156(c) Application*”). The Court approved the Section 156(c) Application on _____ [Docket No. ____].

(5) The *Administrative Agent* is one of the country’s leading chapter 11 administrators and is well-qualified to provide experienced administrative services in connection with these Cases. The *Administrative Agent* is or was retained in this jurisdiction to provide administrative assistance in a number of large cases. *See, e.g.*, (List cases).

(6) The Debtors selected _____ to serve as the *Administrative Agent* for the Debtors’ estates, as set forth in more detail in the Section 327 Application filed contemporaneously herewith. To the best of my knowledge, neither the *Administrative Agent*, nor any of its professional personnel, have any relationship with the Debtors that would impair *the Administrative Agent’s* ability to serve as *Administrative Agent*. The *Administrative Agent* does have connections to some of the Debtors’ creditors in matters completely unrelated to these Cases, either

as vendors or in cases where the *Administrative Agent* serves in a neutral capacity as a class action settlement claims administrator or bankruptcy administrator. The *Administrative Agent's* assistance in the cases where the *Administrative Agent* acts as a class action settlement claims administrator has been primarily related to the design and dissemination of legal notice and other administrative functions in class actions.

(7) The *Administrative Agent* has working relationships with certain of the professionals retained by the Debtors and other parties in interest, but such relationships are completely unrelated to the Debtors and these Cases. The *Administrative Agent* has and will continue to represent clients in matters unrelated to the Debtors and these Cases and has had and will continue to have relationships in the ordinary course of its business with certain vendors and professionals in connection with matters unrelated to these Cases.

(8) _____ is a “disinterested person,” as that term is defined in section 101(14) of the Bankruptcy Code, in that except as set forth in Paragraph 10, below, the *Administrative Agent* and its professional personnel:

- (a) are not creditors, equity security holders or insiders of the Debtors;
- (b) are not and were not, within two years before the date of the filing of these Cases, directors, officers or employees of the Debtors; and
- (c) do not have an interest materially adverse to the interests of the Debtors' estate or any class of creditors or equity security holders, by reason of any direct or indirect relationship to, connection with, or interest in, the Debtors.

(9) The *Administrative Agent* has not been retained to assist any entity or person other than the Debtors on matters relating to, or in connection with, these Cases. If the

Administrative Agent's proposed retention is approved by this Court, the *Administrative Agent* will not accept any engagement or perform any service for any entity or person other than the Debtors in these Cases unless expressly authorized by the Debtors and their professionals. The *Administrative Agent* may, however, provide professional services to entities or persons that are creditors or parties in interest in these Cases, which services do not relate to, or have any direct connection with, these Cases or the Debtors.

(10) The *Administrative Agent* has received a \$ _____ retainer from the Debtors for its services under this Section 327 Application and the Section 156(c) Application, and will apply any unused portion of that retainer against all pre-Relief Date fees and expenses and then against the first application for fees and expenses that the *Administrative Agent* will submit in these Cases.

(11) Subject to the Court's approval, the Debtors have agreed to compensate the *Administrative Agent* for professional services rendered in these Cases outside the scope of section 156(c) of title 28 of the United States Code pursuant to the applicable provisions of the Bankruptcy Code, the Bankruptcy Rules, the Local Rules, (General Order if one), the guidelines established by the United States Trustee for the Western District of Pennsylvania, and further orders of this Court.

(12) In connection with the Section 156(c) Application, I submitted a copy of the list of those parties searched in _____'s conflict database (the "*Searched Parties*"). I refer the Court to my _____ declaration in support of the Section 156(c) Application for a list of the Searched Parties and reaffirm my representation that none of the Searched Parties appeared in _____'s conflict database.

|s| _____

Explanation: New Forms 49 through 58 correspond with the requirements set forth in the Complex Chapter 11 Rules (New Rules 1002-2 through 1002-10).

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:	:	
	:	
Debtor(s)	:	Case No. _____
	:	
	:	Chapter 11
Movant(s)	:	
	:	
v.	:	
	:	
Respondent(s)	:	
(If none then "No Respondent")	:	
	:	

**ORDER PURSUANT TO 11 U.S.C. § 327(a) AND FED. R. BANKR. P. 2014
AUTHORIZING THE EMPLOYMENT AND RETENTION OF _____
AS ADMINISTRATIVE AGENT, *NUNC PRO TUNC* TO THE RELIEF DATE**

Upon consideration of the Section 327 Application (the "*Section 327 Application*") (All capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the Section 327 Application) of _____ ("*_____*") and its debtor subsidiaries as debtors and debtors in possession (collectively, the "*Debtors*") seeking entry of an order pursuant to sections 327(a), 328(a), 330, and 331 of title 11 of the United States Code (the "*Bankruptcy Code*") and Rules 2014 and 2016 of the Federal Rules of Bankruptcy Procedure (the "*Bankruptcy Rules*") and W. PA. LBR 1002-9 (the "*Local Bankruptcy Rules*") authorizing the retention of _____, Inc. ("*_____*") as administrative agent in the Debtors' chapter 11 cases on the terms and conditions set forth in the agreement between the

Debtors and _____ (the “*Retention Agreement*”), attached hereto as **Exhibit 1** and all as described more fully in the Section 327 Application; and upon the Declaration of _____, _____’s _____ (title), submitted in support of the Section 327 Application (the “_____ *Declaration*”); and the Debtors having estimated that the size and complexity of these cases warrants the retention of an agent to assist with certain administrative duties; and the Court being satisfied that _____ has the capability and experience to provide such services and that _____ does not hold an interest adverse to the Debtors or their estates respecting the matters upon which it is to be engaged; and it appearing that the Court has jurisdiction to consider the Section 327 Application and the relief requested therein in accordance with 28 U.S.C. § 1334; and it appearing that this matter is core pursuant to 28 U.S.C. § 157(b)(2)(A), (B) and (O); and it appearing that venue is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409; and it appearing that _____ is disinterested and eligible for retention pursuant to Bankruptcy Code sections 101(14) and 327(a) and that the terms of the Retention Agreement are reasonable and appropriate; and good and sufficient notice of the Section 327 Application having been given and no other or further notice being required; and it appearing that the employment of _____ is in the best interests of the Debtors, their estates, their creditors, and all parties in interest; and after due deliberation and sufficient cause appearing therefore

AND NOW, this ____ *day of* ____ **20** __, it is hereby **ORDERED, ADJUDGED AND DECREED** that:

- (1) The Section 327 Application is granted to the extent set forth herein.
- (2) The Debtors are authorized to employ and retain _____ as their *Administrative Agent* on the terms and conditions set forth in the Retention Agreement.

(3) _____ is authorized to provide the administrative services

warranted in these cases, including:

- (a) Creating and maintaining a publicly-accessible case administration website, _____ containing information about the Debtors, these cases, and their restructuring, including but not limited to the posting of a claim register, key pleadings, scheduled hearings, and press releases;
- (b) Hosting a toll-free telephone hotline, (800) xxx-xxxx, that provides information regarding these cases;
- (c) To the extent necessary, assisting with the preparation and filing of the Debtors' Schedules of Assets and Liabilities and the Statement of Financial Affairs;
- (d) Responding to creditor inquiries via telephone, letter, e-mail or facsimile, as appropriate;
- (e) Generating and providing claim reports and claim objection exhibits, as requested by the Debtors and their professionals;
- (f) Managing the preparation, compilation, and mailing of documents to creditors and other parties in interest in connection with the solicitation of a chapter 11 plan (a "*Plan*");
- (g) Managing the publication of legal notices, as requested;
- (h) Collecting and tabulating votes in connection with any and all Plans filed by the Debtors and providing ballot reports to the Debtors and their professionals;
- (i) Generating an official ballot certification and testifying, if necessary, in support of the ballot tabulation results; and
- (j) Managing any distribution pursuant to a confirmed Plan.

(4) _____ is authorized to take such other action to comply with

all duties set forth in the Section 327 Application.

(5) Notwithstanding anything to the contrary in the Retention Agreement, the

retainer shall not be replenished after the Relief Date.

(6) _____ shall apply to the Court for allowances of compensation and reimbursement of out-of-pocket expenses incurred in these cases after the Relief Date in accordance with the applicable provisions of the Bankruptcy Code, the Bankruptcy Rules, the Local Rules, (General Order in One), the guidelines established by the United States Trustee for the Western District of Pennsylvania and further orders of this Court. _____ will apply any unused portion of the retainer received from the Debtors first against all pre-Relief Date fees and expenses and then against the first application for fees and expenses that _____ will submit in these cases. If _____'s fees increase from the fees of the Retention Agreement, _____ shall file an affidavit with the Court describing such increases.

(7) In the event of an inconsistency between the Section 327 Application, Retention Agreement, and this Order, this Order shall govern.

(8) Notwithstanding any provision in this Order to the contrary, any payment authorized to be made, or any other authorization contained hereunder, shall be and hereby is subject in all respects to the terms and provisions of any and all orders of this Court authorizing the Debtors' use of cash collateral, including, without limitation, any budget(s) approved by the Court in connection therewith.

(9) This Court shall retain jurisdiction with respect to any matters, claims, rights or disputes arising from or related to the implementation of this Order.

Date: _____, 20__

UNITED STATES BANKRUPTCY JUDGE

Explanation: New Forms 49 through 58 correspond with the requirements set forth in the Complex Chapter 11 Rules (New Rules 1002-2 through 1002-10).

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:	:	
	:	
Debtor(s)	:	Case No. _____
	:	
	:	Chapter 11
Movant(s)	:	
	:	
v.	:	
	:	
Respondent(s)	:	
(If none then "No Respondent")	:	
	:	

**ORDER ESTABLISHING CERTAIN NOTICE,
CASE MANAGEMENT, AND ADMINISTRATIVE
PROCEDURES AS WELL AS GRANTING RELATED RELIEF**

On [DATE] ("*Petition Date*"), the above-captioned Debtor(s) and Debtor(s) in possession (collectively, the "*Debtor(s)*"), each filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code ("*Bankruptcy Code*") in the United States Bankruptcy Court for the Western District of Pennsylvania. The Debtor(s) (is/are) operating (its/their) business(es) and managing their properties as Debtor(s) in Possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code.

Upon the motion ("*Motion*") of the above-captioned Debtor(s) and Debtor(s) in Possession (collectively, the "*Debtor(s)*") for the entry of an order ("*Order*") approving and implementing the following case management procedures ("*Case Management Procedures*");

and upon the first day declaration filed in the above-captioned matter; and this Court having jurisdiction over this matter pursuant to 28 U.S.C. §§ 157(a)-(b) and 1334(b); and this Court having found that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2) and that this Court may enter a final order on the Motion consistent with Article III of the United States Constitution; and this Court having found that venue of these cases and the Motion in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and this Court having found that the Debtor(s) provided appropriate notice of the Motion and the opportunity for a hearing under the circumstances; and in accordance with W. PA. LBR 1002-6 ; and this Court having found that the relief granted herein is in the best interests of the Debtor(s)'(s) estate(s), [its/their] creditors, and other parties in interest and that the legal and factual bases set forth in the Motion; and upon all of the proceedings had before this Court; and after due deliberation and sufficient cause appearing,

AND NOW this ____ *day of* ____ *20* ____, it is hereby ***ORDERED, ADJUDGED,*** and ***DECREED*** that:

(1) The Motion is ***GRANTED*** as set forth herein.

(2) The following Case Management Procedures are ***APPROVED*** and shall govern all applicable aspects of this/these chapter 11 case(s), except as otherwise ordered by this Court. ***Notwithstanding the entry of this Order, all parties in interest must comply with the Chambers Procedures set forth on the Court's website.***

(3) The Debtor(s)'(s) proposed notice and claims agent, [CLAIMS AGENT], is authorized to establish the case website, available at [WEBSITE], where, among other things, electronic copies of all Court Filings (as defined in the Case Management Procedures) will be posted and viewable free of charge.

(4) The Debtor(s) (is/are) authorized to take all actions necessary to effectuate the relief granted in this Order in accordance with the Motion.

(5) This Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation of this Order.

CASE MANAGEMENT PROCEDURES

Hearing Procedures

(6) *All Matters To Be Heard at Omnibus Hearings.* The Court shall schedule periodic omnibus hearings (the “*Omnibus Hearings*”) to consider all notices, motions, applications, and other requests for relief, briefs, memoranda, affidavits, declarations, replies, and other documents filed in support of such papers seeking relief (collectively, the “*Requests for Relief*”), and all objections and responses to such Requests for Relief (collectively, the “*Objections*,” and together with the Requests for Relief and all other filed documents, the “*Court Filings*”) pursuant to the following procedures:

(7) *Initial Omnibus Hearings.* The first four Omnibus Hearings are scheduled as follows:

- [DATE/TIME];
- [DATE/TIME];
- [DATE/TIME];
- [DATE/TIME];

(8) *Subsequent Omnibus Hearings.* At or before the Omnibus Hearing held on [DATE] the Debtor(s) shall request that the Court schedule additional Omnibus Hearings. The Court shall schedule such Omnibus Hearings and, upon scheduling, [CLAIMS AGENT] shall post the dates of the additional Omnibus Hearings on the Case Website. Parties may contact [CLAIMS AGENT] for information concerning all scheduled Omnibus Hearings.

(9) **Claims Agent Contact Information.** Parties can contact [CLAIMS AGENT] at [CLAIMS AGENT CONTACT INFORMATION] for all matters related to these Case Management Procedures.

(10) **Preliminary Omnibus Hearing Agenda and Hearing Binder.** At least 7 days prior to each scheduled hearing date, counsel for the Debtor(s) shall prepare and hand deliver a draft agenda (the “***Preliminary Agenda***”) and a draft hearing binder (the “***Preliminary Hearing Binder***”) to Chambers. The Preliminary Agenda and the Preliminary Hearing Binder shall be subject to amendment throughout and including the Final Agenda Deadline (as defined below).

(11) **Final Omnibus Hearing Agenda and Binder.** On or before 3:00 p.m. (prevailing Eastern time) two business days before each Omnibus Hearing (the “***Final Agenda Deadline***”) the Debtor(s)’(s) counsel shall file a final agenda with regard to the matters scheduled to be heard at such Omnibus Hearing (the “***Final Hearing Agenda***”). The Final Hearing Agenda may include notice of matters that have been consensually adjourned to a later Omnibus Hearing in lieu of parties filing a separate notice of adjournment; provided that for all matters adjourned to a later Omnibus Hearing or some other future date, the Debtor(s) also will electronically file (but need not serve) a notice of adjournment with respect to such matters. Contemporaneous with its electronic filing, the Debtor(s) shall hand deliver to Chambers a hard copy of the Final Hearing Agenda, together with copies of those documents that were not included in the Preliminary Hearing Binder (appropriately tabbed and marked to indicate the agenda item to which each document refers (the “***Final Hearing Binder***”).

(12) **Content of Proposed Hearing Agenda.** The Final Hearing Agenda will include, to the extent known by Debtor(s)'(s) counsel: (a) the docket number and title of each matter scheduled to be heard at such Omnibus Hearing, including the initial filing and any objections, replies, or documents related thereto; (b) whether the matters are contested or uncontested; (c) whether the matters have settled or are proposed to be continued; (d) a suggestion for the order in which the matters should be addressed; and (e) any other comments that will assist the Court.

(13) **Content of the Hearing Binders.** The Preliminary Hearing Binder and the Final Hearing Binder (together, the “*Binders*”) shall include all substantive documents relevant to each agenda item scheduled to be heard at the Omnibus Hearing. The first document in the Binder shall be the agenda. If a matter is listed in the agenda, the corresponding documents must be included in the Binder in separately-tabbed sections that track the order of the respective agenda. The Binders shall not include any: (i) Notice of Hearing; (ii) certificates of service (unless adequacy of service is an issue to be addressed by the Court); or (iii) any pleadings which relate to matters which are continued or adjourned by consent of the parties, withdrawn, or otherwise not scheduled to be heard at the Omnibus Hearing. Binders shall have a ring diameter of no greater than three (3) inches and must be loosely filled with 8.5 x 11 paper sheets. An additional binder shall be used whenever the volume of documents in a Binder exceeds 450 sheets for a 3” round-ring binder or 600 sheets for a 3” D-ring binder. Oversized sheets should be reduced to 8.5 x 11 provided that the clarity of the document is not affected. Aside from the agendas and proposed orders, all pages should be double-sided. The cover and spine of each Binder shall include the following information: (1) title of the Binder; (2) the case name and number; (3) the hearing date and time; and (4) the applicable number sequence if more than one Binder is produced. All

proposed orders within the Binders shall be conspicuously tabbed in a manner that distinguishes the location of the orders within each section of the agenda. Each proposed order shall be one-side, paginated, and shall not contain the CM/ECF header. The caption of the proposed order shall also include a reference to the corresponding agenda number to which it pertains.

(14) **Bridge Orders Not Required in Certain Circumstances.** When a motion to extend time to take any action is filed before the expiration of the period prescribed by the United States Bankruptcy Code (“**Bankruptcy Code**”), Federal Rules of Bankruptcy Procedure (“**Bankruptcy Rules**”), Local Bankruptcy Rules of this Court (“**Local Bankruptcy Rules**”), or order of the Court, the time shall be automatically extended until the Court acts on the motion, as long as the movant files the motion with a return date that is no later than 17 days after the filing of such motion.

(15) **Evidentiary Hearings.** With respect to any Court Filing, if Objections are filed, the Omnibus Hearing shall not be deemed an evidentiary hearing at which witnesses may testify, unless the Proposed Hearing Agenda provides otherwise after consultation with the Court’s Courtroom Deputy. Additionally, any Court Filing requesting or requiring the Court to make a factual finding must be supported by competent evidence (*e.g.*, declarations, affidavits, and exhibits).

(16) **Telephonic Appearances.** Attorneys who have entered an appearance in the case may participate telephonically at non-evidentiary hearings. Counsel for any party desiring to participate in a hearing telephonically must request permission from chambers at least two business days before the applicable hearing. Unless the Court orders otherwise, once a party obtains authorization from the Court to participate telephonically on a

particular agenda item, it need not obtain additional authorization to appear telephonically in any continued hearing involving the same agenda item. If chambers permits telephonic participation, the party participating telephonically must arrange such participation with CourtCall (or similarly authorized vendor), adhering to the procedures for telephonic participation applicable in the Court. Those parties participating by phone may not record or broadcast (including using speakerphones) the proceedings conducted by the Court. Unless the Court orders otherwise, telephonic participation will not be available (in any form) to non-attorneys, including *pro se* parties, members of the public, members of the press, and attorneys who have not entered an appearance in the case. Individuals who are ineligible for telephonic participation are reminded that all hearings remain open to members of the public who may attend in person in the courtroom.

(17) **Listen-Only Lines.** Unless the Court orders otherwise, only attorneys who have entered an appearance in the case may attend hearings through a listen-only line by making arrangements with CourtCall (or similarly authorized vendor) in advance. Any counsel who has entered an appearance wishing to use a listen-only line need not seek permission from the Debtor(s) or the Court.

(18) **Matters that May Be Heard at Non-Omnibus Hearings.** Subject to consultation with the Court's chambers, hearings in connection with applications for professional compensation and reimbursement, pre-trial conferences, asset sales and trials related to adversary proceedings, approval of a disclosure statement, confirmation of a plan, and any other Court Filing filed by the Debtor(s) and not heard may be scheduled for dates other than the Omnibus Hearing dates; provided that nonemergency hearings in connection therewith may be scheduled on a non-Omnibus Hearing date; provided that initial pre-trial conferences scheduled in connection with adversary proceedings involving the Debtor(s) shall be set on the next available Omnibus Hearing

date that is at least 45 days after the filing of the complaint; and provided further, that hearings on all other Requests for Relief, except for those Requests for Relief specifically referenced in this paragraph or requiring emergency relief, filed by any party must be scheduled for an Omnibus Hearing.

- ***Filing and Service Procedures***

(19) **Court Filings.** All Court Filings filed in these chapter 11 cases shall be filed electronically with the Court on the docket of [CASE INFORMATION], by registered users of the Court’s electronic case filing system (the “***Electronic Filing System***”) in searchable portable document format (“***PDF***”), Microsoft Word, or any other Windows-based word processing format.

- ***The Service List***

(20) **Parties Entitled to Service.** All Court Filings (other than proofs of claim) shall be served on the following list of parties (the “***Service List***”), according to the following notice procedures.

(a) ***Master Service List.*** [CLAIMS AGENT] shall maintain a master service list (the “***Master Service List***”). The Master Service List shall be made available by (i) accessing the Case Website, (ii) contacting [CLAIMS AGENT] directly, or (iii) contacting the Debtor(s)’(s) counsel directly. The Master Service List shall include the following parties:

- (i) the United States Trustee for Region 3;
- (ii) the Debtor(s) and their counsel;
- (iii) the official committee of unsecured creditors appointed in these chapter 11 cases (the “***Committee***”) and its counsel;

(iv) [INSERT ANY ADDITIONAL NOTICE PARTIES];

(v) any other federal, state, or local governmental agencies to the extent required by the Bankruptcy Code, the Bankruptcy Rules, the Local Bankruptcy Rules, or order of the Court; and

(vi) the Internal Revenue Service.

(b) **2002 List.** [CLAIMS AGENT] shall maintain a list of all parties that have filed a request to receive service of Court Filings pursuant to Bankruptcy Rule 2002 (the “2002 List”).

(i) ***Filing Requests for Documents Requires Email Address.*** A request for service of Court Filings pursuant to Bankruptcy Rule 2002 (each, a “***2002 Notice Request***”) filed with the Court shall be deemed proper only if it includes the following information with respect to the party filing such request: (A) name; (B) street address; (C) name of client(s), if applicable; (D) telephone number; (E) facsimile number; and (F) email address.

(ii) ***Certification Opting Out of Email Service.*** Any party filing a 2002 Notice Request who does not maintain (and cannot practicably obtain) an email address and thereafter cannot receive service by email must include in the 2002 Notice Request a certification to that effect (each, a “***Certification***”). A Certification shall include a statement certifying that the party (A) does not maintain an email address and (B) cannot practicably obtain an email address at which the party could receive service. Such party will thereafter receive paper service in accordance with the Case Management Procedures.

(iii) ***Email Address Required.*** If a 2002 Notice Request fails to include an email address or a Certification, the Debtor(s) shall forward a copy of the Case Management

Procedures to such party within five business days requesting an email address. If no email address or Certification is provided in response to such request, such party shall not be added to the 2002 List or served with copies of Court Filings unless such party is an Affected Entity (defined below).

(iv) ***Changes in Information.*** Each party submitting a 2002 Notice Request is responsible for filing with the Court an updated 2002 Notice Request as necessary to reflect changes to any notice information and must serve a copy of such updated 2002 Notice Request upon the Debtor(s).

(c) ***Affected Entities.*** All entities with a particularized interest in the subject matter of a specific Court Filing, including the entity filing the Request for Relief, is an “***Affected Entity***” and entitled to be served with all Court Filings relating to that interest.

(21) **Maintenance of the Service List.** At least every 15 days during the first 60 days of these chapter 11 cases, and at least every 30 days thereafter, [CLAIMS AGENT] shall update the Service List by making any additions and deletions and post the updated Service List on the Case Website.

- ***Filing and Service of Court Filings Generally***

(22) **Electronic Filing and Service.** All Court Filings shall be filed electronically with the Court, using the Court’s Electronic Filing System and served via email, other than service of a summons and complaint in an adversary proceeding or documents filed under seal, which shall be deemed to constitute proper service for all parties who are sent such email service; provided however, Court Filings may be served on the Master Service List by email

and by first class mail. Subject to the limited exclusions, each party that files a notice of appearance and a 2002 Notice Request shall be deemed to have consented to electronic service of all Court Filings, except as provided herein.

(a) ***Email Subject Line.*** With respect to the service of any Court Filing, the subject line of the email shall include (i) the Debtor(s)'(s) case name and number [CASE INFORMATION], (ii) the name of the party filing such Court Filing, and (iii) the title of the Court Filing being served. If the title of the Court Filing is too long to fit within the subject line of the email, the subject line shall contain a shortened version of such title, and the text of the email shall contain the full title of such Court Filing.

(b) ***Email Attachments.*** All Court Filings served by email shall include the entire document, including any proposed form(s) of order and exhibits, attachments, or other materials, in PDF, readable by Adobe Acrobat or other equivalent document reader programs commonly available without cost. The relevant Court Filing shall either be attached to the email in a format specified above or the email shall contain a link to such filing in such format. Notwithstanding the foregoing, if a Court Filing cannot be attached to an email (because of its size, technical difficulties, or other concerns), the filing party may serve the Court Filing by U.S. mail, including the proposed form(s) of order and any exhibits, attachments, and other relevant materials; provided that the Court Filing is served by hand or overnight delivery on the Service List.

(23) ***Paper Service of Certain Affected Entities.*** To the extent an Affected Entity's email address is not available, the Debtor(s) (or any other party filing a Court Filing) shall serve such Affected Entity with paper copies by first class mail or private mail service.

(24) ***Form of Papers.*** Unless granted prior permission, motions, applications, and objections are limited to 50 pages and replies and statements are limited to 15 pages. All Court Filings (other than exhibits) shall be double-spaced, 12-point font, with one-inch margins.

(25) **Certificates of Service.** Certificates of service for all Court Filings, including the Service List, need only be filed with the Court.

(26) **Right to Request Special Notice Procedures.** Nothing in the Case Management Procedures shall prejudice the right of any party to seek an amendment or waiver of the provisions of the Case Management Procedures upon a showing of good cause including, without limitation, the right to file a motion seeking emergency ex parte relief or relief upon shortened notice.

(27) **Section 342 Notice Requirements.** Any notice sent by the Debtor(s) or any other party in interest shall be deemed to comply with the requirements set forth in section 342(c)(1) of the Bankruptcy Code.

- ***Filing and Service of Requests for Relief***

(28) **Requests for Relief to Be Heard at Omnibus Hearing.** In accordance with Local Bankruptcy Rule 9014-1, in the event that a party files and serves a Request for Relief at least 25 days before the next Omnibus Hearing, the matter shall be set for hearing at such Omnibus Hearing. If a Request for Relief is filed by a party other than the Debtor(s) and purports to set a hearing date inconsistent with the Case Management Procedures, the Request for Relief shall be heard, without the necessity of a Court order, at the first Omnibus Hearing after the applicable notice period has expired.

(29) **Expedited/Emergency Scheduling Procedures.** If a movant or applicant determines that a Request for Relief requires expedited or emergency relief, the movant or applicant shall contact attorneys for (a) the Debtor(s); (b) the Committee; (c) [ADDITIONAL NOTICE PARTIES]; (d) the Office of the United States Trustee; and (e) each Affected Entity, by

telephone and request that the Request for Relief be considered on an expedited basis. If the Debtor(s), the Committee or the Affected Party (if the Debtor(s) or the Committee seek expedited/emergency relief) disagree with the movant's or applicant's request for expedited or emergency relief, the movant or applicant shall (a) inform the Court of the disagreement by telephone and (b) arrange for a chambers conference, telephonic or in-person, to discuss the disagreement. If the Court agrees with the movant or applicant regarding the necessity for expedited consideration, the movant or applicant may, by order to show cause, request an expedited hearing.

(30) **Notices of Requests for Relief.** A notice shall be affixed to the front of each Request for Relief and shall set forth (a) the title of the Request for Relief, (b) the time and date of the objection deadline, (c) the parties on whom any objections is to be served, and (d) the Omnibus Hearing date at which the time and date of the objection deadline, (c) the parties on whom any objection is to be served, and (d) the Omnibus Hearing date at which the party intends to present the Request for Relief. The notice may also include a statement that the relief requested therein may be granted without a hearing if no objection is timely filed and served in accordance with the Case Management Procedures (a "**Presentment Notice**"). Subject to Section (E) of these Case Management of Procedures, if the notice filed with a Request for Relief includes a Presentment Notice, after the objection deadline has passed and if no objection has been filed and served in accordance with these Case Management Procedures, counsel to the party who filed the Request for Relief may file a certification that no objection has been filed or served on them, and may request that the Court grant the relief and enter an order without a hearing.

(31) **Certification of Counsel.** To the extent the parties resolve a Request for Relief through the terms of a consent order, the proposed order shall be submitted to the Court

through a certification of counsel (“*COC*”). The *COC* shall be served on all Affected Entities. The parties shall also attach a redline comparison to the *COC* in the event that the proposed order materially differs from the order attached to the Request for Relief.

(32) *Service of Requests for Relief.* For any Court Filing for which particular notice is required to be served on all creditors and parties with a particular interest in the relief sought by any Request for Relief, including Bankruptcy Rules 2002(a)(2) and (3), 4001, 6004, 6006, 6007, and 9019, parties shall serve all such Court Filings only on the Service List in accordance with the following, unless otherwise ordered by the Court:

- (a) in the case of any use, sale, lease, or abandonment of substantially all of the Debtor(s)'(s) property, on each party asserting an interest in that property;
- (b) in the case of any relief from or modification of the automatic stay, on each party asserting a lien or other encumbrance on the affected property;
- (c) in the case of the use of cash collateral or obtaining of credit, on each party asserting an interest in the cash collateral or a lien or other interest in property upon which a lien or encumbrance is proposed to be granted;
- (d) in the case of a motion under Bankruptcy Rule 9019, on all parties to the relevant compromise and settlement, or that may be directly affected by such compromise or settlement;
- (e) in the case of assumption, assignment, or rejection of an executory contract or an unexpired lease, on each party to the executory contract or the unexpired lease;
- (f) any objection, opposition, response, reply, or further document filed directly in response to another party's Court Filing, on such other party; and
- (g) on all parties as required by the Bankruptcy Rules, unless otherwise directed by the Court.

(33) **Notice Provisions Not Applicable to Certain Matters.** Except as set forth in the Case Management Procedures or otherwise provided by order of the Court, the notice provisions of the Case Management Procedures shall not apply to notices of the matters or proceedings described in the following Bankruptcy Rules:

(a) Bankruptcy Rule 2002(a)(1) (meeting of creditors pursuant to section 341 of the Bankruptcy Code);

(b) Bankruptcy Rule 2002(a)(2) (any proposed use, sale, or lease of property of the estate other than in the ordinary course of business, to the extent that such use, sale, or lease concerns all or substantially all of the Debtor(s)'(s) assets);

(c) Bankruptcy Rule 2002(a)(4) (hearing on the dismissal of a case or cases or the conversion of a case to another chapter);

(d) Bankruptcy Rule 2002(a)(5) (time fixed to accept or reject a proposed modification of a chapter 11 plan);

(e) Bankruptcy Rule 2002(a)(7) (time fixed for filing a proof of claim pursuant to Bankruptcy Rule 3003(c));

(f) Bankruptcy Rule 2002(b)(1) (time fixed for filing objections to and any hearing to consider approval of a disclosure statement);

(g) Bankruptcy Rule 2002(b)(2) (time fixed for filing objections to and any hearing to consider confirmation of a chapter 11 plan);

(h) Bankruptcy Rule 2002(d) (certain matters for which notice is to be provided to equity security holders);

(i) Bankruptcy Rule 2002(f)(1) (entry of an order for relief);

(j) Bankruptcy Rule 2002(f)(2) (dismissal or conversion of a case to another chapter of the Bankruptcy Code);

(k) Bankruptcy Rule 2002(f)(3) (time allowed for filing claims pursuant to Bankruptcy Rule 3002);

(l) Bankruptcy Rule 2002(f)(6) (waiver, denial, or revocation of a discharge as provided in Bankruptcy Rule 4006);

(m) Bankruptcy Rule 2002(f)(7) (entry of an order confirming a chapter 11 plan); and

(n) Bankruptcy Rule 2002(f)(8) (summary of the trustee's final report and account should a case be converted to chapter 7 of the Bankruptcy Code).

(34) **Requests for Relief to Include Proposed Order.** Parties submitting written motions or other Requests for Relief shall be required to include a proposed order with such Request for Relief.

• ***Filing and Service of Objections and Replies***

(35) **Deadline for Objections.** Any Objection to a Request for Relief must be filed with the Court and served upon the party filing the Request for Relief and those parties on the Service List by the following deadlines (each, as applicable, the "***Objection Deadline***"):

(a) in the case of a Request for Relief filed 25 or more days before the applicable hearing, 4:00 p.m. (prevailing Eastern Time), seven calendar days before the applicable hearing; or

(b) in any case, as otherwise ordered by the Court.

(36) **Extension of Objection Deadline.** The Objection Deadline may be extended without order of the Court upon the consent of the party filing the Request for Relief, which consent may be granted via email, provided however, no extensions will be allowed upon consent beyond the binder filing deadline.

(37) **Effect of Failure to File Objection by Objection Deadline.** Failure to file an Objection by the Objection Deadline may cause the Court to disregard the Objection.

(38) **Service of Objections.** All Objections shall be filed with the Court and served by the applicable Objection Deadline upon the party filing the Request for Relief and those parties on the Service List including each Affected Entity; provided that if the Objection Deadline is after the date that is seven days before the applicable hearing, then Objections shall also be served by email, facsimile, hand delivery, or overnight mail upon the following parties: (a) the Debtor(s); (b) [ADDITIONAL NOTICE PARTIES]; (c) the Committee, if applicable, and their counsel; and (d) each Affected Entity.

(39) **Service of Replies to Objections.** If a Court Filing is a reply to an Objection, and otherwise allowed by the Judge's procedures, such reply shall be filed with the Court and served so as to actually be received by: (a) the Debtor(s); (b) [ADDITIONAL NOTICE PARTIES]; (c) the Committee, if applicable, and their counsel; and (d) each Affected Entity, by 4:00 p.m. (prevailing Eastern Time) two business days preceding the applicable hearing date. Sur-replies shall be not permitted or considered unless authorized by the Court.

(40) **Settlements.** In the event that a matter is properly noticed for hearing and the parties reach a settlement of the dispute prior to the scheduled hearing, the parties shall so inform the Court's chambers as promptly as practicable and may announce the settlement at the scheduled hearing. In the event that the Court determines that the notice of the dispute and the hearing is adequate notice of the effects of the settlement (i.e., that the terms of the settlement are not materially different from what parties in interest could have expected if the dispute were

fully litigated), the Court may approve the settlement at the hearing without further notice of the terms of the settlement.

(41) **Supplemental Notice.** In the event that the Court determines that additional or supplemental notice is required, the Debtor(s) shall serve such notice in accordance with the Case Management Procedures, and a hearing to consider such settlement shall be held on the next hearing date deemed appropriate by the Court.

- ***Granting a Request for Relief Without a Hearing***

(42) **Certificate of No Objection.** If no Objection to a Request for Relief is filed after the Request for Relief is filed and served in a timely fashion, the movant may file a proposed order granting the Request for Relief along with the relevant pleadings, an affidavit of service, and a certificate of no objection (a “***Certificate of No Objection***”) stating that no Objection has been filed or served on the movant. By filing and emailing such certification, counsel for the movant represents to the Court that the movant is unaware of any Objection to the Request for Relief and that counsel has reviewed the Court’s docket and no Objection appears thereon.

(43) **Order May Be Entered Without Hearing.** Upon receipt of a Certificate of No Objection and other attachments as set forth in the preceding paragraph, the Court may enter an order granting the Request for Relief without further pleading, hearing, or request, and once an order granting such Request for Relief is entered, no further hearing on the Request for Relief shall be held.

(44) **Request for Relief May be Heard at a Hearing.** After a Certificate of No Objection has been filed, the Request for Relief may be heard at the next Omnibus Hearing if the Court does not enter an order granting the Request for Relief before such Omnibus Hearing.

- ***Filing and Service of Orders***

(45) **Service of Orders.** All parties submitting orders shall serve a conformed copy of any entered order on (a) each Affected Entity, (b) the Debtor(s), and (c) [CLAIMS AGENT], within two business days of entry of the applicable order. [CLAIMS AGENT] shall post all orders on the Case Website.

- ***Filing and Service of Adversary Proceedings***

(46) **Serving Adversary Proceedings.** All Court Filings in any adversary proceeding commenced in these chapter 11 cases shall be served upon each Affected Entity and any other parties required to be served under any applicable Bankruptcy Rule or Local Bankruptcy Rule.

(47) **Discovery Rules in Contested Matters and Adversary Proceedings.** Federal Rules of Civil Procedure 26(a)(1) (initial disclosures), 26(a)(2) (disclosures with respect to expert testimony), 26(a)(3) (additional pretrial disclosures), and 26(f) (mandatory meeting before scheduling conference/discovery plan) are inapplicable in contested matters but are applicable to adversary proceedings arising under these chapter 11 cases.

(48) **Briefing Schedule in Adversary Proceedings.** After a hearing date has been set by the Court, unless otherwise ordered by the Court, the parties to the adversary proceeding shall confer and agree upon a briefing schedule for all adversary matters, which shall be submitted for approval of the Court.

- *Other Pleadings*

(49) **Joinders.** Any party seeking to support any Court Filing may file an expression of support of such Court Filing (a “*Joinder*”). Unless otherwise ordered by the Court, filing a Joinder does not entitle such party to: (a) be an independent proponent of the Court Filing; (b) independently support or oppose any related Court Filings; (c) independently settle the underlying Request for Relief that is the subject of the applicable Court Filing; or (d) independently receive a ruling from the Court on the Court Filing. The Court may deem a Joinder to be a brief in support of the applicable Court Filing, but the Court shall not consider any arguments or factual allegations contained in a Joinder but not in the related Court Filing, and no party shall be required to separately respond to a Joinder.

(50) **Request for Expedited/Emergency Hearings or Shortening of Time.** Nothing herein (with the exception of paragraph __ hereof to the extent that it applies to relief that is not properly sought on an ex parte basis) shall prejudice (a) the rights of any party-in-interest to move the Court to further limit or expand notice of such matters and proceedings upon a showing of good cause, including, but not limited to, the right to file a motion seeking expedited/emergency ex parte consideration or consideration upon shortened time, or (b) the rights of any party to seek an enlargement or reduction of a time period under Bankruptcy Rule 9006(b) or 9006(c).

(51) **Motion Practice for Lift Stay Actions.** A motion filed by a non-Debtor party seeking relief from the automatic stay (a “*Stay Relief Motion*”) in accordance with section 362 of the Bankruptcy Code shall be noticed for consideration on the Omnibus Hearing date that is at least 21 days after the Stay Relief Motion is filed and notice thereof is served upon

the Debtor(s). Unless otherwise ordered by the Court, the objection deadline shall be the later of (a) 14 calendar days after the filing and service of the Stay Relief Motion or (b) three calendar days prior to the hearing scheduled with respect thereto.

(52) **Continuation of Automatic Stay.** Notwithstanding section 362(e) of the Bankruptcy Code, if a Stay Relief Motion is scheduled in accordance with the Case Management Procedures for, or adjourned to, a hearing date 30 days after the filing of the Stay Relief Motion, the moving party shall be deemed to have consented to the continuation of the automatic stay in effect pending the conclusion of, or as a result of, a final hearing and determination under section 362(d) of the Bankruptcy Code, and shall be deemed to have waived its right to assert the termination of the automatic stay under section 362(e) of the Bankruptcy Code.

(53) **Motions for Reargument.** Motions for reargument must identify with particularity the matter for reconsideration in accordance with Local Bankruptcy Rule 9023-1. If, after review of the motion, the Court determines that it wishes a response, and/or hearing, it will notify the applicable parties accordingly.

(54) **Motions for Temporary Restraining Orders.** Parties seeking a temporary restraining order (a “TRO”) must comply with the requirements of Federal Rule of Civil Procedure 65(b). Applications for a TRO will be heard in open court, on the record, with a court reporter or audio recording. Parties wishing to oppose a TRO may be heard by telephone (Court Call) upon request. Applicants seeking TROs are reminded of the need to submit with their motion papers the written affidavit required under Federal Rule of Civil Procedure 65(b) confirming the notice provided to anyone who might wish to oppose the application. Any assertions that notice

cannot or should not be given must likewise be supported by affidavit. Any request for a TRO must be preceded by a telephone call to chambers, advising chambers of the nature of the controversy, the need for emergency relief, why a noticed hearing for a preliminary injunction would be insufficient, when a hearing on the TRO application is needed, and when the motion papers will be forthcoming. Except in those rare cases where advance notice of the TRO application would vitiate the purpose of a TRO (and where that can be established by affidavit), immediate telephonic notice of the application must be provided to all parties reasonably expected to be affected by entry of the TRO, or provisions therein. In addition, the motion papers on any TRO application must be hand delivered, emailed, or faxed to any such parties at the same time that the papers are provided to chambers.

- ***Additional Case Management Procedures***

(55) **Adequate Notice.** Notice and service accomplished in accordance with the provisions set forth in the Case Management Procedures shall be deemed adequate in all respects pursuant to the Bankruptcy Code, the Bankruptcy Rules, and the Local Bankruptcy Rules.

(56) **Computation of Time.** Unless otherwise specified, all time periods referenced in the Case Management Procedures shall be calculated in accordance with Bankruptcy Rule 9006(a).

(57) **Effect of the Case Management Procedures.** The Bankruptcy Rules and the Local Bankruptcy Rules shall continue to apply to all proceedings in these chapter 11 cases, except to the extent that any provision of the Case Management Procedures by its terms supersedes or is inconsistent with such rules.

(58) **Promulgation of the Case Management Procedures.** As soon as practicable after the entry of this Order, a copy of this Order shall be served by the Debtor(s) on each of the parties on the Master Service List. In addition, shortly after the end of each calendar month, [CLAIMS AGENT] or counsel to the Debtor(s) shall serve a copy of this Order upon any party filing a 2002 Notice Request within such calendar month. To help ensure that all parties who may participate in this/these chapter 11 case(s) are aware of the terms of this Order, the Debtor(s) will post this Order on the Case Website.

UNITED STATES BANKRUPTCY JUDGE