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**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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In re: :
: :
CHIYODA AMERICA, INC., : Case No. 09-15059 (AJG)
: Chapter 11 Case
Debtor. :
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**MOTION FOR AN ORDER, PURSUANT TO SECTION 105(a) OF THE
BANKRUPTCY CODE AND RULES 1015(c) AND 9007 OF THE
FEDERAL RULES OF BANKRUPTCY PROCEDURE, AUTHORIZING
CERTAIN NOTICE AND CASE MANAGEMENT GUIDELINES**

TO THE HONORABLE ARTHUR J. GONZALEZ, UNITED STATES BANKRUPTCY
JUDGE:

Chiyoda America, Inc. (“Chiyoda”), as debtor and debtor in possession (the “Debtor”) in
this chapter 11 case, respectfully represent:

BACKGROUND
General

1. On August 19, 2009 (the “Commencement Date”), the Debtor commenced a
voluntary case under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”) in
this Court. The Debtor is authorized to continue to operate its business and manage their
properties as debtors in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy
Code.

The Debtor's Business

2. The Company was organized in 1987 as a Pennsylvania corporation and is a wholly owned subsidiary of Chiyoda Gravure Corporation (“Parent”), a Japanese corporation. The Company manufactures and distributes quality gravure printed products for sale to industrial customers located throughout the United States and Canada.

3. The Company primarily prints for kitchen countertop and laminated floor manufacturers, kitchen and bath cabinet manufacturers and ready to assemble furniture makers. The Company also acts as the distributor in the Western Hemisphere for the products manufactured by its European affiliate and the Parent (and receives a commission on each sale).

4. The Company has 59 employees (non-unionized). The gravure printing industry requires highly specialized equipment. The Company believes its market share is approximately 15%; provided, however, such amount is highly volatile and fluctuates based upon home sales.

5. The causes which gave rise to the need to seek relief under Chapter 11 are numerous. First, commencing in 2002, a shareholder dispute erupted which caused many suppliers and customers to proceed in a fashion which did not maximize the Company's abilities. The shareholder dispute was finally resolved by a confidential stipulation reached in a Tokyo Court on May 30, 2008. Second, cheaper imports from China have caused a reduction in the Company's market share. Third, several of the Company's customers have had its own significant financial difficulties during the last eighteen months which has resulted in a decrease of business and write-downs of accounts receivable. Lastly, the recent violent downturn in the building and real estate markets have had a significant impact on the Company's operations.

6. As of September 30, 2008, the Debtors' unaudited financial statements reflected assets totaling approximately \$21.5 million and liabilities totaling approximately \$44 million.

JURISDICTION

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

RELIEF REQUESTED

8. By this Motion, the Debtor seeks authority, pursuant to section 105(a) of the Bankruptcy Code and Rules 1015(c) and Bankruptcy Rule 9007, to implement certain procedures (the “Procedures”) in connection with the administration of these chapter 11 cases. The Debtor requests that, to the extent that any of the Procedures are in conflict with the provisions of the Bankruptcy Code or the Local Bankruptcy Rules, the Procedures set forth herein shall govern and shall supersede such provisions and rules.

BASIS FOR RELIEF REQUESTED

9. The Procedures establish requirements for the filing and serving of motions, pleadings, applications, and other requests for relief (collectively, the “Pleadings”) in these chapter 11 cases. As set forth more fully below, the Procedures (i) delineate standards for notice; (ii) authorize the Debtor to schedule, in cooperation with the Court, periodic omnibus hearing dates; and (iii) set forth mandatory guidelines for the scheduling of hearings and objection deadlines.

The Procedures

Notice Procedures

10. In excess of 100 parties-in-interest may be entitled to receive notice in these cases. Providing notice of all Pleadings filed to each creditor and party-in-interest is unnecessary and would be extremely burdensome and costly to the estate, in light of the photocopying, postage, and other expenses associated with such large mailings.

11. The Debtor therefore requests, pursuant to section 105(a) of the Bankruptcy Code and Bankruptcy Rule 9007, that the Court approve the notice procedures outlined herein. As been the practice in other chapter 11 cases, the Debtor proposes to establish a master service list (the “Master Service List”), which would include: (i) the Office of the U.S. Trustee for the Southern District of New York (Attn: Richard Morrissey) (the “U.S. Trustee”); (ii) the Debtor; (iii) counsel for the Debtor, (iv) counsel for any official committee appointed in the Debtor’s chapter 11 case; (v) any party whose interests are directly affected by a specific pleading; (vi) those persons who have formally appeared and requested service in these cases pursuant to Bankruptcy Rule 2002; (vii) counsel for Chiyoda Gravure Corporation, the Debtor’s prepetition first priority secured lender and the Debtor’s proposed postpetition lender, (viii) creditors holding up to the 20 largest unsecured claims against Debtor’s estate until a statutory committee of unsecured creditors is appointed, (ix) the Internal Revenue Service, SEC, Departments of Revenue and Tax for New York and Pennsylvania, Unemployment Insurance Fund for New York and Pennsylvania (and other government agencies to the extent required by the Bankruptcy Code, the Bankruptcy Rules, and the Local Rules).

12. Any creditor or party-in-interest that wishes to receive notice other than as required in accordance with Bankruptcy Rule 2002 must file a notice of appearance and request for service of papers (a “Request”) with the Clerk of the Court and serve a copy of such Request upon each of the parties set forth in paragraph 11(i)-(ox) above. Each Request must include such party’s (i) name, (ii) address, (iii) name of client, if applicable, (iv) telephone number, (v) facsimile telephone number, and (vi) electronic mail (“e-mail”) address, unless such party files a request to be exempted from providing an e-mail address.

13. To the extent that a Request fails to contain an e-mail address, such party shall not be entitled to additional service of papers, as described below, until such party (i) files a request to be exempted from providing an e-mail address and (ii) serves a copy of such request upon each of the parties set forth on the Master Service List as the date thereof. Each party having filed a Request shall be deemed to have consented to electronic service of papers.

14. The Debtor proposes to update the Master Service List on a monthly basis to include the names, addresses, and e-mail addresses of any party-in-interest who has made a written request for notice since the prior month. In the event any changes are made, the Debtor (or its noticing agent The Garden City Group, Inc.) shall file the updated Master Service List with the Court.

15. The Debtor proposes that notice of Pleadings in this chapter 11 case only be served upon: (i) the parties then listed on the Master Service List; (ii) any parties that have, pursuant to Bankruptcy Rule 2002, formally appeared and requested service since the last Master Service List was filed with the Court; and (iii) any party against whom direct relief is sought in such matter.

16. The proceedings with respect to which notice is proposed to be limited to those parties included on the Master Service List would include all matters covered by Bankruptcy Rule 2002 and the Local Bankruptcy Rules, subject to the following exceptions: (i) notice of the first meeting of creditors pursuant to section 341 of the Bankruptcy Code; (ii) the time fixed for filing proofs of claims pursuant to Bankruptcy Rule 3003(c); (iii) the time fixed for filing objections to, and the hearing to consider approval of, the disclosure statement and plan of reorganization; (iv) notice of and transmittal of ballots for accepting or rejecting the plan of reorganization; and (v) notice for approval of the sale of all or substantially all of the Debtor's

assets under Section 363 of the Code. Notice of the foregoing matters would be given to all parties-in-interest in accordance with Bankruptcy Rule 2002 and other applicable Bankruptcy Rules, unless otherwise ordered by the Court or otherwise proscribed by the Bankruptcy Code.

17. Pursuant to the Court's General Order on Revised Electronic Filing Procedures (the "Revised Electronic Filing Procedures"), #M-242, dated January 19, 2001, electronic service (i.e., service by e-mail) may be made on a person who has requested, or is deemed to have requested, electronic notice in accordance with Bankruptcy Rule 9036 or the Revised Electronic Filing Procedures;¹ *provided, however*, that hard copies of documents or notices shall be served in the following circumstances: (i) service made in accordance with Federal Rules of Civil Procedure (the "FRCP") 4, FRCP 45, Bankruptcy Rule 7004, or Bankruptcy Rule 9016; (ii) service made upon an agency of the United States, including the United States Attorney, the United States Trustee, or chambers, in accordance with the Bankruptcy Rules, the Local Rules, or an order of the court; (iii) notice served pursuant to Bankruptcy Rule 2002(a)(1); (iv) service made by the attorneys for the Debtor, and (v) the United States Trustee upon the commencement of the case, and the filing of the petitions, schedules, and statement of financial affairs.

18. Within ten (10) days after the completion of noticing of any particular matter, the Debtor (or its noticing agent The Garden City Group) shall file with the Court either an affidavit of service or certificate of service, annexing thereto the list of those parties to whom notice was provided.

19. Bankruptcy Rule 9007 grants the Court general authority to regulate the manner of any notices required to be given under the Bankruptcy Rules. Furthermore, section 105(a) of

¹ The Revised Electronic Filing Procedure provides that "the request for and receipt of an [Electronic Filing] System password from the Court shall constitute a request for electronic service pursuant to [Bankruptcy Rule 9036], and except as otherwise provided in the Revised Electronic Filing Procedures, a waiver by such attorney of the right to receive notice and service conventionally."

the Bankruptcy Code empowers the Court to “issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of this title.” 11 U.S.C. § 105(a).

20. The Debtor believes the administration of its chapter 11 case would be more efficient and cost effective if the relief requested herein is granted. Based on the foregoing, the Debtor submits the relief requested in this motion is in the best interest of the Debtor’s estate and its creditors and will not prejudice the rights of any party- in-interest in these cases.

Hearings and Related Procedural Matters

21. Omnibus Hearings. The Debtor seeks authorization to schedule, in cooperation with the Court, periodic omnibus hearings at which Pleadings shall be heard. If omnibus hearings are scheduled, the Debtor believes that the following guidelines should apply:

(a) Adversary Proceedings and Claims Objections. The Court shall set separate hearings for claim objections and for pre-trial conferences and trials in connection with adversary proceedings. Initial pre-trial conferences in connection with adversary proceedings shall be scheduled on the next available hearing date that is at least 45 days after the filing of a complaint.

(b) Hearings Scheduled in Error. If a document is filed by a non-Debtor party that purports to set a hearing date inconsistent with the Procedures herein, the hearing shall be scheduled, without the necessity of Court order, for the first omnibus hearing after the applicable notice period has expired. If this occurs, the Debtor shall provide the movant with notice of these Procedures within five business days of the Debtor’s receipt of the documents that are erroneously filed.

(c) Emergency Relief. If a movant or applicant other than a Debtor determines that a Pleading requires emergency or expedited relief, the movant or applicant shall telephonically contact the Debtor’s attorneys and request that the Pleading be considered on an

expedited basis. If the Debtor disagrees with the movant's or applicant's determination regarding the emergency or expedited nature of the relief requested, the movant or applicant shall: (i) inform the Court of the disagreement via telephone; and (ii) arrange thereafter for a chambers conference, telephonic or in-person, to be held among the Court, the Debtor's attorneys, and the movant or applicant to discuss the disagreement. If the Court concurs with the position of the movant or applicant regarding the necessity for expedited consideration, the movant or applicant, may, by order to show cause, request an expedited hearing.

22. Guidelines for Setting a Hearing Date. Pleadings (other than those filed as set forth below) shall not be considered by the Court unless filed and served in accordance with these Procedures at least 20 calendar days before the scheduled hearing date. Notwithstanding the foregoing, pursuant to Bankruptcy Rule 9006, if the parties served with Pleadings include parties being served by U.S. mail, a hearing may not be scheduled before 23 calendar days from the date of service. Nothing in these Procedures shall prejudice the right of any party to move the Court to request an enlargement or reduction of any time period under Bankruptcy Rules 6006(b) and 9006(b)-(c). Furthermore, if a Pleading requests relief pursuant to Bankruptcy Rules 2002(a)-(b), the relevant hearing shall be set after the passage of the time period set forth in the rule.

23. Objection Deadlines. The deadline to file an objection to any Pleading shall be: (i) at least five calendar days before the applicable hearing date or (ii) such other date otherwise ordered by the Court. That deadline may be extended with the consent of the movant or the applicant. The objection will not be considered timely filed unless filed with the Court and received by all parties on the Master Service List and the interested movant, on or before the

applicable Objection Deadline. All parties filing an objection shall include their telephone and facsimile numbers in the signature block on the last page of the objection.

24. Deadline for Filing Reply. Unless otherwise ordered by the Court, a reply (at the option of the Debtor) to an objection shall be filed with the Court and served in accordance with these Procedures on or before 12:00 noon, prevailing Eastern Time, on the day that is at least two calendar days before the date of a hearing.

25. Relief Without a Hearing. A Pleading may be granted without a hearing provided that, after the passage of the objection deadline, the attorney for the entity that filed the Pleading: (i) files a declaration pursuant to 28 U.S.C. § 1746 indicating that no objection has been filed or served in accordance with these Procedures; (ii) serves the declaration by facsimile or e-mail upon the undersigned attorneys for the Debtor one business day before submission thereof to the Court; and (iii) delivers by U.S. mail, electronic mail, or hand or overnight delivery, a package to the Court including (a) the declaration described in subsection (i) above, and (b) an electronic copy of an order granting the relief requested in the applicable Pleading (collectively, the “Presentment Package”). Upon receipt of the Presentment Package, the Court may grant the relief requested in the Pleading without further submission, hearing, or request. If the Court does not grant the relief, (i) the Pleading will be considered by the Court at the hearing date set in accordance with the provisions of this Motion and (ii) the decision shall not constitute an extension of the Objection Deadline related thereto, unless otherwise agreed between the Debtor and the party seeking court intervention.

26. Notices of Hearing. A “Notice of Hearing” shall be affixed to all Pleadings and shall include the following: (i) the title of the Pleading; (ii) the parties upon whom any objection to the Pleading is required to be served; (iii) the date and time of the applicable objection

deadline; (iv) the date of the hearing at which the Pleading shall be considered by the Court; and (v) a statement that the relief requested may be granted without a hearing if no objection is timely filed and served in accordance with these Procedures. The applicable objection deadline and hearing date shall also appear in the upper right corner of the first page of the Notice of Hearing.

27. Proposed Agenda Hearing. By 12:00 noon on the day prior to each hearing day, the Debtor's counsel shall provide to the Court, counsel for any statutory committee appointed, counsel for Chiyoda Gravure Corporation, the Debtor's prepetition first priority secured lenders and the Debtors' proposed postpetition lenders, any parties-in-interest with matters before the court that day, and the U.S. Trustee a proposed agenda with regard to the matters which are or were to be heard on such hearing day.

28. Settlements. In the event a matter is properly noticed for hearing and the parties reach agreement on a settlement of the dispute prior to the final hearing, the parties may announce the settlement at the scheduled hearing on the hearing day. In the event 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 such that cause is deemed to be found under FRBP 2002(a)(3)), the Court may approve the settlement at the hearing without further notice of the terms of the settlement. In the event the Court determines that additional or supplemental notice is required, the Debtor shall serve such notice in accordance with the procedures set forth herein and a hearing to consider such settlement shall be on the next hearing day deemed appropriate by the Court.

Automatic Stay Proceedings

29. Hearings and Objection Deadlines. Notwithstanding anything contained herein, motions for relief from the automatic stay filed pursuant to section 362 of the Bankruptcy Code shall be noticed for consideration on the omnibus hearing date that is at least twenty-five days after the motion is filed and notice is served upon the Debtor. Unless otherwise ordered by the Court, the objection deadline shall be five calendar days before the scheduled hearing.

30. Automatic Relief Provision Inapplicable. Notwithstanding section 362(e) of the Bankruptcy Code, if a scheduled motion with respect to a request for relief under section 362(d) of the Bankruptcy Code is adjourned upon the consent of the Debtor and the moving party to a date that is on or after the thirtieth day after the moving party's request for relief was made, 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.

Establishing the Procedures is in the Best Interests of the Debtor's Estate

31. Section 105(a) of the Bankruptcy Code provides in relevant part that “[t]he Court may issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of this title.” 11 U.S.C. § 105(a). The Debtor submits that implementation of the Procedures is appropriate in these chapter 11 cases and well within the Court's equitable powers under section 105 of the Bankruptcy Code.

32. The Debtor submits that approval of the Procedures is in the best interests of the Debtor's estate and its creditors. By authorizing the Debtor to schedule omnibus hearing dates, establishing clear timelines for the filing of requests for relief, and allowing, with some exceptions, electronic service, the Procedures will assist the Debtor's management in preserving

the Debtor's time and directing the attention of their personnel to seeking confirmation of its plan of reorganization.

MEMORANDUM OF LAW

33. This Motion does not raise any novel issues of law and, accordingly, the Debtors respectfully request that the Court waive the requirement contained in Rule 9013-1(b) of the Local Bankruptcy Rules for the Southern District of New York that a separate memorandum of law be submitted.

NOTICE

34. No trustee, examiner, or creditors' committee has been appointed in these chapter 11 cases. The Debtor has served notice of this Motion on (i) the U.S. Trustee, (ii) counsel for Chiyoda Gravure Corporation, the Debtor's prepetition first priority secured lenders and the Debtor's proposed postpetition lenders, (iii) SEC, IRS and various governmental agencies for New York and Pennsylvania, and (iv) the creditors holding up to the 20 largest unsecured claims against Debtor's estate. In light of the nature of the relief requested, the Debtor submits that no other or further notice need be provided.

35. No previous request for the relief sought herein has been made by the Debtors to this or any other court.

WHEREFORE, the Debtors respectfully request that the Court grant the relief requested herein and such other and further relief as is just and proper.

Dated: New York, New York
August 20, 2009

By: /s/ Michael Z. Brownstein
Michael Z. Brownstein

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**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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In re: :
: :
CHIYODA AMERICA, INC., : Case No. 09-15059 (AJG)
: Chapter 11 Case
Debtor. :
----- x

**ORDER PURSUANT TO SECTION 105(a)
OF THE BANKRUPTCY CODE AND BANKRUPTCY
RULES 1015(c) AND 9007 TO AUTHORIZE CERTAIN
NOTICE AND CASE MANAGEMENT GUIDELINES**

Upon the motion, dated August 20, 2009 (the “Motion”),¹ of Chiyoda America, Inc., as debtor and debtor in possession (the “Debtor”), for an order, pursuant to section 105(a) of title 11 of the United States Code (the “Bankruptcy Code”) and Rules 1015(c) and 9007 of the Federal Rules of Bankruptcy Procedure, authorizing notice and case management guidelines (the “Procedures”), all as more fully set forth in the Motion; and the Court having jurisdiction to consider the Motion and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334 and the Standing Order of Referral of Cases to Bankruptcy Judges of the District Court for the Southern District of New York, dated July 19, 1984 (Ward, Acting C.J.); and consideration of the Motion and the relief requested therein being a core proceeding pursuant to 28 U.S.C. §

¹ Capitalized terms used and not otherwise defined herein shall have the meanings ascribed to them in the Motion.

157(b); and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and due and proper notice of the Motion having been provided to (i) the U.S. Trustee for the Southern District of New York (Attn: Richard Morrissey) (the “U.S. Trustee”), (ii) counsel for Chiyoda Gravure Corporation, the Debtor’s prepetition first priority secured lenders and as the counsel for the Debtor’s proposed postpetition lenders, (iii) SEC, IRS and various governmental agencies of the State of New York and Commonwealth of Pennsylvania, (iv) the creditors holding up to the 20 largest unsecured claims against each Debtor’s estate, and no other or further notice need be provided; and the relief requested in the Motion being in the best interests of the Debtor’s, its estate, and creditors; and the Court having reviewed the Motion and having heard the statements in support of the relief requested therein at a hearing before the Court (the “Hearing”); and the Court having determined that the legal and factual bases set forth in the Motion and at the Hearing establish just cause for the relief granted herein; and upon all of the proceedings had before the Court; and after due deliberation and sufficient cause appearing therefor, it is hereby

ORDERED that the Motion is granted; and it is further

ORDERED that the Debtor shall serve a printed copy of this Order upon all parties on the Master Service List (as defined herein) on the date this Order is entered, or as soon thereafter as is practicable; and it is further

ORDERED that the Procedures set forth herein are approved and shall govern all aspects of these chapter 11 case, except as otherwise set forth herein or ordered by the Court; and it is further

ORDERED that the Debtor shall establish a master service list (the “Master Service List”), which would include: (i) the U.S. Trustee; (ii) the Debtor; (iii) counsel for the Debtor, (iv)

counsel for any official committee appointed in the Debtors' chapter 11 cases; (v) any party whose interests are directly affected by a specific pleading; (vi) those persons who have formally appeared and requested service in these cases pursuant to Bankruptcy Rule 2002; (vii) counsel for Chiyoda Gravure Corporation, the Debtor's prepetition first priority secured lenders and as the counsel for the Debtor's proposed postpetition lenders, (viii) the Internal Revenue Service, SEC, Departments of Revenue and Tax for New York and Pennsylvania, Unemployment Insurance Fund for New York and Pennsylvania (and other government agencies to the extent required by the Bankruptcy Code, the Bankruptcy Rules, and the Local Rules); and (ix) creditors holding up to the 20 largest unsecured claims against Debtor's estate until a statutory committee of unsecured creditors is appointed; and it is further

ORDERED that the Debtor shall update the Master Service List on a monthly basis to include the names, addresses, and e-mail addresses of any party-in-interest who has made a written request for notice since the prior month and, in the event any changes are made, file the updated Master Service List with the Court; and it is further

ORDERED that, except as otherwise provided herein, notice of any relief sought or other pleadings in this chapter 11 case shall only be served upon: (i) the parties then listed on the Master Service List; (ii) any parties that have, pursuant to Bankruptcy Rule 2002, formally appeared and requested service since the last Master Service List was filed with the Court; and (iii) any party against whom direct relief is sought in such matter; and it is further

ORDERED that the matters for which notice shall be limited to the persons on the Master Service List, parties who have formally appeared, and any party against whom direct relief is sought in such proceeding, shall include all matters covered by Bankruptcy Rule 2002 and the Local Rules, but such to the following exceptions: (i) notice of the first meeting of creditors

pursuant to section 341 of the Bankruptcy Code; (ii) the time fixed for filing proofs of claims pursuant to Bankruptcy Rule 3003(c); (iii) the time fixed for filing objections to, and the hearing to consider approval of, a disclosure statement and a plan of reorganization; (iv) notice of and transmittal of ballots for accepting or rejecting a plan of reorganization; and (v) notice for approval of the sale of all or substantially all of the Debtor's assets under Section 363 of the Code; and it is further

ORDERED that, electronic service (i.e., service by e-mail) may be made on a person who has requested or is deemed to have requested electronic notice in accordance with Bankruptcy Rule 9036 or the Revised Electronic Filing Procedures. Each party having filed a Request shall be deemed to have consented to electronic service of papers; and it is further

ORDERED that, within ten (10) days after the completion of noticing any particular matter, the Debtor (or its noticing agent The Garden City Group, Inc.) shall file with the Court either an affidavit of service or certification of service, annexing thereto the list of those parties receiving notice; and it is further

ORDERED that the Debtor shall be authorized to schedule, in cooperation with the Court, periodic omnibus hearings at which motions, pleadings, applications, and other requests for relief shall be heard. If omnibus hearings are scheduled, the following guidelines shall apply:

(a) The Court shall set separate hearings for claim objections and for pre-trial conferences and trials in connection with adversary proceedings. Initial pre-trial conferences in connection with adversary proceedings shall be scheduled on the next available hearing date that is at least forty-five days after the filing of the complaint.

(b) If a document is filed by a non-Debtor party that purports to set a hearing date inconsistent with the Procedures herein, the hearing shall be scheduled, without the

necessity of Court order, for the first omnibus hearing after the applicable notice period has expired. If this occurs, the Debtor shall provide the movant with notice of these Procedures within five business days of the Debtor's receipt of the documents that are erroneously filed.

(c) If a movant or applicant other than the Debtor determines that a motion, pleading, application, or other request requires emergency or expedited relief, the movant or applicant shall telephonically contact the Debtor's attorneys requesting that the motion or application be considered on an expedited basis. If the Debtor disagrees with the movant's or applicant's determination regarding the emergency or expedited nature of the relief requested, the movant or applicant shall: (i) inform the Court of the disagreement via telephone and (ii) arrange thereafter for a chambers conference, telephonic or in-person, to be held among the Court, the Debtor's attorneys, and the movant or applicant to discuss the disagreement. If the Court agrees with the position of the movant or applicant regarding the necessity for expedited consideration, the movant or applicant may, by order to show cause, request an expedited hearing; and it is further

ORDERED that motions, pleadings, applications, and other requests for relief (other than those as set forth below) shall not be considered by the Court unless filed and served in accordance with these Procedures at least twenty calendar days before the scheduled hearing date. Notwithstanding the foregoing, pursuant to Bankruptcy Rule 9006, if the parties served with a motion, pleading, application, or other requests for relief include parties being served by U.S. mail, a hearing may not be scheduled before twenty-three calendar days from the date of service; and it is further

ORDERED that nothing in these Procedures shall prejudice the right of any party to move the Court to request an enlargement or reduction of any time period under Bankruptcy Rules 6006(b) and 9006(c); and it is further

ORDERED that, if a motion, pleading, application, or other request for relief seeks relief pursuant to Bankruptcy Rules 2002(a), the relevant hearing shall be set after the passage of the time period set forth therein; *provided, however*, that, consistent with Bankruptcy Rule 9006, if service is by U.S. mail, a hearing shall not be scheduled before twenty-three calendar days from the date of service; and it is further

ORDERED that the deadline to file an objection to any motion, pleading, application, or other request for relief shall be (i) at least five calendar days before the applicable hearing date or (ii) any date otherwise ordered by the Court. The objection deadline may be extended with the consent of the movant or applicant. The objection will not be considered timely filed unless filed with the Court and received by all parties on the Master Service List,² and the interested movant, on or before the applicable objection deadline. All parties filing an objection shall include their telephone and facsimile numbers in the signature block on the last page of the objection; and it is further

ORDERED that, unless otherwise ordered by the Court, a reply to an objection (at the sole discretion of Debtor) shall be filed with the Court and served in accordance with these Procedures on or before 12:00 noon prevailing Eastern Time on the day that is at least two calendar days before the date of a hearing; and it is further

ORDERED that a motion, pleading, application, or other request for relief may be granted without a hearing provided that, after the passage of the objection deadline, the attorney

² In the Event the Objection Deadline begins before a Creditors' Committee is formed, attorneys for up to the top 20 unsecured creditors shall be given notice.

for the entity who filed the motion, pleading, application, or other request for relief: (i) files a declaration pursuant to 28 U.S.C. § 1746 indicating that no objection has been filed or served in accordance with these Procedures; (ii) serves the declaration by facsimile or electronic mail upon the attorneys for the Debtor one business day before submission thereof to the Court; and (iii) delivers by U.S. mail, electronic mail or hand or overnight delivery, a package to the Court including (a) the declaration described in subsection (i) above, and (b) an electronic copy of the order granting the relief requested in the applicable motion, pleading, application, or other request for relief (collectively, the “Presentment Package”). Upon receipt of the Presentment Package, the Court may grant the relief requested in the motion, pleading, application, or other request for relief without further submission, hearing, or request. If the Court does not grant the relief, (i) the motion, pleading, application, or other request for relief will be considered by the Court at the hearing date set in accordance with the provisions of this order and (ii) the decision shall not constitute an extension of the objection deadline related thereto, unless otherwise agreed between the Debtors and the party seeking relief; and it is further

ORDERED that a “Notice of Hearing” shall be affixed to all motions, pleadings, applications, and other requests for relief and shall include the following: (i) the title of the motion, pleading, application, or other request for relief; (ii) the parties upon whom any objection to the motion, pleading, application, or other request for relief is required to be served; (iii) the date and time of the applicable objection deadline; (iv) the date of the hearing at which the motion, pleading, application, or other request for relief shall be considered by the Court; and (v) a statement that the relief requested may be granted without a hearing if no objection is timely filed and served in accordance with these Procedures. The applicable objection deadline

and hearing date shall also appear in the upper right corner of the first page of the Notice of Hearing; and it is further

ORDERED that, by 12:00 noon on the day prior to each hearing day, the Debtor's counsel shall provide to the Court, counsel for any statutory committee appointed, counsel to the Debtor's postpetition lenders, any parties-in-interest with matters before the Court that day, and the U.S. Trustee a proposed agenda with regard to the matters which are or were to be heard on such hearing day; and it is further

ORDERED that, in the event a matter is properly noticed for hearing and the parties reach agreement on a settlement of the dispute prior to the final hearing, the parties may announce the settlement at the scheduled hearing on the hearing day. In the event 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 such that cause is deemed to be found under FRBP 2002(a)(3)), the Court may approve the settlement at the hearing without further notice of the terms of the settlement. In the event the Court determines that additional or supplemental notice is required, the Debtor shall serve such notice in accordance with the procedures set forth herein and a hearing to consider such settlement shall be on the next hearing day deemed appropriate by the Court; and it is further

ORDERED that, notwithstanding anything contained herein, motions for relief from the automatic stay filed pursuant to section 362 of the Bankruptcy Code shall be noticed for consideration on the Omnibus Hearing date that is at least twenty-five days after the motion is filed and notice is served upon the Debtors. Unless otherwise ordered by the Court, the objection deadline shall be five calendar days before the scheduled hearing; and it is further

ORDERED that, notwithstanding the provisions of section 362(e) of the Bankruptcy Code, if a scheduled motion with respect to a request for relief under section 362(d) of the Bankruptcy Code is adjourned upon the Debtor's consent and the moving party to a date that is on or after the thirtieth day after the moving party's request for relief was made, 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; and it is further

ORDERED that the Debtor may amend the Procedures from time to time throughout these chapter 11 cases and shall present such amendments to the Court by motion in accordance with the terms and provisions of this Order; and it is further

ORDERED that notice of the Motion as provided therein shall be deemed good and sufficient notice of such Motion; and it is further

ORDERED that the requirement pursuant to Local Rule 9013-1(b) that the Debtors file a memorandum of law in support of the Motion is hereby waived.

Dated: New York, New York
August ____, 2009

UNITED STATES BANKRUPTCY JUDGE