

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MISSOURI

IN RE:)
) Case No.
Debtor)

INITIAL ORDER FOR COMPLEX CHAPTER 11 BANKRUPTCY CASE

This bankruptcy case was filed on _____, 200__. A Notice of Designation as Complex Chapter 11 Case (L.R. 1002-2) was filed. After review of the initial pleadings filed in this case, the Court concludes that this appears to be a Complex Chapter 11 Case and issues this scheduling order, subject to rescission, revision, or modification as provided below:

1. Service List and Limitation on Service

Subject to the Local Rules and the requirements of the Electronic Case Filing System, the Debtor shall maintain a service list (“Service List”), identifying the parties that must be served whenever a motion or other pleading requires notice. Upon establishment of such a list, notices of motions and other matters will be limited to the parties on the Service List.

The Service List shall initially include the Debtor, Debtor’s counsel, counsel for the Official Unsecured Creditors’ Committee, U.S. Trustee, Internal Revenue Service, SEC (if publicly traded) all secured creditors, 20 largest unsecured creditors [of each Debtor], any indenture trustee, and any party that requests notice.

Any party in interest that wishes to receive notice, other than as listed on the Service List, shall be added to the Service List merely by filing an entry of appearance. Parties on the Service List are required to give a fax number and e-mail address for service of process.

The initial Service List shall be filed within three (3) days after entry of this order. A revised list shall be filed after fourteen (14) days after the Initial Service List is filed. Debtors shall update the Service List, and shall file the updated Service List, at least every 30 days thereafter but only if there have been additions or corrections to the previous Service List filed with the court.

2. Hearing Days

The Court hereby establishes _____ of each month at _____.m. as the scheduled hearing day (“Hearing Day”) and time for hearing all motions and other matters in these cases. (There may be exceptions).

3. Setting Hearings and Giving Notice of a Motion Requiring Emergency for Expedited Relief

If a motion requires emergency or expedited relief, a separate motion for emergency or expedited relief should be filed, stating with specificity the reason why an emergency exists or why there is a need for expedited treatment. If the court grants such emergency treatment, the Court will direct the requisite notice and will set a hearing date and time.

4. Proposed Hearing Agenda

At least two (2) business days prior to each Hearing Day, Debtor’s counsel shall file and serve on the Master Service List a Proposed Hearing Agenda.

The Proposed Hearing Agenda is merely a proposal for the convenience of the Court and counsel. It is NOT determinative of the matters to be heard on that day and is not determinative of whether there will be a settlement or continuance. The Proposed Hearing Agenda is expected to include:

- a. The docket number and title of each matter to be scheduled for hearing on the next Hearing Day;
- b. Whether the Matter is contested or uncontested;
- c. Other comments that will assist the Court in organizing its docket for the day; (for example, if a request for continuance or withdrawal of the matter is expected); and
- d. A suggestion for the order in which the matters should be addressed.

On the Hearing Day, the Court may, or may not, accept the hearing agenda proposed by the Debtor.

5. **Participation in Some Hearings By Telephone**

Emergency and expedited hearings (and other hearings in limited circumstances) in this case may be conducted by telephone conference. Parties must obtain permission to participate by telephone from the Judge's courtroom deputy.

6. **Settlement**

If 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. If 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.

7. **Case Captions**

Complex cases usually involve hundreds of motions. To facilitate motion tracking by the Clerk of the Court, each answer, reply, objection and order filed or provided by a party in this case should contain, in its title or first paragraph, a reference to the docket number of the pleading to which responds. EXAMPLE:

Response by XYZ Bank to Debtor's Motion for Use of Cash Collateral.

[This pleading responds to Docket # _____]

8. **Notice and Objections to this Order**

This order shall be served by Debtor on all parties in interest within seven (7) days. If any party in interest, at any time, objects to the provisions of this order, that party shall file a motion articulating the objection and the relief requested. The motion shall comply with the provisions of this order. After hearing the Motion and any responses, the Court may grant appropriate relief, if any is required. The Court may also, *sua sponte*, revise, modify or rescind this order.

SIGNED _____, 200____.

UNITED STATES BANKRUPTCY JUDGE