UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

IN RE:

PROCEDURES FOR
CHAPTER 11 CASES

:
:
:
:

GENERAL ORDER ADOPTING GUIDELINES GOVERNING FIRST DAY MATTERS

UPON CONSIDERATION of the recommendations of the Chapter 11 Subcommittee of the Lawyers' Advisory Committee to the United States Bankruptcy Court For the District of New Jersey, the Court finds a need to implement policies and procedures to better serve the bench, bar and public in Chapter 11 cases. Accordingly, by resolution of the Board of Judges of the United States Bankruptcy Court for the District of New Jersey

IT IS ORDERED that the Guidelines Governing First Day Matters attached hereto as Exhibit A are hereby **ADOPTED**; and

IT IS FURTHER ORDERED that

1. The Court reserves the right to modify the provisions of this General Order to accommodate the needs of a Chapter 11 case before it; and

2. The Exhibits/Standard Forms and Orders referenced in this General Order may be revised by the Court at any time on an individual basis without the need to further amend this General Order; and

IT IS FURTHER ORDERED that this Order shall apply to Chapter 11 cases pending on the date of this Order.

Dated: March 31, **2003**

Rosemary Gambardella

Hon. Rosemary Gambardella, Chief Judge
United States Bankruptcy Court
District of New Jersey

PHI\1057212.2

EXHIBIT A

GUIDELINES GOVERNING FIRST DAY MATTERS

The procedures set forth below concern the submission and entry of first day motions to guide the orderly administration of newly filed Chapter 11 cases throughout the District of New Jersey. This will enable both the Court and practitioners to understand the procedures in advance and ensure that motions and corresponding relief they seek conform to procedures that have been generally approved by the Court. Accordingly, the following guidelines governing first day matters have been approved by the Court.

A. DEFINITION

1. A "First Day Matter" is defined as a motion filed simultaneously with the Chapter 11 petition which, in the opinion of counsel, requires expedited consideration by the Court within two business days of the filing.

2. *While the relief requested by counsel will be considered by the Court, those First Day Matters which seek extraordinary relief will be granted in the Court's discretion only upon good cause shown.*

B. FILING THE REQUEST

3. If a debtor in a Chapter 11 case has matters requiring expedited consideration by the Court, it should submit an Application For Expedited Consideration Of First Day Matters in the standard form attached hereto as Schedule "1," together with a proposed form of Order Regarding Application For Expedited Consideration Of First Day Matters in the standard form attached hereto as Schedule "2." Counsel shall file their respective pleadings with the Court leaving a blank for the return date.

4. First Day Matters shall be supported by certification(s).

5. The Court shall issue its Order Regarding Application For Expedited Consideration Of First Day Matters and immediately advise Debtor's counsel of same.

C. SERVICE

6. Counsel for the Debtor shall:

(a) notify by telecopy and serve electronically, if the e-mail address is available, (or by overnight delivery or immediate hand delivery) a

copy of the Application For Expedited Consideration and supporting documents, upon all affected parties, including the United States Trustee, simultaneously with filing same with the Court; and

(b) notify by telecopy and serve electronically, if the e-mail address is available (or by overnight delivery or hand delivery) a copy of the Court's Order Regarding Application For Expedited Consideration, upon all affected parties, including the United States Trustee, within one (1) business day, after receipt of said Order.

D. Objections/Responses to First Day Matters

7. Objection(s) and/or response(s) to First Day Matter(s) may be filed with the Court anytime prior to the hearing(s) on the First Day Matter(s). The Court will also entertain any oral objection(s) and/or response(s) to a First Day Matter(s) at the time of hearing(s).

8. Should a matter for which expedited consideration is requested in the Application For Expedited Consideration Of A First Day Matter(s) is sought and is **not** set down for hearing as a First Day Matter, but yet scheduled for hearing on an expedited basis, it is incumbent upon movant's counsel to inquire from the Court the deadline(s) for filing and serving objection(s) upon all parties in interest of the objection deadline and method by which the Court will entertain objection(s) and/or response(s) in writing to all parties in interest within one (1) business day of the Court's decision as to the objection/response deadline, service of objection/response and the acceptable method of objecting and/or responding to a matter.

E. OTHER ADMINISTRATIVE MATTERS

9. Should counsel for the Debtor have requested and received an Order Granting Complex Chapter 11 Case Treatment, the provisions of the Court's *General Order Governing Procedures For Complex Chapter 11* cases shall also apply.

SCHEDULE "1"

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

IN RE:	:	
	:	*CHAPTER 11*
	:	*CASE NO.*
	:	
DEBTOR.	:	

APPLICATION FOR EXPEDITED CONSIDERATION OF FIRST DAY MATTERS

On _____, _____ filed a petition for relief under Chapter 11 of the Bankruptcy Code.

Counsel for the Debtor requests that the following relief be provided on a first day basis **(check those that apply):**

1. ____ MOTION SEEKING THE JOINT ADMINISTRATION OF MULTIPLE DEBTOR BANKRUPTCY CASES.

2. ____ MOTION FOR AN ORDER AUTHORIZING THE DEBTOR AN EXTENSION OF TIME WITHIN WHICH TO FILE STATEMENTS AND SCHEDULES.

3. ____ MOTION FOR AN ORDER AUTHORIZING THE EMERGENCY OR INTERIM USE OF CASH COLLATERAL OR DEBTOR-IN-POSSESSION FINANCING PENDING THE NOTICING AND SCHEDULING OF AN INTERIM OR FINAL HEARING FOR FINANCING PURSUANT TO BANKRUPTCY CODE §§ 363 AND 364 AND FED. R. BANKR. P. 4001.

4. ____ MOTION FOR AN ORDER AUTHORIZING THE DEBTOR TO MAINTAIN EXISTING BANK ACCOUNTS AND BUSINESS FORMS AND CASH MANAGEMENT PROCEDURES PROVIDING THE UNITED STATES TRUSTEE'S OFFICE WITH A 60 DAY PERIOD TO OBJECT TO SAID ORDER BEFORE IT BECOMES A FINAL ORDER.

5. ____ MOTION FOR AN ORDER AUTHORIZING A DEBTOR TO MODIFY THE INVESTMENT GUIDELINES SET FORTH IN BANKRUPTCY CODE § 345 ON AN INTERIM BASIS, PROVIDING THE UNITED STATES TRUSTEE'S OFFICE AND ANY OTHER PARTIES-IN-INTEREST A 60-DAY PERIOD TO OBJECT TO SAID ORDER BEFORE IT BECOME A FINAL ORDER.

6. ____ MOTION FOR AN ORDER AUTHORIZING THE DEBTOR TO PAY PRE-PETITION WAGES, SALARIES, COMPENSATION, EMPLOYEE BENEFITS AND REIMBURSABLE BUSINESS EXPENSES UP TO THE LIMITS SET FORTH IN BANKRUPTCY CODE § 507(a).

7. ____ MOTION FOR AN ORDER AUTHORIZING THE DEBTOR TO PAY PRE-PETITION SALES, USE, PAYROLL AND OTHER TAXES THAT ARE OTHERWISE PRIORITY CLAIMS UNDER BANKRUPTCY CODE § 507.

8. ____ MOTION FOR AN ORDER AUTHORIZING THE DEBTOR TO CONTINUE CREDIT CARD FACILITIES.

9. ____ MOTION FOR AN ORDER AUTHORIZING THE DEBTOR TO HONOR CERTAIN PRE-PETITION CUSTOMER OBLIGATIONS, DEPOSITS, REBATES, ETC.

10. ____ MOTION FOR AN ORDER AUTHORIZING THE DEBTOR TO CONTINUE WITH AND PAY PRE-PETITION OUTSTANDING AMOUNTS DUE ON VARIOUS INSURANCE POLICIES.

11. ____ MOTION FOR AN ORDER AUTHORIZING PAYMENT OF OUTSTANDING AND UNPAID PRE-PETITION DEBT TO CERTAIN VENDORS WHO PROVIDE CRITICAL AND NECESSARY SERVICES AND/OR PRODUCTS TO THE DEBTOR.

12. ____ MOTION FOR AN ORDER PURSUANT TO BANKRUPTCY CODE § 366 REGARDING ADEQUATE ASSURANCE FOR THE FUTURE PERFORMANCE FOR UTILITIES AND ESTABLISHING PROCEDURES FOR DETERMINING REQUESTS FOR ADDITIONAL ADEQUATE ASSURANCE.

13. ____ MOTION FOR AN ORDER AUTHORIZING THE DEBTOR TO RETAIN A CLAIMS AND NOTICING AGENT.

14. ____ MOTION FOR AN ORDER ESTABLISHING NOTICING PROCEDURES.

15. ____ *OTHERS [COUNSEL SHOULD ADD ALL OTHER MOTIONS FOR WHICH IT SEEKS CONSIDERATION AS A FIRST DAY MATTER.]*

_____, 200__

_____
Name

_____
Address

_____
Telephone and Fax numbers

_____
E-mail Address

NOTE: Each motion or application for which expedited consideration is requested shall be filed with the Clerk of the U.S. Bankruptcy Court For The District Of New Jersey and served upon the United States Trustee and all affected parties.

SCHEDULE " 2"

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

IN RE:	:	
	:	*CHAPTER 11*
	:	*CASE NO.*
	:	
DEBTOR.	:	

ORDER REGARDING APPLICATION FOR EXPEDITED CONSIDERATION OF FIRST DAY MATTERS

This bankruptcy case was filed on _____, 200__. An Application For Expedited Consideration Of First Day Matters was filed. After review of the initial pleadings filed in this case which have been designated by counsel as requiring expedited consideration, and for good cause shown;

IT IS HEREBY ORDERED that the following motions are set down for hearing before The Honorable _____
in Courtroom #_____ located at _____
at the date and time as set forth below:

		Hearing Date and Time
1.	MOTION SEEKING THE JOINT ADMINISTRATION OF MULTIPLE DEBTOR BANKRUPTCY CASES.	_____**at**_____**.M.**
2.	MOTION FOR AN ORDER AUTHORIZING THE DEBTOR AN EXTENSION OF TIME WITHIN WHICH TO FILE STATEMENTS AND SCHEDULES.	_____**at**_____**.M.**

Hearing Date and Time

3. MOTION FOR AN ORDER AUTHORIZING THE EMERGENCY USE OF CASH COLLATERAL OR DEBTOR-IN-POSSESSION FINANCING PENDING THE NOTICING AND SCHEDULING OF AN INTERIM HEARING FOR FINANCING PURSUANT TO BANKRUPTCY CODE §§ 363 AND 364 AND FED. R. BANKR. P. 4001. _____**at**_____ **.M.**

4. MOTION FOR AN ORDER AUTHORIZING THE DEBTOR TO MAINTAIN EXISTING BANK ACCOUNTS AND BUSINESS FORMS AND } CASH MANAGEMENT PROCEDURES PROVIDING THE UNITED STATES TRUSTEE'S OFFICE WITH A 60 DAY PERIOD TO OBJECT TO SAID ORDER BEFORE IT BECOMES A FINAL ORDER. _____**at**_____ **.M.**

5. MOTION FOR AN ORDER AUTHORIZING A DEBTOR TO MODIFY THE INVESTMENT GUIDELINES SET FORTH IN BANKRUPTCY CODE § 345 ON AN INTERIM BASIS, PROVIDING THE UNITED STATES TRUSTEE'S OFFICE AND ANY OTHER PARTIES-IN-INTEREST A 60-DAY PERIOD TO OBJECT TO SAID ORDER BEFORE IT BECOME A FINAL ORDER. _____**at**_____ **.M.**

6. MOTION FOR AN ORDER AUTHORIZING THE DEBTOR TO PAY PRE-PETITION WAGES, SALARIES, COMPENSATION, EMPLOYEE BENEFITS AND REIMBURSABLE BUSINESS EXPENSES UP TO THE LIMITS SET FORTH IN BANKRUPTCY CODE § 507(a). _____**at**_____ **.M.**

7. MOTION FOR AN ORDER AUTHORIZING THE DEBTOR TO PAY PRE-PETITION SALES, USE, PAYROLL AND OTHER TAXES THAT ARE OTHERWISE PRIORITY CLAIMS UNDER BANKRUPTCY CODE § 507. _____**at**_____ **.M.**

8. MOTION FOR AN ORDER AUTHORIZING THE DEBTOR TO CONTINUE CREDIT CARD FACILITIES. _____**at**_____ **.M.**

Hearing Date and Time

9.	MOTION FOR AN ORDER AUTHORIZING THE DEBTOR TO HONOR CERTAIN PRE-PETITION CUSTOMER OBLIGATIONS, DEPOSITS, REBATES, ETC.	_____at_____ .M
10.	MOTION FOR AN ORDER AUTHORIZING THE DEBTOR TO CONTINUE WITH AND PAY PRE-PETITION OUTSTANDING AMOUNTS DUE ON VARIOUS INSURANCE POLICIES.	_____at_____ .M.
11.	MOTION FOR AN ORDER AUTHORIZING PAYMENT OF OUTSTANDING AND UNPAID PRE-PETITION DEBT TO CERTAIN VENDORS WHO PROVIDE CRITICAL AND NECESSARY SERVICES AND/OR PRODUCTS TO THE DEBTOR.	_____at_____ .M.
12.	MOTION FOR AN ORDER PURSUANT TO BANKRUPTCY CODE § 366 REGARDING ADEQUATE ASSURANCE FOR THE FUTURE PERFORMANCE FOR UTILITIES AND ESTABLISHING PROCEDURES FOR DETERMINING REQUESTS FOR ADDITIONAL ADEQUATE ASSURANCE.	_____at_____ .M.
13.	MOTION FOR AN ORDER AUTHORIZING THE DEBTOR TO RETAIN A CLAIMS AND NOTICING AGENT.	_____at_____ .M.
14.	MOTION FOR AN ORDER ESTABLISHING NOTICING PROCEDURES.	_____at_____ .M.
15.	***OTHERS [COUNSEL SHOULD ADD ALL OTHER MOTIONS FOR WHICH IT SEEKS CONSIDERATION AS FIRST DAY MATTERS AS SET FORTH IN THE UNDERLYING REQUEST.]***	_____at_____ .M.

IT IS FURTHER ORDERED, that Service of the within Order shall be made in accordance with the Court's *General Order Adopting Guidelines Governing First Day Matters*; and

IT IS FURTHER ORDERED, that objections and/or responses to First Day Matters, if any, shall be made in accordance with the Court's *General Order Adopting Guidelines Governing First Day Matters*.

Dated:_____

_____
United States Bankruptcy Judge
District of New Jersey