

## *EXHIBIT F*

### **GUIDELINES ESTABLISHING CASE MANAGEMENT AND ADMINISTRATIVE PROCEDURES FOR CASES DESIGNATED AS COMPLEX CHAPTER 11 CASES**

After review of the initial pleadings filed in a case designated and approved as “complex” and the Court conducting its initial status conference at the hearing on First Day Matters, and for which the court concludes that the case is appropriate for the entry of a case management and administrative procedures order, the following guidelines as they relate to case management and administrative procedures may be requested by Debtor’s counsel upon the submission of an “Order Establishing Case Management And Administrative Procedures For Cases Designated As Complex Chapter 11 Cases”.

#### **A. OMNIBUS HEARING DATES**

1. The Court may conduct omnibus hearings on a weekly/bi-monthly/monthly basis as dictated by the circumstances of the case (the “Omnibus Hearing Dates”).
2. Omnibus Hearing Dates will occur thereafter as may be scheduled by the Court. To the extent possible, all matters requiring a hearing in this case shall be set for and be heard on Omnibus Hearing Dates unless alternative hearing dates are approved by the Court for good cause shown.

#### **B. EXPEDITED HEARINGS**

3. If a party in interest has an emergency or other situation that it believes requires consideration on less than the 20-days notice as required by D.N.J.LBR 9013-1(c), the moving party should file and serve, a separate written application requesting shortened time and expedited hearing in respect of the underlying motion in the form provided at D.N.J.LBR 9013-1(e).

4. The Court will rule on the request for shortened time within twenty-four (24) hours of the time it is presented. If the court grants the motion for expedited hearing, the underlying motion will be set at the next available omnibus hearing date or at some other appropriate shortened date approved by the Court.

5. Requests for expedited hearings will only be granted under emergency or exigent circumstances.

6. This section does not apply to matters filed under an Application For Expedited Consideration Of First Day Matters and all parties are directed to consult the *General Order Adopting Guidelines Governing First Day Matters*.

**C. COMPLIANCE WITH TERMS OF ORDER ESTABLISHING CASE MANAGEMENT AND ADMINISTRATIVE PROCEDURES**

7. If any person makes any filing in contravention of the omnibus dates process established pursuant to a particular chapter 11 case Order Establishing Case Management and Administrative Procedures entered by the Court by, among other things, setting a hearing on such filing for a date and time other than an omnibus hearing date without an order from this Court authorizing such hearing for cause, the Debtor's counsel shall forward a copy of the Order Establishing Case Management And Administrative Procedures to such person within three (3) business days of the receipt of such filing. If such filing is filed at least twenty (20) days from the next Omnibus Hearing Date, then the hearing with respect to such filing shall be deemed to be on such omnibus hearing date. If such filing is less than twenty (20) days prior to the next omnibus hearing date then the hearing with respect to such filing shall be the next omnibus hearing date thereafter. The movant must provide notice of the corrected hearing date to all affected parties and thereafter file a certificate of service regarding the notice.

**D. NOTICING PROCEDURES**

8. All filings in this case, unless otherwise ordered by the Court, shall be served upon the following entities constituting the "Core Service List":

- (a) The Debtor(s);
- (b) The Debtor's counsel;
- (c) The Newark office of the United States Trustee for Region III;
- (d) The chairperson of any official committees established pursuant to section 1102 of the Bankruptcy Code;
- (e) Counsel retained by any official committees established pursuant to Section 1102 of the Bankruptcy Code, or twenty (20) largest creditors if an official committee has not been appointed;
- (f) Counsel to secured creditors; and
- (g) Any other person, entity as authorized by the Court.

9. Debtor's counsel or counsel to the trustee, if one is appointed, must maintain and update the Core Service List at least every fifteen (15) days during the first sixty (60) days of the case and at least every thirty (30) days thereafter. Further, Debtor's counsel must file a Core Service List with the Court every time it is updated.

10. Debtor's counsel or counsel to the trustee shall also maintain and update a master service list (the "Master Service List") which shall be comprised of the Core Service List and the parties that have filed a notice of appearance and request for notices in the Debtor's case. Service on the persons/entities listed on the Master Service List shall be made only with respect to those matters enumerated in the Order Establishing Case Management And Administrative Procedures. Debtor's counsel must update the Master Service List at least every fifteen (15) days during the first sixty (60) days of the case and at least every thirty (30) days thereafter. Further, Debtor's counsel must file the Master Service List with the Court each time it is updated.

11. The certificate of service for each filing must be filed with the Court together with the complete service list that was utilized and served for a particular filing but said certificate of service is not to be served via hard copy on the recipients of the filing.

12. Whether filed conventionally or electronically, summons and complaints or the initiating motion in a contested matter shall be served in hard copy format pursuant to Fed. R.Bankr.P. 7004, upon all parties having a particularized interest in the subject of the filings or motions and parties listed on the Core Service List.

13. All notices required by subdivisions (a)(2), (3) and (6) of Fed. R.Bankr.P. 2002 and by Fed. R.Bankr.P. 4001 shall be served upon:

- (a) Each entity designated on the Core Service List; and
- (b) When the notice is of a proposed use, sale, lease or abandonment of property or of a hearing thereon, each entity designated on the most recent Master Service List and each entity having an interest in the property; and
- (c) When the notice relates to relief from the stay in order to take action against property of the Debtor's Estate, each entity having a lien, encumbrance or interest in the subject property; and
- (d) When the notice relates to use of cash collateral or obtaining credit, each entity who has an interest in the cash collateral or each entity who has a lien or other interest in property on which a lien is proposed to be granted; and
- (e) When the notice is of a proposed compromise or settlement or of a hearing thereon, each entity designated on the most recent Master Service List and each entity who is a party to the compromise or settlement; and
- (f) When the notice is of an application for compensation or reimbursement of expenses or of a hearing thereon, each entity designated on the most recent Master Service List and each professional person who is seeking compensation or reimbursement whose retention in these cases is authorized by the Court.

**E. NEGATIVE NOTICING PROCEDURES**

14. Subject to the Court's discretion, the Court may approve notice procedures which provide that if no objections are timely filed and served by a deadline set in accordance with the Federal Rules of Bankruptcy Procedure and/or the Order Establishing Case

Management And Administrative Procedures and/or the District of New Jersey Local Bankruptcy Rules, the Court may enter an order granting the relief requested without further notice or a hearing (“Negative Notice”). The notice of motion accompanying such motion must specifically advise parties of the objection deadline, and must also inform the recipient that if no objections are filed and served, the Court may enter an order granting the motion without further notice or hearing.

15. “Negative Notice” may be used in connection with motions including, but not limited to, matters requesting the following relief:

- (a) Rejection of a non-residential real property lease or executory contract pursuant to 11 U.S.C. § 365;
- (b) Retention and employment of professional pursuant to 11 U.S.C. § 327, 328 and 330 and 28 U.S.C. § 156(o);
- (c) Extension of deadline to seek removal action pursuant to Federal Rules of Bankruptcy Procedures 9027;
- (d) Sales of assets outside the ordinary course of business pursuant to 11 U.S.C. § 363 with a purchase price set on a case by case basis;
- (e) Approval of settlements and compromises pursuant to Federal Rules of Bankruptcy Procedures 9019 of claims where the settled amount of the claim does not exceed an amount set on a case by case basis; and
- (f) Nothing contained herein shall be construed to limit a party in interest’s ability to request that the court approve the use of Negative Notice procedures in connection with motions not specifically identified above.

16. If an objection is timely filed and served, a hearing will be scheduled for the next omnibus hearing date unless otherwise ordered by the Court.

**F. CERTIFICATION OF NO OBJECTION**

17. After the objection date has passed with no objection having been filed or served, counsel for the movant may file a Certification Of No Objection substantially in the form

as it appears on the annexed Schedule “1” stating that no objection has been filed or served on the movant.

18. By filing such certifications, counsel for the movant is representing to the Court that the movant is unaware of any objection to the motion or application and that counsel has reviewed the Court’s docket and no objection appears thereon.

19. Upon receipt of the Certification Of No Objection, the Court may enter the Order accompanying the motion or application without further pleading or hearing and, once the Order is entered, the hearing scheduled on the motion or application shall be cancelled without further notice.

**G. NOTICE OF AGENDA**

20. Subject to the Court's discretion, in a case that has been designated as complex and if the Court has authorized a Notice of Agenda to be utilized, debtor’s counsel or counsel to the trustee, if one is appointed shall maintain file and serve a Notice of Agenda for each hearing held in the case in conformity with the proposed form annexed hereto as Schedule “2” and the guidelines set forth below (G 21-G 28) unless modified or otherwise directed by the Court to the contrary.

21. Counsel (as described above in section “G 20”) shall file a proposed Notice of Agenda before 12:00 Noon on the day that is two (2) business days before the date of the omnibus hearing.

22. Resolved or continued matters shall be listed ahead of unresolved matters on the Notice of Agenda. Contested matters shall be listed in the order of docketing with corresponding docket number.

23. All amended Notices of Agenda shall list matters as listed in the original Notice of Agenda with all edits and additional information being listed in **boldface type**.

24. Copies of the Notice of Agenda shall be served upon local counsel who have entered an appearance in the case, as well as all other counsel with a direct interest in any matter on the Notice of Agenda and the United States Trustee simultaneously with the filing of the Notice of Agenda with the Court.

25. For each motion and/or application the Notice of Agenda shall indicate the movant and/or the applicant, the nature of the motion and the docket number. Supporting papers of the movant/applicant shall be similarly denoted.

26. For each motion/application the Notice of Agenda shall indicate the objection deadline and any objection filed and its docket number, if available.

27. For each motion/application the Notice of Agenda shall indicate whether the matter is going forward, whether a continuance is requested (and any opposition to the continuance if known), whether any or all of the objections have been resolved and any other pertinent status information.

28. When an adversary proceeding is scheduled the Notice of Agenda shall indicate the adversary proceeding number and the corresponding docket number for pleadings filed in the adversary proceeding on the Notice of Agenda, in addition to the information regularly required in a Notice of Agenda.

#### **H. PRO HAC VICE APPLICATIONS**

29. Application by non-resident attorneys for permission to practice before the Court in this case, *pro hac vice*, may not be set for hearing unless the Court requires otherwise. These applications may be GRANTED by the Court unless objections are promptly filed thereto. *Pro hac vice* applications must be served upon each entity designated on the Core Service List.

30. The Court will require parties to obtain local counsel in accordance with the District Of New Jersey Local District Court Rules And Local Bankruptcy Rules.

**I. ELECTRONIC FILING PROCEDURES**

31. Pursuant to this Court's *General Order Authorizing Administrative Procedures For The Electronic Filing, Signing And Verification Of Documents*, dated March 27, 2002, except with regard to documents which may be filed under seal, unless good cause can be demonstrated and established to the contrary at the return date on the hearing(s) of the First Day Matters, all motions, pleadings, memoranda of law or other documents to be filed with the Court in a Complex Chapter 11 Case shall be electronically filed on the Court's Electronic Filing System.

32. Notwithstanding the above, the Office of the United States Trustee for Region III—New Jersey Office requires service upon it of the following documents in hard copy format regardless of whether the United States Trustee's Office receives same electronically:

- a. Petition;
- b. Schedules and Statement Of Financial Affairs;
- c. Chapter 11 plan and Disclosure Statement;
- d. Fee applications;
- e. All First Day Matters and supporting pleadings and documents thereto;  
and
- f. Monthly Operating Reports.

**J. MAILING MATRIX**

33. A mailing matrix submitted electronically shall be prepared in accordance with D.N.J. LBR 1007-2.

**K. OTHER ADMINISTRATIVE ISSUES**

34. Any party may at anytime apply for reconsideration or modification of the Order Establishing Case Management And Administrative Procedures. Service of said motion shall be made to all persons/entities on the Master Service List. The court may amend the Order Establishing Case Management And Administrative Procedure from time to time as is necessary.