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IT IS SO ORDERED.

Dated: April 11, 2005



Charles M. Caldwell  
United States Bankruptcy Judge

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UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

In re

UNITED PRODUCERS, INC.

Debtor and Debtor-in-Possession

Case No. 05-55272

Jointly Administered

Chapter 11

Judge: Charles M. Caldwell

Re: Dkt No. 16

**ORDER ESTABLISHING CERTAIN NOTICE, CASE MANAGEMENT AND  
ADMINISTRATIVE PROCEDURES**

Upon the Motion of the above-captioned debtors and debtors-in-possession (jointly, "Debtors") for entry of an order establishing certain notice, case management and administrative procedures in these chapter 11 cases; and upon consideration of the Motion and all pleadings related thereto; the Court finding that: (a) the Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334; (b) this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2), and (c) notice of the Motion was proper under the circumstances; and it appearing that the relief requested in the Motion

is in the best interests of the Debtors, their estates and creditors; and good and sufficient cause appearing therefor, it is hereby

ORDERED that the Motion is granted in its entirety; and it is further

ORDERED that the following notice, case management and administrative procedures are hereby established for these chapter 11 cases:

**A. Omnibus Hearings**

1. Unless otherwise ordered by the Court, the Court shall only conduct regular, monthly omnibus case management hearings in this case, as scheduled from time to time by the Court (the "Omnibus Hearings"). Unless otherwise ordered by the Court for good cause shown, all matters will be heard at the Omnibus Hearings.
2. All motions, pleadings, requests for relief, or other materials that purport to set a hearing on a date and/or time at which no Omnibus Hearing is set shall automatically and without court order be scheduled to be heard at the next Omnibus Hearing that is at least twenty-six (26) calendar days after such motion, pleading, application, or other request for relief are filed and served<sup>1</sup>. The Debtor shall send a copy of these Case Management Procedures within three (3) business days of receipt to any party who has filed such motion, pleading, request for relief or other materials.
3. **Emergency Hearings** - Notwithstanding any procedure herein, nothing herein shall restrict an entity from requesting an emergency hearing pursuant to the Local Rule 9073-1.
4. **Omnibus Hearings** - The Court has set the following dates and times for Omnibus Hearings:
  - a. 10:00 a.m. on the 28<sup>th</sup> day of April, 2005
  - b. 10:00 a.m. on the 27<sup>th</sup> day of May, 2005
  - c. 10:00 a.m. on the 24<sup>th</sup> day of June, 2005
  - d. 10:00 a.m. on the 27<sup>th</sup> day of July, 2005
  - e. 10:00 a.m. on the 25<sup>th</sup> day of August, 2005
  - f. 10:00 a.m. on the 28<sup>th</sup> day of September, 2005

<sup>1</sup> With the exception of the Debtors' Applications to Employ Professionals, these Applications shall be served with 22 days Notice and a 20 day objection period.

- g. 10:00 a.m. on the 27<sup>th</sup> day of October, 2005
  - h. 10:00 a.m. on the 29<sup>th</sup> day of November, 2005
  - i. 10:00 a.m. on the 15<sup>th</sup> day of December, 2005
5. **Future Hearings** - At or before the last Omnibus Hearing scheduled above, Debtors shall request that additional Omnibus Hearings be scheduled. All future Omnibus Hearings shall be posted on the Website to be established by Debtors. Debtors will file a notice identifying the website address within three (3) days of having established such website. Entities may also contact the Debtor's undersigned counsel for information concerning future Omnibus Hearings that have been scheduled by the Court.

**B. Filing and Notice Procedures**

1. **Procedures Established for All Court Filings** - All documents filed in this Chapter 11 Case, including but not limited to all notices, motions, applications, and other requests for relief, all briefs, memoranda, affidavits, declarations, 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") shall be filed with the Court or other applicable court and served in accordance with the notice procedures set forth herein.
2. **Requests for Relief** - Absent extreme exigent circumstances, any Request for Relief, together with a notice of opportunity to object and notice of hearing shall be filed and served at least twenty-six (26) days prior to the hearing on the Motion. This twenty-six (26) day period allows for a twenty (20) day notice and response time pursuant to Local Rule 9013-1(b) and three (3) additional days for pleadings served by mail pursuant to Rule 6(E) of the Federal Rules of Civil Procedure.
3. **Definition of Entities Entitled to Service** - All Court Filings shall be served on the Core Group, the 2002 List, and Affected Entities (each as defined herein and collectively, the "Primary Service List"), according to the notice procedures described herein. A Court Filing is deemed not to have been properly served until served on all of the parties in the Core Group.
  - a. **Primary Service List** - On a weekly basis for the first 30 days of the case, Debtors' counsel shall file an updated "Primary Service List" with the Court. This Primary Service List shall be filed on each Monday. After the first 30 days, then on or about the first business day of each month, the Debtors' counsel shall file an updated "Primary Service List" with the Court. Said updated Primary Service List can be obtained by accessing: (a) <http://www.ohsb.uscourts.gov>; (b) the website to be established by Debtors; or (c) the Debtors' undersigned counsel.

- b. **Core Group** - The following entities shall comprise the core group of entities in this Chapter 11 Case (collectively, the "Core Group"):
    - (1) The Debtors and their counsel;
    - (2) The Office of the United States Trustee (the "US Trustee");
    - (3) Counsel to any official committees appointed in these cases pursuant to section 1102 of the Bankruptcy Code;
    - (4) Counsel to the Debtors' pre-petition and DIP lender;
    - (5) Any creditor or party in interest who has filed and served a Notice Request (defined below); and
    - (6) All parties directly affected by the relief sought in the pleading or other document being served.
  
  - c. **2002 List** - This group shall be comprised of all entities who have filed a request for service of filings pursuant to Bankruptcy Rule 2002 (collectively, the "2002 List").
    - (1) **Filing Requests for Documents Requires E-mail Address** - A request for service of papers pursuant to Bankruptcy Rule 2002 (each, a "2002 Notice Request") filed with the Court **shall be deemed proper if and only if** it provides an address at which documents filed with the Court by the Debtor may be served by e-mail (subject to Section B.2.b.(2) below).
    - (2) **Certification Opting Out of E-mail Service** - Any individual or entity filing a 2002 Notice Request who does not maintain (and cannot practicably obtain) an e-mail address and thereafter cannot receive service by e-mail must include in the 2002 Notice Request a certification to that effect (the "Certification"). The Certification shall include a statement certifying that the individual or entity (a) does not maintain an e-mail address and (b) cannot practicably obtain an e-mail address at which the individual or entity could receive service by e-mail.
  
  - d. **Affected Entities** - This group shall be comprised of all entities with a particularized interest in the subject matter of the particular Court Filing (each, an "Affected Entity").
4. **Applicability of these Procedures** - Nothing herein shall affect the Debtors' obligation to give notice to all creditors, parties in interest, and, where applicable, equity security holders of the meeting of creditors, the dismissal or conversion of the Debtors' Chapter 11 Cases to another chapter, the time fixed to accept or reject a proposed modification of a plan of reorganization, the time fixed for filing proofs of claim as required by Bankruptcy Rule 2002(a), the time fixed for filing objections to

and the hearing on the disclosure statement and the plan of reorganization required by Bankruptcy Rule 2002(b), or entry of an order confirming the plan of reorganization. In addition, the Debtors shall be required to comply with the notice requirements of Bankruptcy Rules 2002(d), 4006, and 4007.

**C. Service by E-mail**

1. **Form of Documents Served by E-mail** – All pleadings filed in these chapter 11 cases shall be served electronically (“E-Mail”), unless otherwise ordered by the Court. E-mail service shall consist of a computer file containing the entire pleading, including any proposed form of order, judgment, findings of fact or conclusions of law in PDF format, readable by Adobe Acrobat or other equivalent document reader program commonly available.

**D. Procedures for the Service of Orders**

1. All orders of the Court shall be served by the Clerk of the Bankruptcy Court through the Bankruptcy Noticing Center (“BNC”) to each entity on the General Service List and to the attorney for the principal party or parties in the matter. The BNC serves via mail or E-Mail. Parties wishing to receive E-Mail service of Orders, must contact BNC (1-800-BNC-5055 or [www.noticingcenter.com](http://www.noticingcenter.com)). All proposed orders shall include a service list of all parties to be served.

**E. Service of the Case Management Order**

1. Counsel for the Debtors shall immediately serve a copy of this Case Management Order upon all parties detailed on the most current version of the General Service List.

**SO ORDERED.**

cc: Reginald W. Jackson  
Debtor  
20 Largest Unsecured Creditors  
James Markus  
Daniel DeMarco  
U.S. Trustee

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