



Honorable Mike K. Nakagawa
United States Bankruptcy Judge



Entered on Docket
March 08, 2012

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UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re

AMERICAN WEST DEVELOPMENT, INC.,
a Nevada corporation,

Debtor.

Case No. BK-S-12-12349-MKN

Chapter 11

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

Hearing Date: March 6, 2012

Hearing Time: 2:00 p.m.

The Court, having reviewed and considered the Motion for Order Establishing Certain Case Management, Notice and Administrative Procedures [Docket No. 18] (the "Motion"), filed in the above-captioned chapter 11 bankruptcy case (the "Chapter 11 Case") by the debtor and debtor in possession ("Debtor"), seeking an order pursuant to sections 102 and 105 of title 11 of the United States Code (the "Bankruptcy Code") and Rules 2002 and 9007 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), to, among other things, (a) establish the case management

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1 procedures set forth in the Motion as the governing framework for administration of the Chapter 11
2 Case, and (b) approve the form and proposed notice of the Case Management Procedures; and upon
3 consideration of the Omnibus Declaration of Robert M. Evans in Support of First Day Motions [Docket
4 Nos. 56 and 57]; having reviewed and considered the Omnibus Objection of the Acting United States
5 Trustee to Debtor's First Day Motions (I) for Order Establishing Certain Case Management, Notice and
6 Administrative Procedures; and (II) for Order Authorizing Payment of Prepetition Critical Vendor
7 Claims [Docket No. 82]; and all objections to the Motion having been resolved during the hearing;
8 having jurisdiction to consider the Motion and the relief requested therein pursuant to 28 U.S.C. § 1334;
9 consideration of the Motion and the relief requested therein being a core proceeding pursuant to 28
10 U.S.C. § 157(b); venue being proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409;
11 appropriate and sufficient notice of the Motion having been provided under the circumstances, and it
12 appearing that no other or further notice need be provided; having determined that the relief sought in
13 the Motion is in the best interests of Debtor, its creditors and all other parties in interest; having
14 determined that the legal and factual bases set forth in the Motion establishes just cause for the relief
15 granted herein; and upon the proceedings held before the Court at the date and time noted above; with
16 all other findings of the Court as set forth in the record at such hearing, which are incorporated herein
17 pursuant to Federal Rule of Civil Procedure 52, made applicable to these proceedings by Bankruptcy
18 Rule 7052; and after due deliberation and sufficient cause appearing therefor,

19 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that:

- 20 1. The Motion is GRANTED as modified on the record at the hearing.
- 21 2. The case management, notice and administrative procedures attached hereto as **Exhibit 1**
22 (the "Case Management Procedures") are approved and shall be implemented immediately upon entry
23 of this Order to provide the governing framework for administration of this Chapter 11 Case.
- 24 3. Debtor shall serve notice of this Order and the Case Management Procedures upon the
25 Master Service List (as defined in the Case Management Procedures) that Debtor shall maintain in
26 accordance with the Case Management Procedures.
- 27 4. Debtor shall publish the Case Management Procedures on the website:
28 www.awdevelopmentreorg.com (the "Case Website") maintained by its notice, balloting and claims

1 agent (the "Notice and Claims Agent"). Additionally, Debtor's counsel and the Notice and Claims
2 Agent shall provide copies of the Case Management Procedures to any party who contacts them to
3 make such request.

4 5. In the event the Case Management Procedures are modified during the course of the
5 Chapter 11 Case, Debtor or the Notice and Claims Agent will redistribute the Case Management
6 Procedures to the Master Service List and shall republish the Case Management Procedures on the Case
7 Website.

8 6. The Court shall retain jurisdiction with respect to any matters, claims, rights or disputes
9 arising from or related to the implementation of this Order.

10
11 Prepared and Respectfully Submitted by:

12 **FOX ROTHSCHILD LLP**

13 By _____
14 BRETT A. AXELROD, ESQ.
15 Nevada Bar No. 5859
16 MICAELA RUSTIA MOORE, ESQ.
17 Nevada Bar No. 9676
18 3800 Howard Hughes Parkway, Suite 500
19 Las Vegas, Nevada 89169

20
21 *[Proposed] Counsel for American West Development, Inc.*

22 **APPROVED** DISAPPROVED:

23 **OFFICE OF THE UNITED STATES TRUSTEE**

24 By *Athanasios Agelakopoulos*
25 Athanasios Agelakopoulos, Trial Attorney
26 Foley Federal Building and U.S. Courthouse
27 300 Las Vegas Boulevard South, Suite 4300
28 Las Vegas, Nevada 89101

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CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

In accordance with Local Rule 9021, counsel submitting this document certifies as follows:

- The Court has waived the requirement of approval in LR 9021(b)(1).
- No party appeared at the hearing or filed an objection to the motion
- I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below:

ATHANASIOS
AGELAKOPOULOS, OFFICE OF
THE UNITED STATES TRUSTEE

Approved

- I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order.

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EXHIBIT 1

CASE MANAGEMENT PROCEDURES

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8
 9 **UNITED STATES BANKRUPTCY COURT**
 10 **DISTRICT OF NEVADA**

<p>11 In re</p> <p>12 AMERICAN WEST DEVELOPMENT, INC.,</p> <p>13 a Nevada corporation,</p> <p>14 Debtor.</p>	<p>Case No. BK-S-11-12349-MKN</p> <p>Chapter 11</p>
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16
 17 **CASE MANAGEMENT, NOTICE AND ADMINISTRATIVE PROCEDURES**

18 The United States Bankruptcy Court for the District of Nevada (the "Court") approved the
 19 following case management, notice and administrative procedures (the "Case Management
 20 Procedures") for the above-captioned chapter 11 bankruptcy case (the "Chapter 11 Case") of American
 21 West Development, Inc. ("Debtor"), debtor and debtor in possession in the Chapter 11 Case, pursuant
 22 to its order (the "Case Management Order") entered on March ____, 2012.

23 Anyone may obtain a copy of the Case Management Order in addition to any document filed
 24 with the Court in the Chapter 11 Case by (a) accessing the website maintained by The Garden City
 25 Group, Inc. ("GCG" or the "Notice and Claims Agent"), Debtor's notice, balloting and claims agent, at
 26 www.awdevelopmentreorg.com (the "Case Website"); (b) contacting GCG directly at: AW Bankruptcy
 27 Administration, c/o GCG, Inc., PO Box 9748, Dublin, OH 43017-5648, or on their Telephone Hotline:
 28 (877) 604-9532; or (c) accessing the Case Management/Electronic Case Filing System ("CM/ECF") on

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1 the Court’s website at www.nvb.uscourts.gov through an account obtained from the PACER service
2 center at 1 (800) 676-6856 or http://pacer.psc.uscourts.gov. Additionally, paper copies of all pleadings
3 filed in the Chapter 11 Case are available during posted hours at the Court Clerk’s office located at
4 Foley Federal Building and U.S. Courthouse, 300 Las Vegas Boulevard South, Las Vegas, Nevada
5 89101.

6 **A. Omnibus Hearing Dates.**

7 1. All Matters to be Heard at Omnibus Hearings. The Court shall schedule periodic
8 omnibus hearings to consider all motions, pleadings, applications, objections and responses thereto, and
9 other requests for relief filed in the Chapter 11 Case (the “Omnibus Hearings”) no less frequently than
10 once per month.

11 2. Setting Omnibus Hearings.

12 (a) Ordinary Scheduling Procedures. In accordance with Rule 2002 of the
13 Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) and Rule 9014 of the
14 Court’s Local Rules of Bankruptcy Procedure (the “Local Rules”), a party may notice
15 its Request for Relief (defined below) as set for hearing on the date of the next
16 upcoming Omnibus Hearing date provided such Omnibus Hearing date is no less than
17 twenty-eight (28) days after the filing of the Request for Relief.

18 (b) Emergency Scheduling Procedures. Notwithstanding the Ordinary
19 Scheduling Procedures, every party may request a hearing on less than twenty-eight (28)
20 days’ notice in accordance with Local Rule 9006.

21 (c) Initial Omnibus Hearings. The first seven (7) Omnibus Hearings shall be
22 held on the following dates and times:

- 23 (i) 9:30 a.m. on the 10th day of April, 2012
- 24 (ii) 10:00 a.m. on the 7th day of May, 2012
- 25 (iii) 1:30 p.m on the 5th day of June, 2012
- 26 (iv) 1:30 p.m on the 10th day of July, 2012
- 27 (v) 10:00 a.m. on the 23rd day of August, 2012
- 28 (vi) 10:00 a.m. on the 25th day of September, 2012
- (vii) 10:00 a.m. on the 30th day of October, 2012

29 3. Subsequent Omnibus Hearings. At or before the last Omnibus Hearing noted above,
30 Debtor shall request that the Court schedule additional Omnibus Hearings. Upon the scheduling of
31 additional Omnibus Hearings, the Notice and Claims Agent shall post the dates and times for the

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1 subsequent Omnibus Hearings at the Case Website. Parties in interest may contact the Notice and
2 Claims Agent for information concerning all scheduled Omnibus Hearings.

3 **B. Filing and Notice Procedures; Deadlines for Filing Responsive Pleadings.**

4 4. Procedures Established for Notices. All notices, motions, applications and other requests
5 for relief, including all briefs, memoranda, affidavits, declarations and other documents filed in support
6 of such papers seeking relief (collectively, the “Requests for Relief”) and all objections and responses to
7 such Requests for Relief (collectively, the “Objections,” and together with the Requests for Relief and
8 all other filed documents, the “Court Filings”) shall be filed with the Court or other applicable court and
9 served in accordance with the notice procedures set forth herein at paragraphs 5-22 (the “Notice
10 Procedures”).

11 5. Entities Entitled to Service. All Requests for Relief shall be served upon the Master
12 Service List, the Rule 2002 List and Affected Entities (each as defined hereinafter and collectively
13 referred to as the “Service List”):

14 (a) Master Service List. This list shall be maintained by the Notice and
15 Claims Agent and made available to parties in interest by their (a) accessing the Case
16 Website; (b) contacting the Notice and Claims Agent directly; or (c) contacting Debtor’s
17 counsel directly, and shall include contact information for the following parties:

- 18 (i) the Office of the United States Trustee for the District of Nevada;
- 19 (i) Debtor and its counsel;
- 20 (ii) counsel to any official committee of creditors or, until such
21 appointment, the entities listed on the List of Creditors Holding the 20 Largest
22 Unsecured Claims filed in the Chapter 11 Case by Debtor, pursuant to
23 Bankruptcy Rule 1007(d);
- 24 (iii) counsel to the administrative agent for Debtor’s prepetition
25 secured lenders;
- 26 (iv) the Internal Revenue Service; and
- 27 (v) the Securities and Exchange Commission.

28 (b) Rule 2002 List. This list shall be maintained by the Notice and Claims
Agent and made available to parties in interest by their (a) accessing the Case Website;
or (b) contacting the Notice and Claims Agent directly; and shall include contact
information for those entities who file or have filed a proper request for service of
papers pursuant to Bankruptcy Rule 2002 as follows:

- (i) A Request for Service of Papers Requires Email Address – A
request for service of papers pursuant to Bankruptcy Rule 2002 filed with the

1 Court (each, a “Rule 2002 Notice Request”) shall be deemed proper if and only
 2 if it includes the following information with request to the party filing such
 3 request: (a) name; (b) street address; (c) name of client(s), if applicable; (d)
 4 telephone number; (e) facsimile number; and (f) email address.

5 (ii) Certification For Opting Out of Email Service – Any individual
 6 or entity filing a Rule 2002 Notice Request who does not maintain (and cannot
 7 practicably obtain) an email address and thereafter cannot receive service by
 8 email must include in the Rule 2002 Notice Request a certification that shall
 9 include a statement certifying that the individual or entity (a) does not maintain
 10 an email address, and (b) cannot practicably obtain an email address at which
 11 the individual or entity could receive service by email.

12 (iii) Updates to Rule 2002 Notice Request – Each entity submitting a
 13 Rule 2002 Notice Request shall file with the Court an updated Rule 2002 Notice
 14 Request, as necessary, to reflect changes to any information, including email
 15 address and contact person, and shall serve a copy of such request upon Debtor
 16 and Debtor’s counsel.

17 (iv) At least every fifteen (15) days during the first sixty (60) days
 18 following the Petition Date, and thereafter [once a month], the Notice and
 19 Claims Agent shall maintain and update the Rule 2002 List by: (a) making any
 20 additions and deletions necessary since the last update; (b) filing the updated
 21 Rule 2002 List with the Court; (c) serving the updated Rule 2002 List on the
 22 parties listed thereon; (d) filing a proof of service; and (e) simultaneously with
 23 the filing of the updated Rule 2002 List, posting the updated Rule 2002 List on
 24 the Case Website.

25 (c) Affected Entities. This group shall be comprised of all entities with a
 26 particularized interest in the subject matter of the particular Court Filing (each, an
 27 “Affected Entity”).

28 6. Filing and Service of Requests for Relief.

(a) Deadline for Requests for Relief. Unless otherwise ordered by the Court,
 the deadline to file a Request For Relief (the “Request Deadline”) shall be no less than
 twenty-eight (28) days before the applicable hearing date in accordance with Bankruptcy
 Rule 2002 and Local Rule 9014.

(b) Service of Requests for Relief. Unless the Court orders otherwise, all
 Requests For Relief filed with the Court shall be served by the Request Deadline upon
 the Master Service List and each Affected Entity, with such Affected Entities to be
 determined based on the particular Court Filing being served; *provided, however*, that if
 the Request for Relief is set on an expedited basis on a date that is ten (10) days or less
 before the applicable hearing, then such Request for Relief shall also be served by email,
 facsimile, hand delivery, or overnight mail upon Debtor and its counsel, any committee
 appointed in the case and its counsel, the entity filing the Request for Relief, and each
 Affected Entity.

7. Filing and Service of Objections, Replies and Other Responsive Pleadings.

1 (a) Deadline for Objections. Unless otherwise ordered by the Court, the
2 deadline to file objections to Requests For Relief (the “Objection Deadline”) shall be
3 fourteen (14) days before the applicable hearing date in accordance with Local Rule
4 9014. An Objection Deadline concerning a Request for Relief set to be heard on an
5 Omnibus Hearing Date may be extended with the consent of the entity filing the Request
6 for Relief to a date that is no later than seven (7) days before the applicable hearing date.
7 For motions that are set on an expedited basis and less than fourteen (14) days after the
8 Request for Relief is filed, the Objection Deadline shall be 5:00 p.m. prevailing Pacific
9 Time no later than five (5) days before the hearing date. Failure to file objections by the
10 Objection Deadline may cause the Court to not consider the objection.

11 (b) Service of Objections. All objections filed with the Court shall be served,
12 in accordance with Local Rule 9014(d)(1); provided, however, that if the Objection
13 Deadline is after the date that is five (5) days before the applicable hearing, then
14 objections shall also be served by email, facsimile, hand delivery, or overnight mail upon
15 the entity filing the Request for Relief.

16 (c) Filing and Service of Replies to Objections. If a Court Filing is a reply to
17 an objection, such reply shall be filed with the Court and served seven (7) days before
18 the applicable hearing date in accordance with Local Rule 9014(d)(2). If such reply is
19 filed with respect to a motion set on an expedited basis, the reply shall be filed with the
20 Court no later than 12:00 p.m. prevailing Pacific Time at least one (1) business day
21 before the applicable hearing date.

22 8. Service of Orders. Any party submitting an order for the Court’s consideration shall
23 serve a file-stamped copy of such order on (i) each Affected Entity, and (ii) Debtor and its counsel,
24 within two (2) business days of entry of the order. Debtor shall cause copies of all entered orders to be
25 posted on the Case Website.

26 9. With respect to Court Filings for which notices are required to be served on all creditors
27 and parties in interest, including particular notices required pursuant Bankruptcy Rules 2002(a)(2) and
28 (3), 4001, 6004, 6007 or 9019, parties shall serve all such filings only on the Service List by email or
otherwise (if an exemption is granted) and in accordance with the following procedures, unless
otherwise ordered by the Court —

(a) in the case of any use, sale, lease or abandonment of substantially all of
Debtor’s property, on each entity asserting an interest in that property;

(b) in the case of a motion for relief or modification of the automatic stay, on
each entity asserting a lien or encumbrance on the affected property;

(c) in the case of a motion relating to the use of cash collateral or obtaining
credit, each party asserting an interest in the cash collateral or a lien or other interest in
property upon which a lien or encumbrance is proposed to be granted;

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1 (d) in the case of a motion under Bankruptcy Rule 9019, all parties that are
2 parties to the relevant compromise and settlement or that may be directly affected by
such compromise or settlement;

3 (e) in the case of assumption, assignment or rejection of an executory
4 contract or an unexpired lease, each party to the executory contract or the unexpired
lease;

5 (f) any objection, opposition, response, reply or further document filed
6 directly in response to a document shall be served on the entity who filed such
document; and

7 (g) all matters for which the Bankruptcy Rules specifically require notice to
8 all parties in interest shall be served on all parties in interest unless otherwise directed
by the Court.

9 10. Except as set forth herein or otherwise provided by order of the Court, the Notice
10 Procedures shall not apply to notices of the matters or proceedings described in the following
11 Bankruptcy Rules:

12 (a) Bankruptcy Rule 2002(a)(1) (meeting of creditors pursuant to
13 Bankruptcy Code section 341);

14 (b) Bankruptcy Rule 2002(a)(2) (any proposed use, sale or lease of property
15 of the estate other than in the ordinary course of business, to the extent that such use,
sale or lease concerns all or substantially all of Debtor's assets);

16 (c) Bankruptcy Rule 2002(a)(4) (hearing on the dismissal of a case or cases
or the conversion of a case to another chapter);

17 (d) Bankruptcy Rule 2002(a)(5) (time fixed to accept or reject a proposed
18 modification of a chapter 11 plan);

19 (e) Bankruptcy Rule 2002(a)(7) (time fixed for filing a proof of claim
pursuant to Bankruptcy Rule 3003(c));

20 (f) Bankruptcy Rule 2002(b)(1) (time fixed for filing objections and any
hearing to consider approval of a disclosure statement);

21 (g) Bankruptcy Rule 2002(b)(2) (time fixed for filing objections and any
22 hearing to consider confirmation of a chapter 11 plan);

23 (h) Bankruptcy Rule 2002(d) (certain matters for which notice is to be
provided to equity security holders);

24 (i) Bankruptcy Rule 2002(f)(1) (entry of an order for relief);

25 (j) Bankruptcy Rule 2002(f)(2) (dismissal or conversion of a case to another
chapter of the Bankruptcy Code);

26 (k) Bankruptcy Rule 2002(f)(3) (time allowed for filing claims pursuant to
27 Bankruptcy Rule 3002);

28 (l) Bankruptcy Rule 2002(f)(6) (waiver, denial or revocation of a discharge
as provided in Bankruptcy Rule 4006);

1 (m) Bankruptcy Rule 2002(f)(7) (entry of an order confirming a chapter 11
plan); and

2 (n) Bankruptcy Rule 2002(f)(8) (summary of the trustee’s final report and
3 account should a case be converted to chapter 7 of the Bankruptcy Code).

4 11. Pursuant to Bankruptcy Rule 3003(c)(2), any creditor appearing on the lists filed in
5 accordance with Bankruptcy Rule 1007(d) who is required, but fails, to file a proof of claim in the
6 Chapter 11 Case in accordance with any orders of this Court establishing a claims bar date (such
7 creditors, the “Excluded Creditors”) shall not be entitled to further notice, and Debtor shall not be
8 required to provide any further notice to any Excluded Creditors, with respect to such claim or
9 otherwise in the Chapter 11 Case after the claims bar date established by the Court has passed.

10 12. Right to Request Special Notice Procedures. Nothing herein shall prejudice the right of
11 any entity to (a) move the Court to further limit or expand notice of contested matters and adversary
12 proceedings upon a showing of good cause, including, without limitation, the right to file a motion
13 seeking emergency *ex parte* relief or relief upon shortened notice, or (b) request an enlargement or
14 reduction of any time period under Bankruptcy Rules 9006(b) or 9006(c).

15 13. Use of Negative Notice. Nothing in these Case Management Procedures shall affect the
16 applicability of a party’s ability to file and serve a Request for Relief on negative notice under the
17 Bankruptcy Rules and Local Rules applicable to such Request for Relief.

18 **C. Service by Electronic Mail.**

19 14. All Court Filings shall be electronically served through the CM/ECF, other than service
20 of a summons and complaint in an adversary proceeding or documents filed under seal, which shall be
21 deemed to constitute proper service for all parties who are sent such email service. Subject to the
22 limited exclusions set forth herein, each party that has filed a proper Rule 2002 Notice Request,
23 pursuant to these Case Management Procedures, shall be deemed to have consented to electronic
24 service of papers. A party filing a Court Filing that is served on entities via the CM/ECF has no further
25 obligation for service of such Court Filing with respect to such entities to be proper.

26 15. If a Rule 2002 Notice Request fails to include an email address and a Certification,
27 Debtor shall forward a copy of these Case Management Procedures to such party within five (5)
28 business days specifically requesting an email address. If no email address or no Certification is

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1 provided in response to such request, such party shall not be added to the Rule 2002 List and shall not
2 be served with copies of pleadings and documents filed in this case unless such pleadings or documents
3 directly affect such party.

4 **D. Limit Notice Matters.**

5 16. To the extent the Bankruptcy Code, the Bankruptcy Rules or the Local Rules require
6 broader notice, motions or applications regarding the following matters or proceedings shall be subject
7 to limited notice in the Chapter 11 Case:

8 (a) any proposed use, sale, or lease of property of the estate pursuant to
9 Bankruptcy Code section 363 and Bankruptcy Rules 2002(a)(2), 4001(b) and 6004
(except a sale of substantially all of Debtor's assets);

10 (b) any proposed extension of Debtor's exclusive right to file a plan of
11 reorganization and solicit acceptance thereof (including, without limitation, the time
12 to file a disclosure statement), pursuant to Bankruptcy Code section 1121 and
Bankruptcy Rule 3016;

13 (c) any proposed approval of a compromise or settlement of a controversy
pursuant Bankruptcy Rules 2002(a)(3) and 9019;

14 (d) any proposed abandonment or disposition of property of the estate
pursuant to Bankruptcy Code section 554 and Bankruptcy Rules 6007(a) or (b);

15 (e) any proposed assumption or rejection of contracts or leases under
16 Bankruptcy Code section 365 and Bankruptcy Rule 6006(a) or (c);

17 (f) any proposed modification of the automatic stay pursuant to
Bankruptcy Code section 362 or Bankruptcy Rules 4001(a) or 9014;

18 (g) any proposal to prohibit or condition the use, sale or lease of property
19 pursuant to Bankruptcy Code section 363 or Bankruptcy Rule 4001(a) or 6004;

20 (h) any proposed objections to claims pursuant to Bankruptcy Code
section 502 or Bankruptcy Rules 3002, 3003 or 3007;

21 (i) any proposed reconsideration of claims pursuant to Bankruptcy Rule
22 3008;

23 (j) any verified statement filed by any entity or committee (other than
24 those appointed pursuant to Bankruptcy Code sections 1102 or 1104) representing
more than one creditor pursuant to Bankruptcy Rule 2019(a) and any motion filed in
respect thereof pursuant to Bankruptcy Rule 2019(b);

25 (k) any proposed application for employment of professionals pursuant to
26 Bankruptcy Code sections 327, 1103 or 1104 or Bankruptcy Rule 2014;

27 (l) any proposed application for compensation or reimbursement of
28 expenses of professionals, pursuant to Bankruptcy Code sections 328, 329, 330 or
331 and Bankruptcy Rules 2002(a)(6), 2016, 2017 and 6005; except as provided by
other orders of this Court; hearing on any other contested matter in this case that

1 requires notice to all creditors or equity holders pursuant to the Bankruptcy Code,
2 Bankruptcy Rule 9014, or the Local Rules; and

3 (m) all other pleadings, papers, and requests for relief or other order of the
4 Court.

5 The notices, motions and applications set forth above are hereinafter referred to as the “Limited
6 Notice Matters.”

7 17. Notwithstanding the foregoing, except in the case of Excluded Creditors, these Case
8 Management Procedures do not affect the rights of all creditors and parties in interest in the Chapter 11
9 Case to receive notice of the following matters or proceedings:

10 (a) the meeting of creditors;

11 (b) the deadline for filing proofs of claim;

12 (c) the hearing on any motion to convert or dismiss the Chapter 11 Case;

13 (d) the time fixed for filing objections and the hearing to consider
14 approval of a disclosure statement;

15 (e) the time fixed for filing objections to and the hearing to consider
16 confirmation of a plan or plans of reorganization; and

17 (f) the time fixed to accept or reject a proposed modification of a plan or
18 plans of reorganization.

19 As required by Bankruptcy Rule 2002(d), Debtor shall provide notice of the foregoing matters
20 (a)-(b) to all creditors and equity interest holders and are authorized to provide notice of the foregoing
21 matters (c)-(f) to all creditors and equity interest holders except for the Excluded Creditors.

22 **E. Limit Notice Procedures.**

23 **1. Service of Limited Notice Matters that Are Not Emergency or Expedited.**

24 18. Notice of motions concerning Limited Notice Matters to be heard on regular notice shall
25 be deemed sufficient if served via the Court’s CM/ECF, first class mail, overnight delivery, facsimile or
26 email upon the following parties: (a) the Office of the United States Trustee; (b) parties that file with
27 the Court and serve upon Debtor and its counsel a proper Rule 2002 Notice Request, pursuant to these
28 Case Management Procedures; (c) any party with a pecuniary interest in the subject matter of the
particular Limited Notice Matter or its counsel; and (d) (i) counsel for any official unsecured creditors
committee that may be appointed in this Chapter 11 Case; or, (ii) until such time as counsel for any

1 official committee is named, the creditors appearing on the lists filed in accordance with Bankruptcy
2 Rule 1007(d) (hereinafter, the foregoing collectively, "Limited Service List"). Any party that wishes to
3 change its address on the Limited Service List or the list of all creditors and equity interest holders shall
4 provide notice of the requested change to the Court, counsel for Debtor, and the parties entitled to such
5 notice.

6 **2. Service of Limited Notice Matters that Require Emergency or Expedited Relief.**

7 19. Pursuant to Local Rule 9006(e), if a motion for order shortening time is granted, the
8 notice of the entry of the order shortening time together with a copy of the motion must be served in the
9 most expeditious manner possible (e.g., email, facsimile, or hand delivery) within one (1) business day
10 after the order is entered, unless the court orders otherwise. In addition to the methods of service
11 authorized by Local Rule 9006(e), notice shall be sufficient if served only on the Limited Service List,
12 via overnight delivery or email address, if known to Debtor, so long as the notice will be delivered prior
13 to the scheduled hearing time.

14 20. After the initial service of the Case Management Order subsequent to its entry, Debtor
15 may make, as necessary, supplemental mailings of notices in a number of situations, including in the
16 event that (a) notices are returned by the post office with forwarding addresses (unless notices are
17 returned as "return to sender" without a forwarding address, in which case Debtor is not required to
18 mail additional notices to such creditors), (b) certain parties acting on behalf of parties in interest (e.g.,
19 banks and brokers) that decline to pass along notices to these parties and instead return their names and
20 addresses to Debtor for direct mailing, and (c) additional potential claimants become known as the
21 result of the noticing process. In such instances, Debtor's supplemental mailing of notices, with the
22 assistance of the Notice and Claims Agent, constitutes appropriate and sufficient notice with respect to
23 the Limited Notice Matters.

24 **F. Telephonic Appearances via Court Call.**

25 21. Parties may appear telephonically in the Chapter 11 Case on a "listen only" basis via
26 Court Call's services without further authorization from the Court.

27 22. Parties wishing to telephonically appear and offer oral argument with respect to a
28 Request for Relief must first request permission by contacting the Court at least three (3) business days

1 prior to a hearing date set on regular notice or at least one (1) business day prior to a hearing date set on
2 expedited notice. Such request may be emailed to chambers at mkn_cd@nvb.uscourts.gov and must
3 include Debtor's name, bankruptcy case number, date and time of hearing, name and telephone number
4 of participant, and state good cause for telephonic appearance (note that office location alone does not
5 constitute good cause) after which a member of the Court's staff will notify the requesting party
6 whether or not permission has been granted. If permission is granted, the requesting party must contact
7 Court Call at 1-888-882-6878 to arrange the telephonic appearance.¹

8 **G. Courtesy Copies.**

9 23. Courtesy copies of all Court Filings that are set for hearing, together with all exhibits
10 and attachments, must be delivered by the party filing such Court Filing via hand delivery or mail to the
11 Bankruptcy Court Clerk's office no later than two (2) business days after filing. If the matter is set on
12 expedited notice, courtesy copies of Court Filings must be delivered to chambers by the filing party
13 within twenty-four (24) hours of the filing date but in no event later than 12:00 p.m. prevailing Pacific
14 Time on the date immediately preceding the scheduled hearing date.

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¹ Parties seeking more information regarding Court Call fees and services are referred to Court
28 Call's website at www.courtcall.com.