

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re:) Jointly Administered
) Case No. 00-41584 N
) Chapter 11
CROWN VANTAGE, INC.,)
) ORDER ESTABLISHING
Debtor.) CASE MANAGEMENT PROCEDURES
) AND HEARING SCHEDULE
Employer I.D. # 54-1752384)
_____)

Voluntary petitions for reorganization under Chapter 11 of the Bankruptcy Code were filed in Oakland, California on March 15, 2000, by Crown Vantage, Inc. and Crown Paper, Inc., the debtors and debtors in possession herein. By order of this Court pursuant to Bankruptcy Rule 1015(b), these cases are being jointly administered under the caption In re Crown Vantage, Inc. (the “Crown Chapter 11 case”).

Because of the great number of creditors and other parties in interest in the Crown Chapter 11 case, burdensome expense and unnecessary delay will result unless a modified procedure for copying, noticing and motion practice is implemented.

The caption of this Order is the official caption to be used in these cases and shall hereafter be used on all filings in these cases.

Pursuant to Sections 102(1) and 105(a) of the Bankruptcy Code and Rules 2002, 7016, 9007 and 9014 of the Federal Rules of Bankruptcy Procedure, it is hereby ORDERED as follows:

A. Service of Filings

1. Notices required to be given pursuant to paragraphs 3-6 of this section shall be limited (except as provided below) to the following persons:

- a. Douglas P. Bartner
Fredric Sosnick
Shearman & Sterling
599 Lexington Avenue
New York, NY 10022-6069
(Counsel for Crown Vantage, Inc.
and Crown Paper, Inc.);
- b. Kim Martin Lewis
Dinsmore & Shohl LLP
1900 Chemed Center
255 E. Fifth Street
Cincinnati, Ohio 45202
(Counsel for Crown Vantage, Inc.
and Crown Paper, Inc.)
- c. Jeffrey Krause
Akin Gump, Strauss, Haver & Feld L.L.P.
2029 Century Park East, Suite 2600
Los Angeles, CA 90067
(Counsel for the Official Committee of Unsecured Creditors);
- d. Marshall Scott Huebner
Davis Polk & Wardwell
450 Lexington Avenue
New York, NY 10017
(Counsel for secured lenders);
- e. Andrew D. Valez-Rivera
Office of the United States Trustee
1301 Clay St., Suite 690-N
Oakland, CA 94612-5217;
- f. counsel for any other official committees
appointed in the Crown cases; and

- g. parties-in-interest who serve on the above-listed persons and file with the Office of the Clerk of the Court a request that they receive all notices given in the Crown Chapter 11 case (collectively, the “All Notices List”).

2. All service shall be made by regular mail to the party’s last known address except in emergency situations when overnight mail or facsimile may be necessary, and except as indicated below (See Section B(1)(h)).

3. All filings in adversary proceedings and any motions directed at specific parties shall be served, pursuant to Bankruptcy Rule 7004, upon all parties having a particularized interest in the subject of the filings or motions and the parties listed on the All Notices List.

4. All notices required by subdivisions (a)(2), (3) and (6) of Bankruptcy Rule 2002, by Bankruptcy Rule 4001 and by Rule 9014-1 of the Bankruptcy Local Rules for the Northern District of California (“BLR”) shall be served as follows:

- a. upon each entity designated on the All Notices List; and
- b. when the notice is of a proposed use, sale, lease or abandonment of property or of a hearing thereon, upon each entity known to Crown to claim a lien, security interest, or other interest in the property;
- c. when the notice relates to relief from the stay, use of cash collateral, or obtaining credit, in accordance with Bankruptcy Rule 4001 and BLR 4001-1;
- d. when the notice is of a proposed compromise or settlement or of a hearing thereon, parties to the proposed compromise or settlement, and, if the compromise or settlement involves claims subject to insurance coverage, notice shall also be given to the

insurance company providing coverage, any additional insured, and other insurance companies that are known to Crown and that have issued policies whose coverage will be affected by the motion;

e. when the notice relates to motions to assume, reject, or assign an executory contract or unexpired lease, upon each contracting party to the contract or lease; or

f. when the notice is of an application for compensation or reimbursement of expenses or of a hearing thereon, each professional person who is seeking compensation or reimbursement whose retention in these cases is authorized by this Court.

5. Notices required by subdivision (a) (1), (5), and (7); subdivision (b); and subdivision (f) of Bankruptcy Rule 2002 shall be mailed to each entity on the All Notices List and to all creditors, indenture trustees, and equity security holders.

6. All other notices shall be served upon each entity on the All Notices List and to any entity who has a particularized interest in the subject of the notice.

7. Notice in accordance with the provisions of this Order shall be deemed adequate pursuant to Bankruptcy Rule 2002 and the Bankruptcy Local Rules.

8. The names and addresses of persons served pursuant to this Order SHALL NOT be listed in the proof of service. Rather, the proof of service shall merely state under oath that the document was served in accordance with this Order.

B. Motions, Objections, and Hearing Dates

1. The procedures for motions and objections thereto shall be as follows:

a. Unless otherwise ordered by the Court, regular omnibus hearings will

be scheduled in this case on a date certain each month. Counsel for Crown, in cooperation with all parties who have matters pending, shall inform the undersigned's law clerk at least five (5) business days prior to each scheduled omnibus hearing date what matters will go forward on that date. Unless otherwise ordered by the Court, all matters requiring a hearing (see paragraph B(1)(g) below) shall be heard at these omnibus hearings.

b. A Motion Control Number (designated as MC No.) shall be included by all parties immediately below the case number on all motions and other pleadings. In motions filed in adversary proceedings, it shall be placed immediately below the adversary number. The Motion Control Number shall consist of not more than three initials of the attorney for the moving party (e.g., first, middle and last name) or, if preferred, the initials of the law firm for the moving party, and the number that is one number higher than the number of motions previously filed by the said attorney or law firm in connection with the Crown Chapter 11 case. (Example: the first Motion Control Number assigned to Jane D. Doe would be MC No. JDD-1, the second MC No. JDD-2, the third MC No. JDD-3, and so on). Once a Motion Control Number is assigned, all related pleadings filed by any party shall have the same number, provided however, that motions for reconsideration and countermotions shall be treated as separate motions with a new Motion Control Number assigned in the manner provided for above.

c. Notice of hearings on any motion, application, objection or other request (collectively, the "Motion") shall be given to all entities who are required to be served pursuant to Paragraph A above, at least fifteen (15) days prior to the date of the omnibus

hearing set by the Court, or such longer period as required by the Bankruptcy Code or Federal Rules of Bankruptcy Procedure.

d. A notice of hearing shall include:

- (1) A brief statement of the relief sought and the basis for relief;
 - (2) The date by which objections must be filed and served;
- and
- (3) A statement that failure to timely file an objection shall be deemed a consent to the relief sought.

e. Unless otherwise ordered by the Court, upon good cause shown, briefs in support of or in response to Motions initiating contested matters shall not exceed fifteen (15) pages, and briefs in reply shall not exceed five (5) pages.

f. Any objections to, or requests for a hearing on the Motion must be filed and served upon the moving party and the parties required to be served pursuant to Paragraph A above, at least seven (7) days prior to the date of the hearing.

g. If the parties in interest fail to timely object to or request a hearing on the Motion, the Court may grant the Motion after the period to object or request a hearing has passed, upon an application for order and declaration filed by the moving party.

The moving party shall advise the Calendar Clerk of this Court, the Office of the United States Trustee, counsel for Crown, counsel for any official committees appointed in this proceeding and counsel for Crown's principal secured lender that the hearing will not go

forward, but no additional notice need be provided to parties on the All Notices List or other parties in interest.

h. If a response or objection is timely filed, replies (if any) to such response or objection shall be filed and served by next day delivery or mail at least five (5) days prior to the date of the hearing.

i. If an emergency hearing is unavoidable and essential, the Court in its discretion may hear the Motion at the regularly scheduled hearing date or any other date scheduled by the Court, but only upon a clear showing of potential irreparable harm and if it is demonstrated that *best efforts* were made to notify all interested parties before that time. Any orders entered on such basis will be subject to future modification upon objection to such orders after notice to all parties as required by this Order.

C. Procedures for Filing of Papers and Request for Copies

1. The place to file all pleadings, either in person or by mail, is the Office of the Clerk of the Bankruptcy Court (Crown Case Administrator), 1300 Clay Street, Second Floor, Oakland, California 94612.

2. Each original paper filed in this case (including pleadings, exhibits, memoranda, notice and orders of the Court), excluding proofs of claims (which shall be filed with one (1) copy), shall be filed with four (4) copies. The distribution of papers by the Clerk of the Bankruptcy Court shall be as follows:

- (1) Original to the Clerk of the Bankruptcy Court;
- (2) One copy for the chambers of the Honorable Randall J. Newsome;

- (3) One copy for the Office of the United States Trustee;
- (4) One copy for the reproduction service; and
- (5) One copy for return to the party initiating the filing.

3. **Eddie's Document Retrieval** has been designated to respond to all copy requests in the Crown Chapter 11 case. All copy requests for filed documents or the case docket must be made to **Eddie's Document Retrieval via telephone at 415-998-5556 or via facsimile at 415-487-1031**. For a schedule of copy fees and postage and handling charges, please contact Eddie's Document Retrieval. Copy fees and handling charges must be paid in advance by check or money order payable to Eddie's Document Retrieval unless prior arrangements have been made.

D. Bar Date

The provision of BLR 3003-1 requiring the filing of proofs of claims within ninety (90) days after the date first set for the meeting of creditors to be held pursuant to section 341 of the Bankruptcy Code will not be applicable, and the bar dates for proofs of claim and proofs of interest shall be set by a subsequent order of the Court.

E. Non-resident Attorneys

Motions by non-resident, licensed attorneys for permission to practice before the Court in these cases, *pro hac vice* are unnecessary. The Court may revoke any party's right to appear in this case for cause, including failure to abide by this Order and applicable statutes and rules. The Court will require parties to obtain local counsel in contested matters and adversary proceedings that are likely to involve extensive discovery, multiple hearings and status

conferences, or protracted evidentiary proceedings.

F. Continuances. A request or a stipulation for the continuance of a hearing must be in writing and must be filed with the Court five (5) business days in advance of the scheduled hearing. Any written request for the continuance of a hearing must be accompanied by a proposed form of order. Any party receiving an order granting a continuance will serve a copy of the order on all affected parties in accordance with Section B above. Unless an order granting a continuance has been entered, counsel for the moving and any responding party must appear at the scheduled hearing.

G. Telephonic Hearings. Appearance at hearings telephonically shall not be permitted except under extraordinary circumstances, and unless an ex parte written motion is filed at least five (5) days prior to the hearing, seeking permission to participate telephonically in a hearing. The motion must be accompanied by a form of order permitting the party to participate telephonically in a hearing.

H. Posting of Documents on Web Sites. Certain orders and other documents as the court may designate shall be posted on the Court web site (www.canb.uscourts.gov). The calendar for each omnibus hearing will be posted on the Court web site three (3) days in advance of the hearing. The debtor shall install a link to the Court's web site through its web site (www.crownvantage.com). Properly noticed motions which inadvertently are omitted on the calendars will still proceed for a hearing.

I. Disposition of Matters. Most matters presented to the Court at a hearing will be resolved on the papers, following argument from counsel as the Court deems appropriate. In

the event that a matter presented to the Court cannot be resolved on the papers, then the matter will be scheduled for a further hearing at an appropriate date and time.

J. Proposed Order. A proposed form of order shall not be submitted as a separate document with any pleading in any adversary proceeding or contested matter. A copy of a proposed order shall be attached as an exhibit to all pleadings in which an order of the court is sought. An original of the order shall be brought to the hearing (if any) on the adversary proceeding or contested matter.

K. Communications with the Court. Parties will communicate with the Court regarding substantive matters affecting this case or proceedings herein only through written motions or other papers filed in accordance with the Local Rules as modified by this Order. Letters written to the Court will be returned to the sender. Except as expressly provided in this Order or in the Local Rules, ex parte communications with the Court are strictly prohibited.

L. Term of This Order

Any party may at any time apply for reconsideration or modification of this Order. Service of such motion shall be to persons on the All Notices List and shall be made upon at least twenty (20) days notice. The Court may amend this Order at any time. Without modifying or amending this Order, the Court may, on request of a party or on its own motion, add or delete parties from the All Notices List.

This Order shall continue in effect until modified by further order of this Court.

Honorable Randall J. Newsome
U. S. Bankruptcy Judge

PROOF OF SERVICE

I, the undersigned, a regularly appointed and qualified clerk in the office of the United States Bankruptcy Court for the Northern District of California at Oakland, hereby certify:

That I, in the performance of my duties as such clerk, served a copy of the foregoing document by depositing it in the regular United States mail at Oakland, California, on the date shown below, in a sealed envelope bearing the lawful frank of the Bankruptcy Court, addressed as listed below.

I declare under penalty of perjury that the foregoing is true and correct.

Dated:

Douglas P. Bartner, Esq.
Fredric Sosnick
Shearman & Sterling
599 Lexington Avenue
New York, New York 10022-6069.

Kim Martin Lewis, Esq.
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1900 Chemed Center
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