

**UNITED STATES BANKRUPTCY COURT**

**WESTERN DISTRICT OF PENNSYLVANIA  
M. BRUCE MCCULLOUGH, BANKRUPTCY JUDGE  
5464 USX Tower, 54th Floor, 600 Grant Street  
Pittsburgh, Pennsylvania 15219**

**04-27848-MBM  
A P 0 5 - 2 3 8 7 - M B M  
AP04-3274-MBM  
AP05-2394-MBM  
Doc. #1806  
Doc. #1824**

**July 13, 2005**

**David B. Salzman, Esq.  
1700 Grant Building  
Pittsburgh, PA 15219**

**James M. Lawniczak  
1400 McDonald Investment Center  
800 Superior Avenue  
Cleveland, OH 44114-2688**

**Counselors:**

**The enclosed Trial Order and Notice sets an appropriate period for the conclusion of discovery and the date on which the pretrial statement/stipulation should be filed. With regard to discovery, the total number of written interrogatories submitted by a party shall not exceed thirty (30) questions, including subparts.**

**In accordance with Rule 7005 of the F.R.B., it is ORDERED that depositions upon oral examination and interrogatories, requests for documents, requests for admission, and answers and responses thereto are not to be filed unless an order of the Court or for use in a proceeding in this case.**

**Please use the enclosed form of pretrial statement/stipulation. The Purpose of this form is to encourage a pretrial interaction between counsel, and thus to simplify trial. The original pretrial statement/stipulation is to be circulated between counsel,**

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however, a copy of each counsel's portion is to be filed with the court at the time hereinafter stipulated. At the appropriate time, the original pretrial statement/stipulation prepared by all counsel, should be filed with the court. Be certain to fill in the caption and action numbers accurately.

I call your attention to Sections III, IV and V of the form. These call for concise statements to the parties' contentions and nothing more. Evidentiary detail is to be omitted. With regard to Section VI, if there are not stipulated facts, so state. Concerning Section IX, no brief will be accepted which exceeds twenty (20) pages in length except upon order of Court.

In the event you wish to petition the Court for an award of attorney's fees, you must comply with Local Rules. With respect to fee petitions generally, I draw your attention to In re Continental Illinois Securities Litigation, 572 F. Supp. 931 (N.E. Ill. 1983), and In re Fine Paper Antitrust Litigation, 98 F.R.D. 48, 81-85 (E.D. Pa. 1983).

Yours very truly

A handwritten signature in black ink, appearing to read "M. Bruce McCullough". The signature is fluid and cursive, with a large, stylized "M" and "B".

M. Bruce McCullough  
Bankruptcy Judge

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IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

ACR MANAGEMENT, LLC.,  
et al.,

Debtor(s)

ANTHONY CRANE RENTAL, L.P.,  
d/b/a MAXIM CRANE WORKS

Movant(s)

vs.

WHEELING-PITTSBURGH  
STEEL CORPORATION

Respondent(s)

)  
)  
)  
)  
) Bankruptcy No. 04-27848-MBM  
)  
)  
) Adversary No. 05-2387-MBM  
) Adversary No. 04-3274-MBM  
) Adversary No. 05-2394-MBM  
) Document No. 1806  
) Document No. 1824  
) Chapter 11  
)  
) Complaint(s) to Recover Money/Property  
) 9<sup>th</sup> Omnibus Objection to Claims  
) Objection to Claims  
)  
)

PRETRIAL STATEMENT/STIPULATION

It is stipulated by and between the parties that:

I. This is an action for:

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**II. Jurisdiction:**

**(State basis and whether facts relative to jurisdiction and/or venue are disputed or agreed.)**

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**III. Movant's narrative statement of the case:**

**(Including particularly a statement of the plaintiff's theory of defendant's liability, plaintiff's injuries (personal and/or proprietary), and plaintiff's damages.)**

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**IV. Respondent's narrative statement of the case:**

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**V. Third Party Defendant's narrative statement of the case:**

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- VI. The following facts are stipulated by the parties and require no proof:  
(here list each stipulated fact)**



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- VII. The exhibits to be offered at the trial, together with a statement of all admissions by and all issues between the parties with respect thereto are as follows:**
- A. Here list all documents and things intended to be offered at the trial by each party, in the sequence proposed to be offered, with a description of each sufficient for identification and a statement of all admissions by and all issues between any of the parties as to the genuineness thereof, the due execution thereof, and the truth of the relevant matters of fact set forth therein or in any legend affixed thereto, together with a statement of any objection reserved as to the admissibility in evidence thereof: If no objections are noted following the description of an exhibit, the parties thereby agree to the admission of the exhibit.**
  - B. Use the form enclosed following the next sheet as your exhibit list.**
  - C. The courtroom practice which will be followed concerning exhibits is as follows:**
    - 1. Prior to the time set for commencement of trial, all exhibits shall be marked by counsel using exhibit labels. The labels must be marked to show whose exhibit it is and must state the date of the hearing.**

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**Movants use exhibit numbers. Respondents use exhibit letters. Example:**

Movant (Name)
Exhibit #1
4/15/91

Respondent (Name)
Exhibit A
4/15/91

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2. Counsel shall also prepare a list of exhibits on the form enclosed herein, in sequence, with a descriptive notation sufficient to identify each separately numbered exhibit and shall furnish a copy of the list to opposing counsel and two copies to the court at the commencement of trial.
3. Counsel shall provide the court and opposing counsel with copies of all exhibits along with submittal of pretrial stipulation. Copies provided in response to a pretrial order will suffice at trial.
4. Unless an objection is noted on the exhibit form, the exhibits will be admitted without further testimony. As to any objections noted the admissibility of those exhibits will be considered before any testimony is taken. Only those exhibits as to which a ruling on admission is reserved will require witness identification or authentication.
5. Counsel are the custodians of their exhibits throughout the trial.
6. All exhibits will be returned to the courtroom clerk at the conclusion of the trial. The clerk will retain the exhibits for 30 days after expiration of the time for appeal, then they will be destroyed. If there is no appeal and you wish to have your exhibits returned to you, you must make the necessary arrangements with the clerk prior to the said 30 day period.

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- 7. Examination of witnesses and argument may be conducted from counsel table or from the lectern, using a microphone.**
- 8. If necessary to offer, explain, or examine an exhibit, counsel shall request leave to approach the bench or the witness.**

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**EXHIBITS FILED ON BEHALF OF:** \_\_\_\_\_  
**Case No.** \_\_\_\_\_

Adversary No. \_\_\_\_\_

**Date of Hearing** \_\_\_\_\_

## Identification

[illegible]

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**VIII. A complete list of all witnesses including names and addresses follows:**

**(If any witnesses are to be called as experts, an expert's report must be filed.)**

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**IX: Issues of Law:**

**The following issues of law are contested and remain to be litigated upon the trial.**

**(A brief should be filed by each of the parties setting forth the authorities in support of their respective legal positions.)**

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**X. Stipulation:**

The foregoing admissions of fact having been made, and the parties having specified the issues of fact and law remaining to be litigated, this stipulation shall supplement the pleadings and govern the course of the trial unless modified to prevent injustice.

**XI. Authorization:**

My signature on this document authorizes the parties and/or their attorney(s) to examine all pertinent records and acknowledges that I have reviewed all documents and exhibits identified herein by all other parties and/or their attorney(s).

**STIPULATED AND AGREED BY:**

\_\_\_\_\_  
Attorney for Movant

\_\_\_\_\_  
Attorney for Respondent

\_\_\_\_\_  
Attorney for Third Party Defendant

**Note: If sufficient space is not available under any title of stipulation to set forth all matters, attach a supplemental paper of the same size as this form.**



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IN RE:

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et al.,

Debtor(s)

ANTHONY CRANE RENTAL, L.P.,  
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Movant(s)

vs.

WHEELING PITTSBURGH  
STEEL CORPORATION

Respondent(s)

Bankruptcy No. 04-27848-MBM

Adversary No. 05-2387-MBM

Adversary No. 04-3274-MBM

Adversary No. 05-2394-MBM

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Document No. 1824

Chapter 11

Complaint to Recover Money/Property  
9<sup>th</sup> Omnibus Objection to Claim  
Objection to Claim

TRIAL ORDER AND NOTICE (FRB 16e)

AND NOW, this 13TH day of JULY, 2005, it is hereby ORDERED that all  
discovery closes on JULY 27, 2005. IT IS FURTHER ORDERED that all preliminary motions  
including motions for summary judgment must be filed by AUGUST 11, 2005, if pleadings are not

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filed within the specified time period, the Court's calendar will not permit the motion(s) to be heard prior to the date of trial. IT IS FURTHER ORDERED that counsel for the parties file with the Clerk and serve upon opposing counsel a Pretrial Statement using the enclosed form which shall include the following:

1. A brief statement of the case, including proposed findings of fact and conclusion of law.
2. The names and addresses of witnesses expected to be called.
3. A list of the exhibits to be offered.

Movant's portion of the Pretrial Statement/Stipulation shall be finalized and served on Respondents and a copy filed with the court on or before AUGUST 25, 2005. Respondent's portion of the Pretrial Statement/Stipulation shall be finalized and served on any other Respondents and the Movant and a copy filed with the court on or before SEPTEMBER 8, 2005. Any Third Party Defendant's portion of the Pretrial Statement/Stipulation shall be finalized and served on the Movant, Respondents and a copy filed with the court on or before N/A. The completed Pretrial Statement/Stipulation shall be filed with the Court on or before SEPTEMBER 22, 2005.

IT IS FURTHER ORDERED that a trial in the above-captioned matter will commence on OCTOBER 19, 2005 AND OCTOBER 20, 2005, at 10:30 A.M. All of the matters above scheduled

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will be heard in Courtroom B., 54th Floor U.S. Steel Tower, 600 Grant Street, Pittsburgh Pennsylvania.

Failure by any party to comply with this order may result in sanctions being implemented on said party by, inter alia, fine, reprimand, dismissal, and/or prohibition against said party for offering testimony.

At Pittsburgh, Pennsylvania.



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M. BRUCE MCCULLOUGH  
U.S. Bankruptcy Judge

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**FILED**

JUL 13 2005

CLERK, U.S. BANKRUPTCY COURT  
WEST. DIST. OF PENNSYLVANIA

Enterprise Systems Incorporated  
11487 Sunset Hills Road  
Reston, Virginia 20190-5234

# CERTIFICATE OF SERVICE

District/off: 0315-2  
Case: 04-27848

User: csus  
Form ID: pdf900

Page 1 of 1  
Total Served: 1

Date Rcvd: Jul 14, 2005

The following entities were served by first class mail on Jul 16, 2005.  
aty +David Bruce Salzman, Campbell & Levine, LLC, 1700 Grant Building, Pittsburgh, PA 15219-2348

The following entities were served by electronic transmission.  
NONE.

TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

I, Joseph Speetjens, declare under the penalty of perjury that I have served the attached document on the above listed entities in the manner shown, and prepared the Certificate of Service and that it is true and correct to the best of my information and belief.

First Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jul 16, 2005

Signature:

