

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA**

Case No. 12-01220

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

The relief set forth on the following pages, for a total of 18 pages including this page is hereby **ORDERED**.

**FILED BY THE COURT
03/08/2012**



Entered: 03/08/2012

Chief US Bankruptcy Judge
District of South Carolina

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA**

In re:

**The Cliffs Club & Hospitality Group, Inc., et
al.,¹ d/b/a The Cliffs Golf & Country Club,**

Debtors.

CHAPTER 11

Case No. 12-01220

Joint Administration

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

Upon the motion² (the “Motion”)³ of The Cliffs Club & Hospitality Group, Inc. and its affiliated debtors in the above-captioned Chapter 11 cases (the “Debtors”) for entry of an order establishing certain notice, case management and administrative procedures for the administration of their chapter 11 cases (the “Order”); it appearing that the relief requested herein is in the best interests of the Debtors’ estates, their creditors and other parties in interest; and it appearing that the Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1334; and it appearing that this proceeding is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and it appearing that venue of this proceeding is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and it appearing that notice of the Motion and opportunity for a hearing on the Motion was appropriate under the circumstances and that no other or further notice with respect to the Motion need be

¹ The Debtors, followed by the last four digits of their respective taxpayer identification numbers, are as follows: The Cliffs Club & Hospitality Group, Inc. (6338); CCHG Holdings, Inc. (1356); The Cliffs at Mountain Park Golf & Country Club, LLC (2842); The Cliffs at Keowee Vineyards Golf & Country Club, LLC (5319); The Cliffs at Walnut Cove Golf & Country Club, LLC (9879); The Cliffs at Keowee Falls Golf & Country Club, LLC (3230); The Cliffs at Keowee Springs Golf & Country Club, LLC (2898); The Cliffs at High Carolina Golf & Country Club, LLC (4293); The Cliffs at Glassy Golf & Country Club, LLC (6559); The Cliffs Valley Golf & Country Club, LLC (6486); Cliffs Club & Hospitality Service Company, LLC (9665).

² See Docket Entry No. 12

³ Capitalized terms used herein but not otherwise defined shall have the meanings ascribed to such terms in the Motion.

given; and after due deliberation and sufficient cause appearing therefore, it is HEREBY ORDERED:

1. The Motion is granted.
2. The Case Management Procedures, attached hereto as Schedule 1, are approved in their entirety.
3. All notices, motions, pleadings, applications, other requests for relief and all documents filed in support thereof, including any adversary proceedings commenced in connection with the Chapter 11 Cases, and any objections or relies thereto (all such documents, the "Filings") shall be filed in accordance with the Case Management Procedures.
4. All Filings shall, except as otherwise provided herein, be served in the manner described herein on the parties listed on the Master Service List (as defined in the Case Management Procedures) at the time and such other parties as required by the Bankruptcy Code, Federal Rules of Bankruptcy Procedure, and the Local Rules of this Court.
5. 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 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 Debtor shall be required to comply with the notice requirements of Bankruptcy Rules 2002(d), 4006 and 4007.
6. The Debtors are authorized and empowered to take all actions necessary to implement the relief granted in this Order.

7. Notwithstanding the possible applicability of Bankruptcy Rules 6004, 7062 and 9014, or otherwise, the terms and conditions of this Order shall be immediately effective and enforceable upon its entry.

8. All time periods set forth in this Order shall be calculated in accordance with Bankruptcy Rule 9006(a).

9. The Court retains jurisdiction with respect to all matters arising from or related to the implementation of this Order.

AND IT IS SO ORDERED.

Prepared and presented by:

/s/ Däna Wilkinson

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SCHEDULE 1

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA**

In re:

**The Cliffs Club & Hospitality Group, Inc., et
al.,¹ d/b/a The Cliffs Golf & Country Club,**

Debtors.

CHAPTER 11

Case No. 12-01220

Joint Administration Pending

NOTICE, CASE MANAGEMENT AND ADMINISTRATIVE PROCEDURES

These notice, case management and administrative procedures (the “Case Management Procedures”) have been approved by the United States Bankruptcy Court for the District of South Carolina (the “Court”) for the chapter 11 cases (the “Chapter 11 Cases”) of the above-captioned debtors (the “Debtors”) pursuant to the *Order Establishing Certain Notice, Case Management and Administrative Procedures* (the “Order”) entered by the Court on March 8, 2012.

Anyone may obtain a copy of the Order, as well as any document filed with the Court in the Chapter 11 Cases, by (a) accessing the website maintained by BMC Group, Inc. (“BMC”), the Debtors’ claims and noticing agent, at www.bmcgroup.com/cliffs (the “Case Website”); (b) contacting BMC directly by telephone at 1.888.909.0100; or (c) accessing PACER on the Court’s website at <https://ecf.scb.uscourts.gov/> for a fee. Finally, paper copies of all pleadings filed in the Chapter 11 Cases may be obtained at the office of the Clerk of the Bankruptcy Court

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during normal business hours (a per page fee would apply).

A. Omnibus Hearing Dates and Procedures Related Thereto.

1. *All Matters to be Heard at Omnibus Hearings.* The Court shall schedule periodic omnibus hearings to organize its consideration of motions, pleadings, applications, objections and responses thereto, and other requests for relief (the "Omnibus Hearings"). BMC shall post all Omnibus Hearing dates on the Case Website. The Omnibus Hearing dates will also appear on the Court's docket and website. The following shall be considered or heard only at the Omnibus Hearings unless the Court orders otherwise: all motions, pleadings, applications and other requests for relief, all objections and responses and replies thereto, and all other matters (collectively, the "Filings"). Unless otherwise ordered by the Court, all Filings by parties that purport to set a hearing on a date or time at which no Omnibus Hearing is set shall automatically be scheduled to be heard at the next Omnibus Hearing that is at least twenty-one (21) calendar days after such Filing is filed and served in accordance with these Case Management Procedures. In such a case, the Debtor shall send a copy of the Case Management Procedures within three (3) business days of the filing of such Filing to the applicable filing party.

Matters likely to be heard at an Omnibus Hearing include uncontested matters or contested matters in which the hearing is expected to take less than one (1) hour of time. Additional days each month will be available for more lengthy or contested matters. Filing or responding parties who anticipate lengthy or contested hearings not suitable for an Omnibus Hearing date may request special scheduling, after consultation with Debtors' counsel, by **boldly indicating** in the title to the motion or other initiating pleading or by contacting the courtroom deputy by email to Agnes_Babb@scb.uscourts.gov.

2. *Setting Omnibus Hearings.*

- a. *Initial Omnibus Hearings.* The first three Omnibus Hearings shall be held on the following dates and times:
 - i. **9:00 a.m. on the 10th day of April, 2012**
 - ii. **9:00 a.m. on the 8th day of May, 2012**
 - iii. **9:00 a.m. on the 5th day of June, 2012**
- b. *Subsequent Omnibus Hearings.* At or before the last Omnibus Hearing set forth above, the Debtors shall request that the Court schedule additional Omnibus Hearings. The Court may schedule such Omnibus Hearings and, upon scheduling, BMC shall post the date of the Omnibus Hearings on the Case Website. Entities may contact BMC for information concerning all scheduled Omnibus Hearings
- c. *Emergency Scheduling Procedures.* Notwithstanding any procedure set forth herein, nothing herein shall restrict any party from requesting an emergency hearing pursuant to and in accordance with Local Rule 9013-1.

3. *Procedures regarding the Omnibus Hearings.* The following procedures will apply unless the Court orders otherwise:

- a. At least two (2) business days before the scheduled hearing, Debtors' counsel, with the consent of any affected party or parties and with the concurrence of the Court, may adjourn any matter to a subsequent fixed Omnibus Hearing date.
- b. At least two (2) business days before the scheduled hearing, counsel may propose to reschedule matters filed by any party on a date other than the next Omnibus Hearing date if counsel in good faith believe that the hearing on the particular matter could exceed one hour.
- c. Upon written request at least two (2) business days before the scheduled hearing, the Court may allow counsel to participate in an Omnibus Hearing by telephone. Counsel should indicate in their written request whether participation will include mere listening, argument, questioning of witnesses, or presenting evidence. If a matter is expected to require the presentation of evidence, counsel must attend in person, unless leave of the Court is granted on a case by case basis. Requests to appear by telephone should be made by email to Agnes_Babb@scb.uscourts.gov.

4. *Scheduling of Evidentiary Hearings.* In the event an objection is made to a Filing, the hearing on such motion or application shall be an evidentiary hearing at which witnesses may testify, unless the parties otherwise agree that any such hearing shall not be an evidentiary hearing. In all evidentiary hearings, counsel shall submit a joint statement at least two (2) business days before the hearing, which provides the following information:

- a. The issues and the positions of the parties (if not otherwise clearly stated in the pleadings and other filings with the court, in which case the relevant pleadings should be specifically referenced),
- b. The number and names of witnesses expected to be called to testify,
- c. A list of the exhibits and documentary evidence to be presented, which should be marked and exchanged between the parties prior to the hearing,
- d. The applicable statutory or case law (unless otherwise fully cited in the pleadings or prior filings, in which case the relevant pleadings should be specifically referenced),
- e. The estimated length of hearing, and
- f. The telephone, fax number, and e-mail address of all participating counsel.

5. *Proposed Omnibus Hearing Agenda.* In advance of the Omnibus Hearing date, the Debtors shall prepare a proposed Omnibus Hearing agenda in accordance with the following and present it to the Court for approval:

- a. The Proposed Hearing Agenda will include, to the extent known by Debtors' counsel: (i) the docket number and title of each matter to be scheduled for hearing on such Omnibus Hearing, including the initial filing and any responses, replies or documents related thereto; (ii) whether the matters are contested or uncontested; (iii) whether the matters have settled or are proposed to be continued; (iv) other comments that will assist the Court; and (v) a suggestion for the order in which the matters should be addressed.
- b. Two (2) business days prior to each Omnibus Hearing, Debtors' counsel shall file with the Court and serve on the Master Service List (as defined below) and on any Affected Parties (as defined below) a proposed agenda with regard to the matters that are scheduled to be heard on such Omnibus Hearing (the "Proposed Hearing Agenda"). The Proposed Hearing

Agenda is for the convenience of the Court and counsel and is not determinative of the matters to be heard on that day or whether there will be a settlement or a continuance.

B. Notice Procedures.

6. *Procedures Established for Notices.* All Filings required to be served pursuant to Bankruptcy Rules 2002(a)(2)-(6) shall be filed with the Court or other applicable court and served in accordance with the notice procedures set forth herein (the “Notice Procedures”).

7. *Definition of Entities Entitled to Service.* All Filings shall be served on the Master Service List, the 2002 List and Affected Entities (each as defined hereinafter and collectively referred to as the “Service List”) according to the Notice Procedures described herein. Filings shall be deemed not to have been properly served until served on all parties on the Service List. The Service List is being maintained by BMC and parties should not rely on the list appearing on CM/ECF.

- a. *Master Service List.* BMC shall maintain a master service list (the “Master Service List”), which shall be updated weekly. An updated Master Service List shall be made available by (1) accessing the Case Website; (2) contacting BMC directly; or (3) contacting the Debtors’ counsel directly. The Master Service List shall include the following parties:
 - i. The Office of the United States Trustee for the District of South Carolina;
 - ii. The Debtors and their counsel;
 - iii. the Debtors’ DIP Lender, and its counsel;
 - iv. Wells Fargo, N.A., as Indenture Trustee, and its counsel;
 - v. The members and counsel to any official committee of creditors appointed in the Chapter 11 Cases, and, until such appointment, the creditors holding the fifty (50) largest unsecured claims against the Debtors’ estates (on a consolidated basis) filed pursuant to Bankruptcy Rule 1007(d);
 - vi. The Internal Revenue Service;

- vii. The Securities and Exchange Commission; and
 - viii. Counsel for Cliffs Members Ad Hoc Group, Inc.
- b. *2002 List.* This group shall be comprised of all entities that have filed a request for service of filings pursuant to Bankruptcy Rule 2002.
- i. *Filing Requests for Documents Requires Email Address.* A request for service of papers pursuant to Bankruptcy Rules 2002 (each, a “2002 Notice Request”) filed with the Court shall be deemed proper if and only if it includes the following information with request to the party filing such request: (a) name; (b) street address; (c) name of client(s), if applicable; (d) telephone number; (e) facsimile number; and (f) electronic mail (or email) address. Failure to provide an email address will not prevent a party who otherwise properly files a 2002 Notice Request from being added to the 2002 List; however, parties who do not provide an email address will be served only with hard copies of pleadings and documents filed in these cases via regular first class mail or overnight mail, as determined appropriate by the serving party.
 - ii. *2002 Notice List.* BMC shall be responsible for maintaining an updated list of those who have submitted a proper 2002 Notice Request (the “2002 List”). BMC shall make any additions and deletions to the 2002 List as 2002 Notice Requests are filed with the Court, and as the 2002 List is updated, such updates shall be maintained on the 2002 List on the Case Website. At least every fifteen (15) days during the first sixty (60) days of the Debtors’ Chapter 11 Cases, and thereafter at least every thirty (30) days, BMC shall serve the updated 2002 List on the parties listed thereon and shall file a corresponding proof of service.
 - iii. *Updates to 2002 Information.* It is the responsibility of each entity submitting a 2002 Notice Request to file with the Court an updated 2002 Notice Request as necessary to reflect changes to any information, including email address and/or contact person and serve a copy of such request upon the Debtors and BMC. Nothing herein shall affect the obligation of parties to verify their address in connection with filing documents on the CM/ECF system in accordance with Local Rule 2002-1 (a).

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

8. *Service of Motions on Affected Entities.* With respect to Filings for which particular notices are required to be served on all creditors and parties in interest, including Bankruptcy Rules 2002(a)(2) and (3), 4001, 6004, 6007 or 9019, parties shall serve all such Filings, at a minimum, on the Service List and the following Affected Parties by electronic mail or otherwise (if an exemption is granted) unless otherwise ordered by the Court —

- a. in the case of any use, sale, lease or abandonment of substantially all of the Debtors’ 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;
- d. in the case of a motion under Bankruptcy Rule 9019, all parties that are parties to the relevant compromise and settlement or that may be directly affected by such compromise or settlement;
- e. in the case of assumption, assignment or rejection of an executory contract or an unexpired lease, each party to the executory contract or the unexpired lease;
- f. any objection, opposition, response, reply or further document filed directly in response to a document shall be served on the entity who filed such document; and
- g. all matters for which the Bankruptcy Rules specifically require notice to all parties in interest shall be served on all parties in interest unless otherwise directed by the Court.

9. *Exceptions to Noticing Procedures.* Except as set forth herein or otherwise provided by order of the Court, the Notice Procedures shall not affect the Debtors’ obligation to provide notice to all creditors, parties in interest and, where applicable, equity security holders of the matters or proceedings described in the following Bankruptcy Rules:

- a. Bankruptcy Rule 2002(a)(1) (meeting of creditors pursuant to § 341 of the Bankruptcy Code);
- b. Bankruptcy Rule 2002(a)(2) (any proposed use, sale or lease of property 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 the Debtors' assets);
- c. Bankruptcy Rule 2002(a)(4) (hearing on the dismissal of a case or cases or the conversion of a case to another chapter);
- d. Bankruptcy Rule 2002(a)(5) (time fixed to accept or reject a proposed modification of a chapter 11 plan);
- e. Bankruptcy Rule 2002(a)(7) (time fixed for filing a proof of claim pursuant to Bankruptcy Rule 3003(c));
- f. Bankruptcy Rule 2002(b)(1) (time fixed for filing objections and any hearing to consider approval of a disclosure statement);
- g. Bankruptcy Rule 2002(b)(2) (time fixed for filing objections and any hearing to consider confirmation of a chapter 11 plan);
- h. Bankruptcy Rule 2002(d) (certain matters for which notice is to be provided to equity security holders);
- i. Bankruptcy Rule 2002(f)(1) (entry of an order for relief);
- j. Bankruptcy Rule 2002(f)(2) (dismissal or conversion of a case to another chapter of the Bankruptcy Code);
- k. Bankruptcy Rule 2002(f)(3) (time allowed for filing claims pursuant to Bankruptcy Rule 3002);
- l. Bankruptcy Rule 2002(f)(6) (waiver, denial or revocation of a discharge as provided in Bankruptcy Rule 4006);
- m. Bankruptcy Rule 2002(f)(7) (entry of an order confirming a chapter 11 plan); and
- n. Bankruptcy Rule 2002(f)(8) (summary of the trustee's final report and account should a case be converted to chapter 7 of the Bankruptcy Code).

10. *Certificates of Service.* Certificates of service of all Filings, including a Service

List, shall be filed with the Court in accordance with Local Rule 9013-3 within three business

days of each Filing; provided, however, that notwithstanding Local Rule 9013-3, parties shall not be required to include the Service List when serving Filings.

11. *Serving Adversary Proceedings.* All Filings in any adversary proceeding commenced in the Chapter 11 Cases shall be served upon each Affected Entity and any other entities required to be served under any applicable Bankruptcy Rule or Local Rule, including but not limited to, Fed. R. Bankr. P. 7004.

C. Filing Procedures; Deadlines for the Filing of Responsive Pleadings.

12. *Form of Filings.* All documents must conform to and be filed in accordance with the Operating Order and Local Rules. The notice accompanying any Filing shall include the title of the pleading, the time and date of the objection deadline (as determined below), and the Omnibus Hearing date (or other hearing date, as ordered by the Court) at which the party intends to present the Filing if an objection or response is filed. In accordance with Local Rule 9013-1, all Filings, if applicable, must be filed with a proposed order that should conform to the Operating Order.

13. *Filing Deadline.* Except as otherwise provided by the Bankruptcy Code, the Bankruptcy Rules or herein, for a Filing (other than a motion for relief from the automatic stay pursuant to 11 U.S.C. § 362(d)) to be considered at the next-scheduled Omnibus Hearing, a movant or applicant must file with this Court and serve such Filing at least ten (10) days prior to the next-scheduled Omnibus Hearing (the "Filing Deadline"), provided, however, if such Filing is served by mail, then the movant or applicant must file with this Court and mail such Filing at least thirteen (13) days prior to the next-scheduled Omnibus Hearing. Except as otherwise ordered by the Court, if such Filing is filed and served *by electronic mail, hand delivery, overnight courier or facsimile* fewer than ten (10) days prior to the next-scheduled Omnibus Hearing, or is filed and served *by mail* fewer than thirteen (13) days prior to the next-scheduled

Omnibus Hearing, the hearing with respect to such Filing shall take place at the Omnibus Hearing following the next-scheduled Omnibus Hearing, unless an expedited hearing is approved by the Court. The filing deadlines do not require three additional days notice as set forth in Rule 6(e) of the Federal Rules of Civil Procedure (made applicable to contested matters indirectly by Bankruptcy Rule 9014(b) and to adversary proceedings by Bankruptcy Rule 7005(b)(2)(D)), and Bankruptcy Rule 9006(f) when a document is served by electronic mail, including service, via the CM/ECF system.

14. *Shortened Time for Motions.* In the event that a party cannot comply with the Filing Deadline, such party may be permitted to shorten the Filing Deadline and have a Filing heard on the next Omnibus Hearing Date if and only if, for cause shown, this Court shortens such deadline.

15. *Scheduling of Automatic Stay Motions.* Unless this Court orders otherwise, for good cause shown, when the Filing is a motion for relief from the automatic stay pursuant to 11 U.S.C. § 362(d) and when such motion is filed with the Court and served (regardless of manner of service) more than fourteen (14) days before the upcoming Omnibus Hearing, then the preliminary hearing date for such matter may be set for such upcoming Omnibus Hearing. When the Filing in such matter is filed and served (regardless of manner of service) fewer than fourteen (14) days before the upcoming Omnibus Hearing, then the preliminary hearing for such matter shall be set for the Omnibus Hearing following the upcoming Omnibus Hearing, unless otherwise ordered by the Court. Except as specifically set forth herein, all other procedures for such motions shall otherwise conform to Local Rule 4001-1 and the Bankruptcy Rules.

16. *Filing and Service of Objections, Replies and Other Responsive Pleadings.*

- a. *Deadline for Objections.* Objections to a motion or application for relief shall be filed and served according to the following schedule, unless otherwise ordered by the Court:²
1. For motions or applications for relief filed and served **at least twenty-one (21) days prior** to the applicable hearing date, objections must be filed and served at least **seven (7) days prior** to the hearing;
 2. For motions or applications for relief filed and served **fewer than twenty-one (21) but at least ten (10) days prior** to the applicable hearing date, objections must be filed and served no later than **the earlier of four (4) calendar days or three (3) business days prior** to the hearing;
 3. For motions or applications for relief filed and served **less than ten (10) days prior** to a hearing, which have been approved for a hearing on an expedited basis, objections must be filed and served by **no later than 4:00 p.m. on the 2nd business day prior to the hearing date**, unless otherwise ordered by the Court.
- b. *Form of Objection.* The objection shall conform to the requirements set forth in Local Rule 9014-1.
- c. *Failure to File Objection.* The relief requested in the Filing may be granted without a hearing if no objection is timely filed.
- d. *Adversary Proceedings.* All initial Filings, complaints, and other pleadings filed in any adversary proceeding commenced in these cases shall be served on (1) counsel to the Debtors, (2) the Office of the United States Trustee, (3) counsel to any statutory committees appointed in the Chapter 11 Cases, (4) counsel to the Indenture Trustee, (5) counsel to the DIP Lender and (6) any parties required to be served under any applicable Bankruptcy Rule or Local Rule.
- e. *Service of Objections.* All objections, responses, or statements in support of Filings as well as any replies thereto (collectively "**Objections**") shall be filed with the Court by the applicable objection deadline and served on the counsel who served such Filings plus (1) counsel to the Debtors, (2)

² Failure to file an objection by the deadlines set forth below may cause the Court to not consider the objection.

the Office of the United States Trustee, (3) counsel to any statutory committees appointed in the Chapter 11 Cases, (4) the Master Service List, (5) each Affected Entity, with such Affected Entities to be determined based on the particular Filing being served, and (6) any parties required to be served under any applicable Bankruptcy Rule or Local Rule, provided that all such Objections are served so as to be actually received by such parties on or prior to the applicable objection deadline as set forth herein.

- f. *Service of Replies to Objections.* Replies to Objections shall be filed with the Court and served so as to actually be received by the Debtors, the United States Trustee, those parties on the Master Service List, the parties filing Objections and each Affected Entity, in all cases by 12:00 p.m. (Eastern Time) at least two (2) business days before the applicable Omnibus Hearing.

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

18. *Use of Passive Notice.* Nothing in these Case Management Procedures shall affect the applicability of Local Rule 9013-4 in the Chapter 11 Cases, which authorizes a moving party to seek entry of an order approving certain enumerated Filings without a hearing if no objection or response to such Filing is filed; provided however, that notwithstanding anything in Local Rule 9013-4, should an Objection to a Filing be filed, the hearing on such matter shall be scheduled in accordance with these Case Management Procedures.

19. *Section 342 Notice Requirements.* Any notice sent by the Debtors or any other party in interest shall be deemed to comply with the requirements set forth in section 342(c)(1) of the Bankruptcy Code so long as the notice is accompanied by an insert containing the name,

address and last four digits of the taxpayer identification number of each of the Debtors in the Chapter 11 Cases.

D. Service by Electronic Mail

20. *Service by Electronic Mail.* Pursuant to Operating Order 08-07, certain parties have indicated that service by electronic mail is an acceptable means of service and providing notice of filings on the Court's docket. At the direction of the Debtors, BMC may serve all Filings filed by the Debtors electronically to all parties listed on the Service List, other than service of a summons and complaint in an adversary proceeding or documents filed under seal. BMC shall also serve all documents set forth in the Order appointing BMC as claims and noticing agent, including such orders and notices directed to be served by the Clerk. Parties who do not provide BMC an email address, or parties to whom email delivery cannot be effected, will be served only with hard copies of pleadings and documents filed in these cases via regular first class mail or overnight mail, as determined appropriate by the serving party. Other parties may obtain the Service List from BMC in order to serve and provide notice of their Filings. To the extent other parties wish to utilize BMC to effect service and provide notice of their Filings, they must directly arrange for such services with BMC.

21. *Form of Documents Served by Email.* All documents served by email shall provide either a copy of the document or a link to access the entire document, including the proposed form(s) of order and any exhibits, attachments, or other materials in ".pdf" format, readable by Adobe Acrobat or other equivalent document reader program commonly available without cost. Email service shall also include a copy of or a link to the current Service List.