



SO ORDERED.

SIGNED this 30 day of October, 2008.

Dale L. Somers

Dale L. Somers
UNITED STATES BANKRUPTCY JUDGE

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF KANSAS**

In re:)	In Proceedings Under Chapter 11
)	
GATEWAY ETHANOL, L.L.C.)	Case No. 08-22579-DLS
)	
Debtor.)	

**STANDING ORDER NO. 1 ESTABLISHING LIMITED
NOTICE AND MOTION PROCEDURES**

Now on this 7th day of October, 2008, this matter having come before the Court upon Debtor's Motion for Entry of Standing Order No. 1 to Establish Notice and Motion Procedures and the Court finding that burdensome expense and unnecessary delay may result unless a modified procedure for notice and motion practice is implemented.

IT IS HEREBY ORDERED that:

A. LIMITED NOTICE

1. All pleadings, notices, motions, applications, or adversary proceeding related pleadings, and all briefs, memoranda, affidavits, declarations, or other documents filed concurrently in support thereof in this case (the "Filing" or "Filings") shall be served by the

entity initiating the Filing via first class U.S. Mail postage prepaid, facsimile, and/or email only upon the following list of entities (the “Service Parties”), in addition to any creditors, parties in interest, and/or other entities that may be affected by the relief sought by a particular Filing, if they are not receiving electronic notice through the Court’s CM/ECF system:

- (a) Counsel to Debtor;
- (b) The Office of the United States Trustee;
- (c) Counsel to any official committee(s) established in Debtor’s case pursuant to Section 1102 of the Bankruptcy Code;
- (d) Prior to the establishment of an official committee of unsecured creditors, the entities listed on Debtor’s list of 20 largest unsecured creditors, or their respective designated counsel;
- (e) Counsel to the secured and unsecured lenders of Debtor consisting of: Dougherty Funding LLC, Noble Americas Corp. and Lurgi PSI, Inc.
- (f) Counsel to Debtor’s Post-Petition Lender;
- (g) The Internal Revenue Service or its designated counsel;
- (h) The Kansas Department of Revenue or its designated counsel; and
- (i) Those other creditors or parties in interest that may be added to this list upon written request to Debtor or as ordered by the Court.

2. In addition to serving the Service Parties, the following types of Filings, for which particular notices are required by Bankruptcy Rules 2002(a)(2), (3), and (6), 4001, 6004, 6006, 6007, or 9019, are required to be served by the entity initiating the Filing upon the entities identified in each subsection below via first class U.S. Mail postage prepaid, facsimile, and/or email, if they are not receiving electronic notice through the Court’s CM/ECF system, unless otherwise ordered by the Court:

- (a) Filings relating to the use, sale, lease, or abandonment of property other than in the ordinary course of business shall be served upon each entity having an interest in the property;
- (b) Filings relating to relief from, or otherwise related to, the automatic stay shall be served upon each entity having a lien or encumbrance on the affected property;
- (c) Filings relating to the use of cash collateral or obtaining credit shall be served upon each entity with an interest in the cash collateral or each

entity with a lien or other interest in property upon which a lien is proposed to be granted;

- (d) Filings relating to approval of a proposed compromise or settlement shall be served upon any entity that is a party to the compromise or settlement or that may be adversely affected thereby;
- (e) Filings relating to rights under Section 365 of the Bankruptcy Code shall be served upon each party to the executory contract(s) or unexpired lease(s) affected thereby; and
- (f) Filings relating to applications for payment of compensation or reimbursement of expenses shall be served upon each professional person who is seeking payment of compensation or reimbursement of expenses and whose retention has been authorized by the Court in Debtor's case.

3. Notice of matters for which the Federal Rules of Bankruptcy Procedure require notice to all creditors or to all parties in interest shall also be served upon Debtor's equity holder and the equity holders of Gateway Holdco, LLC.

4. The entity initiating the Filing shall file a certificate of service of the Filing with the Court.

5. Unless otherwise ordered by this Court, the notice procedures set forth in paragraphs 1 and 2 above will not apply to notices of matters or proceedings described in the following Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and the Bankruptcy Rules and/or local rules of the District Court and Bankruptcy Court shall govern service:

- (a) Bankruptcy Rule 2002(a)(1) (any meetings of creditors pursuant to Section 341 of the Bankruptcy Code);
- (b) Bankruptcy Rule 2002(a)(4) (a hearing on the dismissal of the case or cases, or the conversion of the case or cases to another chapter);
- (c) Bankruptcy Rule 2002(a)(5) (the time fixed to accept or reject a proposed modification of a plan of reorganization);
- (d) Bankruptcy Rule 2002(a)(7) (the time fixed for filing proofs of claims pursuant to Bankruptcy Rule 3003(c));
- (e) Bankruptcy Rule 2002(b)(1) (the time fixed for filing objections and any hearing to consider approval of a disclosure statement);
- (f) Bankruptcy Rule 2002(b)(2) (the time fixed for filing objections and any hearing to consider confirmation of a plan of reorganization);

- (g) Bankruptcy Rule 2002(d) (certain matters for which notice is to be provided to equity security holders);
 - (h) Bankruptcy Rule 2002(f)(2) (the dismissal or conversion of the case to another chapter, or the suspension of proceedings under Bankruptcy Code section 305);
 - (i) Bankruptcy Rule 2002(f)(3) (the time allowed for filing claims pursuant to Rule 3002);
 - (j) Bankruptcy Rule 2002(f)(7) (the entry of an order confirming a Chapter 11 plan of reorganization);
 - (k) Bankruptcy Rule 2002(f)(8) (a summary of the trustee's final report in a Chapter 7 case if the net proceeds realized exceed \$1,500); and
 - (l) Such other notices of matters or proceedings as ordered by the Court.
6. Any creditor, party in interest, or entity represented by counsel admitted

to practice in the District of Kansas, or admitted *pro hac vice*, and whose counsel has entered its appearance in this case shall rely on the Court's CM/ECF system for electronic notice to its counsel, unless the Court orders notice by other means.

7. To receive Filings initiated by Debtor, any creditor, party in interest, or entity represented by counsel not admitted to practice in the District of Kansas and not admitted *pro hac vice* shall provide an email address of its counsel to Debtor's counsel and its counsel shall receive notice from Debtor via email, unless the Court orders notice by other means. Counsel shall be solely responsible for forwarding all notices to the counsel's client.

8. Any creditor, party in interest, or entity that is not represented by counsel, in order to receive Filings initiated by Debtor, shall provide an email address to Debtor's counsel and shall receive notice from Debtor via email, unless the Court orders notice by other means.

9. Notice given in accordance with the foregoing notice procedures are deemed adequate pursuant to the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, the Local Rules for the United States Bankruptcy Court for the District of Kansas, and the Local Rules for the United States District Court for the District of Kansas.

10. The Court in its sole discretion may enter orders with respect to proper notice on an *ex parte* basis without notice or hearing.

B. MOTIONS, OBJECTIONS AND HEARING DATES

11. All motions are to be served prior to or simultaneously with submission to the Court.

12. A certificate of service must be filed for each motion.

13. The Movant is responsible for verifying available hearing dates with the case administrator or courtroom deputy prior to noticing.

14. Motions and other matters shall be heard on the Court's regularly scheduled docket day in Kansas City, Kansas, which is the third Friday of each month. If a party desires that a motion or other matter be heard on a date other than the regularly scheduled docket day, the party should first consult, or attempt to consult, with Debtor's counsel and counsel for all affected parties before seeking approval of the Court for a special hearing date. The Court will set motions and other matters for special hearings when necessary.

15. Absent exigent circumstances, any motion, application, objection or other request shall be filed and served at least twenty (20) days prior to the anticipated hearing date on the motion.

16. The Court may dispense with oral argument on motions and decide them on the papers.

17. Briefing will be subject to a thirty (30)-page limit unless otherwise ordered by the Court.

C. PROPOSED ORDERS

18. Proposed orders shall be uploaded to the Court's CM/ECF system pursuant to LBR 9004.1(b).

19. Agreed or stipulated orders shall not be entered except upon agreement by Debtor's counsel and such other parties who may be necessary under the circumstances.

20. Non-resident attorneys seeking permission to practice before the court in this case shall be admitted *pro hac vice* upon the filing of the motion, payment of the filing fee and uploading of the order, without setting such motions for hearing. Upon verification of payment of the fee required by the Local Rules of the District Court the order on such motion will be entered.

D. TERMS OF THIS ORDER

21. Any party may apply for reconsideration or modification of this Order at any time. Service of such motion shall be made in accordance with the terms of this order, and shall be made upon at least twenty (20) days' notice prior to the hearing date. The Court may amend this Order *sua sponte* at any time.

22. This Order is in Debtor's best interests and presents no prejudice to any party's rights or interests. This Order shall continue in effect until modified by further order of the Court.

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ORDER SUBMITTED BY:

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