

United States Bankruptcy Court

MIDDLE DISTRICT OF TENNESSEE

In re:

Oreck Corporation

Case No. **3:13-bk-04006**

Chapter: 11 Judge: Keith M Lundin

Movant: LINDA GONZALEZ, GINA CHENIER,
GAYA YOSRI, SCOTT STIEPLEMAN, GREG
RUSCITTI, TERI LATTA AND EDWARD PARAGIN

v.

Respondents: ORECK CORPORATION, ET AL

NOTICE OF PRELIMINARY HEARING AND PREHEARING ORDER

YOU ARE HEREBY NOTIFIED THAT A PRELIMINARY HEARING OF THE MOTION FOR RELIEF FROM STAY HAS BEEN SET ON **10/8/13 AT 08:30 AM IN Courtroom 1 2nd Floor Customs House, 701 Broadway, Nashville, TN 37203.**

RESPONDENT SHALL FILE AND SERVE A RESPONSE to the motion at least seven (7) days before the preliminary hearing. **FAILURE TO TIMELY FILE AND SERVE A RESPONSE TO THE MOTION FOR RELIEF FROM THE STAY SHALL BE DEEMED A STATEMENT OF NO OPPOSITION TO THE RELIEF REQUESTED.**

In the event a final hearing is necessary, the final hearing will be scheduled by the court at the preliminary hearing.

COUNSEL FOR ALL PARTIES ARE ORDERED to confer with all opposing counsel at least seven (7) days before the preliminary hearing and together prepare in writing and file **no later than 4:00 p.m. on the third (3d) business day before the preliminary hearing**, a **JOINT DOCUMENT**, captioned **"PREHEARING STATEMENT"** containing the following:

FOR MOVANT

1. A brief statement of each theory of cause for relief from the stay.
2. A brief summary of movant's contentions of fact in support of each theory of cause for relief from the stay and the evidence to be relied upon to establish those facts.

FOR RESPONDENT

1. A brief statement of each defenses.
2. A brief summary of respondent's contentions of fact in support of each defense, and the evidence to be relied upon to establish those facts.

FOR ALL PARTIES

1. A statement of all admitted uncontested facts.
2. Each Party's brief statement of contested facts.
3. Each party's brief statement of contested legal issues.
4. The affidavits or other documentary proof which each party submits in support of its contentions. Any creditor asserting a lien or security interest shall include proof of its lien or security interest and **proof of perfection**. All such affidavits or documents shall be exchanged by the parties at or before the time of filing of the PREHEARING STATEMENT.

All of the above is to be incorporated in one document (with attachments) which is to be signed by all attorneys and pro se parties prior to the filing.

If no timely response has been filed and served, in lieu of a PREHEARING STATEMENT, the movant shall file at or before the preliminary hearing, a STATEMENT OF NO OPPOSITION and a proposed order granting the relief requested. If a Statement of No Opposition and a proposed order are filed

before the preliminary hearing, movant is excused from attendance at the preliminary hearing.

PROCEDURE AT PRELIMINARY HEARING

At the preliminary hearing, the Court will consider the motion and response, the PREHEARING STATEMENT and attachments and the arguments of counsel. Upon the motion of a party filed and served at least 72 hours prior to the preliminary hearing, the Court may permit the questioning of witnesses at the preliminary hearing.

APPLICATION OF LBR 9014-1

1. If no timely response is filed and served, LBR 9014-1c shall not apply.
2. If a timely response is filed and served and if a final hearing is scheduled by the court:
 - a. The Required Disclosures in LBR 9014-1c(1)(a) and (b) shall be completed by all parties no later than seven (7) days after the preliminary hearing.
 - b. The Required Disclosures in LBR 9014-1c(1)(c) shall be completed no later than 14 days before any final hearing.
 - c. The Pretrial Disclosures in LBR 9014-1c(2) shall be completed no later than seven (7) days before any final hearing.

Failure to comply with this order may result in dismissal of the action, default, the assessment of costs and attorneys fees or other appropriate remedies.

Dated: 9/17/13

/s/ Keith M Lundin
United States Bankruptcy Judge

For a Chapter 7, 12 or 13 case, the clerk shall mail a copy of this order to the debtor(s), attorney for the debtor(s), trustee, U.S. trustee, any committee elected (§ 705) and attorney for movant.

In a Chapter 11 case, the clerk shall mail a copy to the attorney for movant. The attorney for the movant shall mail a copy of this order to the debtor(s), the trustee (if appointed), the U.S. trustee, any committee appointed pursuant to § 1102 or the 20 largest unsecured creditors, if no committee is appointed.

West, Pat

From: TNMBADMIN_ECF@tnmb.uscourts.gov

Sent: Tuesday, September 17, 2013 3:09 PM

To: courtmail@tnmb.uscourts.gov

Subject: Notice of Preliminary Hearing Ch 11 Oreck Corporation 3:13-bk-04006

*****NOTE TO PUBLIC ACCESS USERS*** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30-page limit do not apply.**

U.S. Bankruptcy Court

MIDDLE DISTRICT OF TENNESSEE

Notice of Electronic Filing

The following transaction was received from ccm entered on 9/17/2013 at 2:08 PM CDT and filed on 9/17/2013

Case Name: Oreck Corporation

Case Number: [3:13-bk-04006](#)

Document Number: [814](#)

Docket Text:

Notice of Preliminary Hearing and Prehearing Order. Movant: LINDA GONZALEZ, GINA CHENIER, GAYA YOSRI, SCOTT STIEPLEMAN, GREG RUSCITTI, TERI LATTA AND EDWARD PARAGIN. Respondent: ORECK CORPORATION, ET AL Hearing scheduled 10/8/2013 at 08:30 AM at Courtroom 1 2nd Floor Customs House 701 Broadway Nashville TN 37203. (RE: related document(s)[795]) (ccm)

The following document(s) are associated with this transaction:

3:13-bk-04006 Notice will be electronically mailed to:

MATTHEW ADAMSON on behalf of Interested Party Center Place Shopping Center LLC
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ERIKA R. BARNES on behalf of Creditor Empire Die Casting Co., Inc.
ebarnes@stites.com, Nashvillebankruptcyfilings@stites.com

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ERIKA R. BARNES on behalf of Creditor Zhao Hui Filters (US) Inc.
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