

Keith M. Lundin
U.S. Bankruptcy Judge

Dated: 12/10/07



**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

IN RE:	§	CASE NO. 07-9024
	§	CHAPTER 11
SOFA EXPRESS, INC.	§	JUDGE PAINE
	§	
Debtor.	§	

**ORDER ON DEBTOR'S MOTION FOR AN ORDER PURSUANT TO SECTIONS 102
AND 105(a) AND BANKRUPTCY RULES 2002(m) AND 9007 ESTABLISHING
CERTAIN NOTICE, CASE MANAGEMENT AND
ADMINISTRATIVE PROCEDURES**

Upon the Motion¹ of the above-captioned debtor and debtor in possession (the “Debtor”), pursuant to Sections 102 and 105(a) of the United States Bankruptcy Code (the “Bankruptcy Code”) and Rules 2002(m) and 9007 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) to establish certain notice, case management and administrative procedure, as is more fully set forth in the Motion; and upon consideration of the Affidavit of P. Woolard Harris in Support of its Chapter 11 Petition and First Day Orders (the “Harris Affidavit”); and

¹ Any capitalized terms not defined herein shall have the meaning attributed to them in the accompanying Motion.

the Court having jurisdiction to consider the Motion and the relief requested therein in accordance with 28 U.S.C. §§ 157 and 1334; and notice of the Motion having been adequate and apparent under the circumstances; and the Court having determined that the relief sought in the Motion is in the best interests of the Debtor, its creditors, and all parties in interest; and upon the Motion and all of the proceedings had before the Court; and after due deliberation and sufficient cause appearing therefore, it is hereby ORDERED

1. The Motion is granted in its entirety.
2. Every notice, motion or application, and all briefs, memoranda, affidavits, declarations or other documents filed concurrently in support thereof in these cases (collectively, the “Filings”) shall be subject to the notice procedures described herein (the “Notice Procedures”), which Notice Procedures are hereby implemented and approved pursuant to Sections 102 and 105 of the Bankruptcy Code and Bankruptcy Rules 2002(m) and 9007.
3. All Filings shall be filed with the Court in accordance with regular Court procedures.
4. BMC Group, Inc. (“BMC”) shall act as the official claims and noticing agent in this case, as more fully described below.
5. BMC shall monitor the docket in this case and coordinate with Debtor’s counsel to ensure that BMC has copies of all Filings in the Debtor’s case.
6. All Filings in this case shall be served upon the Master Service List, as defined in the Motion and all entities with a particularized interest in the Filing. Parties may be added or deleted from the Master Service List upon written request for good and sufficient cause, in accordance with the procedures set forth in this Order.
7. All Filings for which particular notices are required by Bankruptcy Rules 2002(a)(2) and (3), 4001, 6004, 6006, 6007 or 9019 shall be served as set forth in paragraphs 6, 7

and 8 herein and in accordance with the following procedures, unless otherwise ordered by the Court:

- a. Filings related to the use, sale, lease or abandonment of property other than in the ordinary course of business shall be served on each entity having an interest in the property.
- b. Filings related to relief from, or otherwise related to, the automatic stay shall be served on each entity having a lien or encumbrance on the affected property.
- c. Filings related to the use of cash collateral or obtaining credit shall be served on each entity with an interest in the cash collateral or each entity with a lien or other interest in property on which a lien is proposed to be granted.
- d. Filings related to approval of proposed compromises or settlements shall be served on any entity that is a party to the compromise or settlement or which may be directly adversely affected thereby.
- e. Filings related to rights under Section 365 of the Bankruptcy Code shall be served on each party to the executory contract(s) or unexpired lease(s) affected thereby.
- f. Filings related to applications for payment of compensation or reimbursement of expenses shall be served on each professional person who is seeking payment of compensation or reimbursement of expenses, and whose retention has been authorized by the Court in these cases.
- g. Notice of other matters for which the Bankruptcy Rules specifically require notice to all parties in interest shall be served on all creditors and equity security holders of the Debtor and parties in interest, except as set forth herein or as otherwise authorized by this Court.

8. Except as set forth herein or as otherwise authorized by this Court, the noticing procedures set forth above shall not apply to notices of the matters or proceedings described in the following Bankruptcy Rules:

- a. Bankruptcy Rule 2002(a)(1) (any meetings of creditors pursuant to Section 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 Debtor's assets).
- c. Bankruptcy Rule 2002(a)(3) (the hearing on approval of a compromise or settlement of a controversy other than approval of an agreement pursuant to Bankruptcy Rule 4001(d)(1), to the extent that such compromise or settlement either involves claims between

and among the Debtor and the Official Committee of Unsecured Creditors).

- d. 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).
- e. Bankruptcy Rule 2002(d) (certain matters for which notice is to be provided to equity security holders).
- f. Bankruptcy Rule 2002(f)(1) (the entry of an order for relief).
- g. Bankruptcy Rule 2002(f)(2) (the dismissal or conversion of a case to another chapter of the Bankruptcy Code).

9. All of the foregoing matters or proceedings set forth in this paragraph of this Order shall be noticed in accordance with the applicable provisions of Bankruptcy Rule 2002; provided, however, that nothing in this Order shall prejudice (i) the rights of any party in interest to move the Court to further limit or expand notice of such matters and proceedings upon a showing of good cause, including, but not limited to, the right to file a motion seeking emergency *ex parte* consideration or consideration upon shortened time; or (ii) the rights of any party to seek an enlargement or reduction of a time period under Bankruptcy Rule 9006(b) or (c).

10. Unless the 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 more than 14 days but less than 30 days before the next scheduled Omnibus Hearing, the preliminary hearing in such matter will be set on the next scheduled Omnibus Hearing Date. The preliminary hearing for any such motion that is filed less than 15 days or more than 29 days before the next scheduled Omnibus Hearing shall be set for preliminary hearing pursuant to Local Rule 4001.

11. All requests, whether now filed or filed in the future, for automatic receipt of copies of Filings and other documents or writings filed in these cases and any adversary proceeding are denied except as set forth herein. BMC in its capacity as the Official claims and

noticing agent will maintain (or have access to) a complete set of all documents filed in these cases henceforth. Upon request of any person, BMC will supply a copy of any designated document, at a cost to be paid by the person requesting it at the prevailing fee being charged by BMC. Any party that desires copies of every Filing in these cases may obtain such Filings at their own expense by arrangement with BMC or copies of every Filing in this case may be obtained from the Court's ECF system.

12. The Debtor is authorized to utilize electronic service of documents to those parties for whom the Debtor maintains email addresses, and with whom the Debtor regularly communicates via email.

13. Parties desiring to be added to the Master Service List must file a written request to that effect with the Court and serve a copy to BMC and the Debtor.

14. In accordance with ECF Procedure 4 which provides that registration as a Filer, as that term is defined in the Court's ECF Procedures, constitutes waiver of the right to notice or service by personal service, by first-class mail or by any other means of conventional delivery described in Bankruptcy Rules 2002, 7004 or 7005, registration as a Filer constitutes a written request for, and consent to electronic notice and electronic service in the form of a "Notice of Electronic Filing" from ECF of all filed documents to which the Filer is entitled. This consent and waiver does not apply to: (a) service of the motion commencing a contested matter under Bankruptcy Rule 9014; (b) service of the summons and complaint in an adversary proceeding under Bankruptcy Rule 7004; and (c) service of an involuntary petition or petition commencing ancillary case under Bankruptcy Rule 1010.

15. To the extent the Debtor does not maintain an email address for a particular party to be noticed and does not generally communicate with that party via email, the party will be noticed by the quickest form of service, i.e. facsimile, overnight mail or first class mail.

16. Any entity submitting a Filing shall serve a notice of such Filing on all 2002 List Parties, as defined in the Motion. Such notice shall include the title of the Filing and the time and date of any objection deadline and the Omnibus Hearing (hereinafter defined) or other hearing date, as ordered by the Court, at which the Court will consider the Filing (the “Applicable Hearing Date”).

17. The objection deadline set forth in any Filing shall be (a) no later than the seventh (7th) calendar date before the Applicable Hearing Date if the Filing is served at least 20 days prior to the Applicable Hearing Date; (b) no later than the third (3rd) calendar date before the Applicable Hearing Date if the Filing is served less than 20 but at least ten days prior to the Applicable Hearing Date or (c) otherwise as ordered by the Court.

18. Notice given in accordance with the Notice Procedures shall be deemed adequate pursuant to the Bankruptcy Code, the Bankruptcy Rules and the Local Rules of the United States District Court for the District of Tennessee and for the United States Bankruptcy Court for the Middle District of Tennessee.

19. The Court shall conduct omnibus hearings on a monthly basis in this case (the “Omnibus Hearings”). The following date and time has been scheduled as an Omnibus Hearing in this Chapter 11 proceeding:

January 15, 2008 at 9:30 a.m. (Prevailing Central Time)

18. Omnibus Hearings will occur thereafter as may be scheduled by the Court.

19. All matters requiring a hearing in these cases shall be set for and heard on Omnibus Hearing dates unless alternative hearing dates are approved by the Court for good cause shown.

20. A copy of this Order shall be served by the Debtor or BMC on all parties designated to receive the Notice of Commencement of these cases.

21. The terms and conditions of this Order shall be immediately effective and enforceable upon its entry.

~~22. The Court retains jurisdiction with respect to all matters arising from or related to the implementation of this Order.~~

**THIS ORDER WAS SIGNED AND ENTERED ELECTRONICALLY AS INDICATED
AT THE TOP OF THE FIRST PAGE.**

APPROVED FOR ENTRY:

/s/ William L. Norton III
William L. Norton, III (TN 10075)
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Attorneys for the Debtor and
Debtor in Possession

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CERTIFICATE OF SERVICE

District/off: 0650-3
Case: 07-09024

User: lew8808
Form ID: pdf001

Page 1 of 1
Total Served: 1

Date Rcvd: Dec 10, 2007

The following entities were served by first class mail on Dec 12, 2007.
db +Sofa Express, Inc., 4600 S. Hamilton Rd., Groveport, OH 43125-9636

The following entities were served by electronic transmission.
NONE.

TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

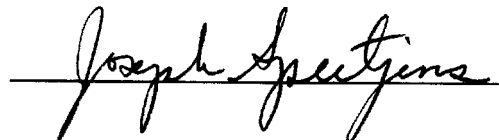
Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

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: Dec 12, 2007

Signature:

A handwritten signature in black ink, reading "Joseph Speetjens", written over a horizontal line.