UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK
----------x

In the Matter of the

Adoption of Local Rule re Status Conferences and Amendment to Local Rule 52(a)

----------x

General Order

No. M-147

By resolution of the Board of Judges for the Southern District of New York, it is resolved that pending formal adoption of a rule analogue to 11 U.S.C. 105(d) and an amendment to Local 52(a) as part of a comprehensive revision of the Local Rules, that the annexed Rule 9076-1, entitled "Status Conference", and amendment to Local Rule 52(a), be and the same hereby are adopted and are to take effect immediately.

Dated: New York, New York
March 16, 1995

Chief Bankruptcy Judge

MAR 17 1995
KF

Rule 9076-1, Status Conference

(a) Conference Generally. The court, on its own motion or on request of a party in interest, may hold a conference, on or off the record, at any time during a case or proceeding, for any purpose consistent with the Bankruptcy Code, including:

(1) to address the posture and efficient administration of the case or proceeding; and

(2) to establish a case management or scheduling order.

(b) Request for Conference. A request for a conference shall be made either in writing or orally at any hearing. If made in writing, the request shall be directed to the chambers of the judge presiding over the case or proceeding. Any request, whether written or oral, shall (I) specify the matters proposed to be addressed at the conference, (II) identify the parties who have a direct interest in such matters, and (III) include such further information as may assist the court in evaluating whether a conference should be held and in conducting the conference. If a conference is requested for a date prior to the appointment of a creditor's committee and the retention of its counsel, the requesting party shall state why the conference should not be delayed until after such appointment and retention.

(c) Notice of Conference. If all necessary parties are present before the court, the judge may direct that a conference be held immediately without further notice. In the event a conference is called under any other circumstances, unless the court otherwise directs, the requesting party (or, if the conference is to be held on the court's own motion, the debtor, the trustee, or such other party as the court may direct) shall, as soon as practicable, provide notice of the date, time, place and purpose of such conference, as well as a copy of any written materials submitted in connection with any request for a conference, to the following parties:

(1) In an adversary proceeding, to the parties to such adversary proceeding; or

(2) In a case or proceeding other than an adversary proceeding, to the debtor or trustee, the U.S. trustee, any official committee appointed to serve in the case (or, if no official committee has been appointed, to the holders of the ten largest unsecured claims), and any unofficial committee which previously has requested the opportunity to participate in conferences.

(d) Submission of Proposed Case Management and Scheduling Orders. If a purpose of the conference is to establish a case management or scheduling order, unless otherwise directed by the court, the party requesting the conference (or, if the conference is to be held on the court's own motion, the debtor, the trustee, or such other party as the court may direct) shall submit to the court prior to the conference,

on notice to all necessary parties (as identified in subsection (c) of this rule), a proposed case management or scheduling order. Prior to submitting the proposed order, the submitting party shall attempt in good faith to obtain the consent of all necessary parties (as identified in subsection (c) of this rule) with respect to the form of the order, and shall indicate to the court whether such consent has been obtained.

[Amendment to Local Rule 52(a)]

(11) whether the debtor has formulated, is in the process of formulating, or intends to formulate a written business play detailing how the debtor plans to reorganize its business and/or financial affairs, and, if such can be reasonably ascertained, the date by which the debtor anticipates presenting its business plan to the committee(s) appointed to serve in the case;

(12) the principal objectives that must be accomplished in order to obtain confirmation of a plan;

(13) if such can be reasonably ascertained, the date by which the debtor intends to file a plan and disclosure statement;

(14) the names of the individuals who comprise the debtor's existing senior management, their tenure with the debtor, and a brief summary of their relevant responsibilities and experience; and

(15) the names and addresses of the five largest secured creditors, the amounts of their respective claims, and a brief description of the collateral securing such claims.