

FILED
NOVEMBER 18, 2002
U. S. BANKRUPTCY COURT
DISTRICT OF COLORADO

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF COLORADO

IN THE MATTER OF
PROCEDURES IN CHAPTER 11 CASES

GENERAL PROCEDURE ORDER NUMBER 2002-6

Upon consideration of the need for efficient, consistent and uniform policies and procedures to better serve the public and the bar in Chapter 11 cases,

IT IS ORDERED that the following procedures shall apply in Chapter 11 cases filed in this District.

1. During the first 20 days following entry of the Order for Relief the Debtor may obtain expedited consideration for entry of orders as follows:

a. Debtor shall file the original and one copy of a Combined Motion for Expedited Entry of Order(s) and Notice of Impending Hearing Thereon in substantially the form attached as **Exhibit A** and shall attach to the Motion the Order or Orders requested. The proposed Order shall clearly state the relief requested, but shall not contain proposed findings of fact or conclusions of law. The Motion need not be accompanied by briefs or authorities, and the same are expressly discouraged except only as to novel issues of law presented by the Motion, in which case a brief of no more than five (5) pages without any factual recitations may be submitted. The Motion may be accompanied by one or more factual affidavits. The Motion shall contain counsel's certification that the relief sought by the Motion is needed by the Debtor on an expedited basis.

b. A copy of the Motion with the requested Orders and all supporting affidavits shall be hand-delivered or e-mailed to the Office of the U.S. Trustee and to the counsel, if known to the Debtor, for the official unsecured creditors committee, if any, either before or within two (2) business hours after the Motion is filed.

c. Copies of the Motion with all attachments shall be served by hand-delivery or by over-night delivery service initiated on the day the Motion is filed, such service to be on the creditors shown on Debtor's list of 20 largest unsecured creditors (or, if known, their attorneys) or, if appointed, on the members of the official unsecured creditors committee, on any other official committees (or their professionals, if engaged), on any indenture trustee, on the IRS and other relevant government entities, on all parties who have requested notice and on any other party in interest whose interest in property will be directly affected by any Order requested.

d. When Debtor has filed a Motion under this Order and chambers of the judge assigned the case has been provided with a copy thereof (by hand-delivery, fax or e-mail) the calendar and docket of the judge shall, if possible, be so arranged that a hearing can be conducted consistent with the Bankruptcy Code and Rules, including Rule 4001, as required by the circumstances, but not more than three (3) court days after the date of the filing of the Motion. If the docket and calendar of the responsible judge cannot be arranged to accommodate a hearing by the responsible judge as required by this Order, the judge's staff shall notify the Clerk of the Court who shall refer the matter to any other available judge.

e. Chambers staff of the judge on whose calendar and docket the hearing is scheduled shall, as soon as possible, notify Debtor's counsel by telephone of the date and time of the hearing. Debtor shall serve notice of the date and time of the hearing to the United States Trustee; to the counsel, if known to the Debtor, for the official unsecured creditors committee; and to those parties who have responded to the Debtor's Combined Motion and Notice by requesting notice of the hearing substantially in the form of **Exhibit B**. Debtor shall notify each responder of the date, time and place of the hearing by e-mail or fax, as requested in such responder's notice, within the later of: (i) four (4) hours after Debtor receives responder's request for notice, or (ii) four (4) hours of being notified by the Court of the date and time of the hearing. To the extent that time and circumstances permit, Debtor shall also give notice of the date, time and place of the hearing to other parties in interest identified in subparagraph 1.c. Above.

2. Debtor shall file an affidavit of compliance with the service requirements of this Order prior to the commencement of any hearing pursuant to this Order.

3. At any hearing set pursuant to this Order, Debtor shall present its Motion orally and the hearing shall proceed in accordance with the Rules of Bankruptcy Procedure and the Federal Rules of Evidence. The Debtor shall be prepared to present live testimony in support of its Motion; however, any requested Order as to which there is no opposition, in the Court's discretion, may be granted on the basis of affidavits, arguments, or representations of counsel, as appropriate.

4. At the conclusion of any hearing set pursuant to this Order, the Court shall make such findings of fact only as are supported by the record and shall (i) enter or deny any or all of the Orders requested, (ii) enter any of the Orders requested as an interim Order pending such additional notice as the Court may direct, and/or (iii) continue the hearing with respect to any or all of the Orders requested. Only interim orders shall be entered pursuant to this Order respecting cash collateral or post-petition financing. In the absence of extraordinary circumstances, the Court shall not approve cash collateral or post-petition financing orders that include provisions that:

(a) contain clauses that secure prepetition debt by post-petition security agreements or grant cross-collateralization protection (other than replacement liens for adequate protection) to the prepetition secured creditor.

(b) contain findings of fact that purport to bind the estate or any parties in interest, other than the Debtor, with respect to the validity, priority, perfection or amount of the secured creditors' prepetition lien or debt or that waive claims against the secured creditor.

(c) seek to waive rights the estate may have under the Bankruptcy Code.

(d) grant to the prepetition secured creditor liens on the Debtor's claims and causes of action arising under Chapter 5 of the Bankruptcy Code.

(e) deem prepetition secured debt to be post-petition debt or that use post-petition loans from a prepetition secured creditor to pay part or all of that secured creditor's prepetition debt, other than as provided in Bankruptcy Code § 552(b).

(f) provide disparate treatment for the professionals retained by a creditors committee from that provided for the professionals retained by the Debtor with respect to a professional fee carveout.

5. The availability of expedited considerations of motions under this Order shall not be construed to preclude *ex parte* relief or other emergency relief where appropriate.

FURTHER ORDERED that this Order shall become effective December 2, 2002.

Dated: November 18, 2002

BY THE COURT:

Donald E. Cordova, Chief Judge

Sidney B. Brooks, Judge

A. Bruce Campbell, Judge

Elizabeth E. Brown, Judge

NOTICE

GPO-2000- PROVIDES THAT A HEARING WILL BE HELD ON DEBTOR'S MOTION WITHIN THREE (3) DAYS. Debtor will give you fax or e-mail notice of the time and place of the hearing only if you respond to this Notice by fax or e-mail stating that you wish to be notified of the hearing. Your response may be in the form of GPO 2000 response form (Exhibit B), and must specify the fax or e-mail address at which you may wish to receive notice. If you specify more than one method of notice, Debtor will use the method most readily available to Debtor. You may also obtain information on the time and place of the hearing by checking the Court docket over the internet at ECF.Cob.USCourts.Gov.

REQUESTS FOR NOTICE OF THE HEARING SHALL BE FAXED OR E-MAILED TO COUNSEL FOR DEBTOR AT _____ or _____.

By executing this Motion and Notice, Debtor's Counsel certifies to the court, after appropriate inquiry of the Debtor, the Debtor's need of the relief sought herein on an expedited basis.

Counsel to the Debtor