

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re:	)	
	)	<u>Chapter 11</u>
BUYK CORP. <sup>1</sup>	)	Case No. 22-10328 (MEW)
	)	
Debtor.	)	

**ORDER ESTABLISHING CASE MANAGEMENT PROCEDURES**

Upon the motion (the “**Motion**”)<sup>2</sup> of Buyk Corp., as debtor and debtor-in-possession (the “**Debtor**”), pursuant to sections 105(a) and (d) of title 11, United States Code (the “**Bankruptcy Code**”) and Rules 2002(m), and 9007 of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”), for entry of an order establishing certain notice, case management, and other administrative procedures (the “**Case Management Procedures**”) so as to establish clear timelines in this Chapter 11 Case and minimize costs of administration; and the Court having jurisdiction to consider the Motion and enter this Order in accordance with 28 U.S.C. §§ 157 and 1334 and the Amended Standing Order of Reference of the United States District Court for the Southern District of New York dated January 31, 2012 (Preska, C.J.); and consideration of the Order being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and this Court having found that proper and adequate notice of the Motion and the relief requested therein has been provided in accordance with the Bankruptcy Rules and the Local Rules, and it appearing that no other or further notice need be provided; and no objections to the Motion having been filed; and the Court having found

<sup>1</sup> The Debtor in this case, along with the last four digits of its federal tax identification number is Buyk Corp. (1477). The Debtor’s principal place of business is 360 West 31<sup>st</sup> Street, Floor 6, New York, New York 10001.

<sup>2</sup> Capitalized terms not otherwise defined herein are to be given the meanings ascribed to them in the Motion.



and determined that the relief sought in the Motion is in the best interests of the Debtor, its estate, creditors, and all parties in interest; and that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefor,

IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED to the extent set forth herein.
2. The Case Management Procedures, attached hereto as **Exhibit “A”**, are approved and shall govern all applicable aspects of the Debtor’s chapter 11 case (the “**Chapter 11 Case**”), except as otherwise ordered by the Court.
3. The next three Omnibus Hearing Dates are scheduled on:
  - **June 22, 2022 at 11:00 a.m.;**
  - **July 26, 2022 at 11:00 a.m.;** and
  - **August 23, 2022 at 11:00 a.m.**
4. Any notice sent by the Debtor or any other party in interest that includes the disclosure contained at footnote 1 of Exhibit A shall be deemed to comply with the requirements set forth in section 342(c)(1) of the Bankruptcy Code.
5. The Debtor shall serve a copy of this Order within five business days after entry hereof on the Master Service List (as defined in the Case Management Procedures). If the Court later approves the Debtor’s retention of a claims and noticing agent, the Debtor shall post a copy of this Order and the Case Management Procedures on the case website maintained by the claims and noticing agent.

6. The Debtor (and any claims and noticing agent whose retention by the Debtor is later approved by this Court) are authorized and empowered to take all actions necessary to implement the relief granted in this Order.

7. This Court retains exclusive jurisdiction with respect to all matters, claims, rights, or disputes arising from or related to the implementation, interpretation, and/or enforcement of this Order.

Dated: New York, New York  
May 20, 2022

/s/ Michael E. Wiles  
UNITED STATES BANKRUPTCY JUDGE

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

---

In re:	)	
	)	<u>Chapter 11</u>
BUYK CORP. <sup>1</sup>	)	Case No. 22-10328 (MEW)
	)	
Debtor.	)	

---

**CASE MANAGEMENT PROCEDURES**

In the chapter 11 case (the “**Chapter 11 Case**”) of Buyk Corp. (“**Debtor**”), the above-captioned debtor and debtor in possession, the United States Bankruptcy Court for the Southern District of New York (the “**Court**”) entered an order (the “**Case Management Order**”) approving the case management procedures set forth herein (these “**Case Management Procedures**”). All notices, motions, applications, other requests for relief, briefs, memoranda, affidavits, declarations, objections, responses, replies, supporting documents and other documents in the Chapter 11 Case and all adversary proceedings filed in connection therewith (the “**Adversary Proceedings**”) are subject to these Case Management Procedures. **All parties in interest are strongly encouraged to review these Case Management Procedures in their entirety and to consult with their own legal counsel about these procedures before filing any documents in the Chapter 11 Case.**

**Applicability of These Case Management Procedures**

1. All provisions of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”), the Local Bankruptcy Rules for the Southern District of New York (the “**Local Rules**”), General Order M-399 of the United States Bankruptcy Court for the Southern District of New

---

<sup>1</sup> The Debtor in this case, along with the last four digits of its federal tax identification number is Buyk Corp. (1477). The Debtor’s principal place of business is 360 West 31<sup>st</sup> Street, Floor 6, New York, New York 10001.

York (Bankr. S.D.N.Y. May 17, 2010) (“**General Order M-399**”), and Judge Michael E. Wiles’ Chambers Rules (the “**Chambers Rules**”) shall apply except as expressly modified herein.

### **General Case Administration and Pleadings**

2. All notices, motions, applications, other requests for relief, and all briefs, memoranda, affidavits, declarations, and other documents filed in support of such papers seeking relief (collectively, the “**Requests for Relief**”), all objections or responses to Requests for Relief and documents filed in support of such papers (“**Objections**”), and all replies to such Objections and documents filed in support of such papers (“**Replies**” and, together with Requests for Relief and Objections, “**Documents**”) shall be filed electronically with the Court in searchable portable document format, pursuant to the procedures specified in the Bankruptcy Rules, Local Rules, the Chambers Rules and General Order M-399. Any Document that includes the disclosure contained at footnote 1 of these Case Management Procedures shall be deemed to comply with the requirements set forth in section 342(c)(1) of the Bankruptcy Code.

3. Documents that relate to the Chapter 11 Case shall be filed on the Docket of *In re Buyk Corp.*, Case No. 22-10328 (MEW). Documents that relate to an Adversary Proceeding shall be filed only in the docket for that Adversary Proceeding.

4. If the court approves the Debtor’s retention of a claims and noticing agent (“**Claims and Noticing Agent**”), the Claims and Noticing Agent is authorized, but not directed, to establish a case website (the “**Case Website**”), where, among other things, key dates and information about the Chapter 11 Case, including electronic copies of all pleadings filed in the Chapter 11 Case, which will be posted and available for viewing free of charge.

### **Notice of Hearing**

5. A “Notice of Hearing” shall be affixed to all Requests for Relief Excluding Complaints in Adversary Proceedings) and shall include the following: (i) the title of the Request

for Relief; (ii) a brief description of the relief that is sought; (iii) the parties upon whom any Objection to the Request for Relief is required to be served; (iv) the deadline for the filing of objections or other responses (the “**Objection Deadline**”); (v) the date of the hearing at which the Request for Relief shall be considered by the Court; and (vi) a statement that the relief requested may be granted without a hearing if no Objection is timely filed and served.

6. The applicable Objection Deadline and hearing date shall appear on the upper right corner of the first page of the Notice of Hearing and on the upper right corner of the first page of each Request for Relief and any Objection thereto.

7. A proposed form of Order shall be submitted with every Request for Relief.

**Memoranda of Law and Supporting Authorities**

8. Unless prior permission has been granted, memoranda of law in support of Requests for Relief and Objections are limited to 40 pages, and memoranda of law in support of Replies are limited to 15 pages. All memoranda shall be double-spaced, 12-point font, with margins of at least one inch. Memoranda of 15 pages or more shall contain a table of contents and a table of authorities.

9. If any reference is made in a Document to (i) an order entered in another case or (ii) an excerpt from a Judge’s dictated decision, the party filing such Document must file as an attachment to the Document a copy of the order relied upon or the transcript of the entire decision in order for the Court to consider the citation as precedent or persuasive.

**Parties Entitled to Service – Chapter 11 Case**

10. The Debtor (and any claims and noticing agent hereafter retained) shall maintain a master service list (the “**Master Service List**”), which shall include the following parties:

- (a) the Debtor, Buyk Corp., ATTN: James Walker, 360 West 31<sup>st</sup> Street, Floor 6, New York, NY 10001 (james.walker@buyk.com) and ATTN: Alexandre Agaian at 245 E. 93<sup>rd</sup> Street, Apt 22E, New York, NY 10128 (alexandr.agaian@buyk.com);
- (b) the attorneys for the Debtor, Windels Marx Lane & Mittendorf, LLP, Attn: James M. Sullivan, Esq. (jsullivan@windelsmarx.com), 156 West 56<sup>th</sup> Street, New York, New York 10019;
- (c) the Office of the United States Trustee for the Southern District of New York, ATTN: Mark Bruh, Esq. (mark.bruh@usdoj.gov); Greg Zipes, Esq. (greg.zipes@usdoj.gov); Tara Tiantian, Esq. (tara.tiantian@usdoj.gov) (the “**U.S. Trustee**”), U.S. Federal Office Building, 201 Varick Street, Suite 1006, New York, New York 10014;
- (d) the attorneys for the Creditors’ Committee if a committee is formed (or the 20 largest unsecured creditors for the Debtor if a Creditors’ Committee has not been formed);
- (e) counsel to any other statutory committee appointed in the Chapter 11 Case;
- (f) secured creditor Legalist, Inc., ATTN: Brian Rice (brian.rice@legalist.com), 10120 W. Flamingo Rd Ste 4, #3015, Las Vegas, NV 89147; and
- (g) any other party in interest who files a notice of appearance and a request for service of Documents as set forth in paragraph 11 of the Case Management Procedures (the “**Rule 2002 Parties**”).

11. Any party in interest that wishes to receive service of Documents in the Chapter 11 Case and wishes to be added to the list of Rule 2002 Parties pursuant to subparagraph g of paragraph 10 of these Case Management Procedures shall file a notice of appearance (“**Notice of Appearance**”) and request for service of papers in accordance with Bankruptcy Rules 2002 and 9010(b) and these Case Management Procedures. The Notice of Appearance shall include the following: (i) the requesting party’s name and address; (ii) the name of the client, if applicable; (iii) the requesting party’s telephone number; (iv) the requesting party’s email address for service by electronic transmission; (v) the requesting party’s facsimile number, if applicable, for service by facsimile; and (vi) the requesting party’s address for service by U.S. mail, hand delivery, and/or overnight delivery.

12. Notwithstanding the provisions of paragraph 11, if any individual or entity certifies in the Notice of Appearance that such individual or entity does not maintain and cannot practicably obtain an email address, then an email address shall not be required.

13. The Debtor (and Claims and Noticing Agent if thereafter retained) shall use reasonable efforts to update the Master Service List as often as practicable, but in no event less frequently than every thirty (30) days. The Debtor (or Claims and Noticing Agent) shall provide a copy of the most up-to-date version of the Master Service List to any party in interest requesting a copy of the same; if a Claims and Noticing Agent is retained, a copy of the Master Service List shall be posted on the Case Website.

14. The proceedings with respect to which notice is limited to the Master Service List shall include all matters covered by Bankruptcy Rule 2002 (with the exception of the proceedings described in paragraph 15), and need only be served upon (a) the persons and entities listed on the Master Service List and (b) any other person or entity known to have a particularized interest in the subject matter of that Document (an “**Affected Party**”).

15. Proceedings under Bankruptcy Rule 2002 that are excepted from service procedures as set forth in paragraph 14 include the following: (i) notice of the time fixed for filing proofs of claim pursuant to Bankruptcy Rule 3003(c); (ii) notice of the time fixed for filing objections to, and the hearings to consider, approval of a disclosure statement and a chapter 11 plan; (iii) notice of plan modifications; and (iv) notice and transmittal of ballots for accepting or rejecting a chapter 11 plan (the “**Excepted Proceedings**”). With respect to the Excepted Proceedings, service shall be made at the times, and to the parties, specified in the Bankruptcy Rules and Local Bankruptcy Rules, unless otherwise ordered by the Court or otherwise prescribed by the Bankruptcy Code.

16. Requests for Relief related to a compromise or settlement must be served on the Master Service List and any Affected Parties, but need not be served on all creditors. Requests for Relief related to the abandonment or disposition of property must be served on the Master Service List and any Affected Parties, but need not be served on all creditors and indenture trustees, unless such Requests for Relief seek the abandonment or disposition of substantially all of the Debtor's property. The Master Service List shall also be used for pleadings, papers and proceedings, in addition to Rule 2002 matters, that may be required by the Local Rules to be served upon parties in interest.

17. Notices and Documents filed in connection with an Adversary Proceeding need be served only on the parties to that Adversary Proceeding, Debtor, the U.S. Trustee, the attorneys for any statutory committee appointed in the Chapter 11 Case, and any other Affected Party.

18. In all other respects, service shall be made at the times, and to the parties, specified in the Bankruptcy Rules and the Local Rules.

### **Manner of Service**

19. Service and delivery of all Documents shall be made electronically, except that:

(a) If any individual or entity certifies in a Notice of Appearance that such individual or entity does not maintain and cannot practicably obtain an email address, then Documents shall be served upon such individuals or entities by U.S. mail, by overnight delivery, or by facsimile, at the discretion of the party who is serving the relevant Document;

(b) If a Document cannot be annexed to an email (because of its size, technical difficulties, or otherwise), the party serving such Document may (i) serve the entire Document by U.S. mail or overnight delivery, including the proposed form(s) of order and any exhibits, attachments, and other relevant materials, or (ii) email the parties being served and include a notation that the Document cannot be annexed and will be (y) mailed if requested or (z) if a Claims and Noticing Agent has been retained, posted on the Case Website; and

(c) If an Affected Party is not a Rule 2002 Party, then the party serving a Document or Documents shall use such email address as was either provided by the Affected Party or which the party believes is most likely to provide notice to

the Affected Party; provided, however, if there is any uncertainty as to whether an email address will provide adequate notice to the Affected Party, the Document(s) shall also be sent to such Affected Party by first class mail or private mail service.

20. Moreover, Parties (or their counsel) who reach out to the Debtor (or its counsel) via email or who specifically request communication via email shall be deemed to have consented to electronic service. Further, any party, even if they do not file a Notice of Appearance, who undertakes a Request for Relief through electronic means, shall be deemed to have consented to electronic notice.

21. Service by email shall be effective as of the date the Documents is sent to the email address provided by the party. If service is made by email, the serving party shall not be required to serve a paper copy of the Document(s) on interested parties and email service shall satisfy the Court's rules for service. The parties on the Master Service List shall be deemed to have consented to service by email in this Chapter 11 Case. Electronic service on the Master Service List shall be presumed to satisfy all noticing obligations on those recipients.

22. Unless otherwise directed by the Court, parties should not submit courtesy copies of Documents to Chambers or the U.S. Trustee.

23. The format of service by email shall be subject to the following rules:

(a) Email Subject Line. With respect to the service of any Document, the subject line of the email shall include the following: (i) the Debtor's case name and case number, In re Buyk, Corp. Case No. 22-10328-mew, (ii) the name of the party serving such a Document and (iii) the title of the Document being served. If the title of the Document is too long to fit within the subject line of the email, the subject line shall contain a shortened version of such title, and the text of the email shall contain the full name of such Document.

(b) Email Attachments. All Documents served by email shall include access to a computer file containing the entire document, including the proposed form of order and any exhibits, attachments or other materials in "pdf" format, readable by Adobe Acrobat or other equivalent document reader programs commonly available without cost. The relevant Document shall either be attached to the email in the format specified above or the email shall contain a link to such Document in such format.

24. To the extent a particular motion or matter requires service to all parties in interest, those parties in interest who do not make an appearance in this case or otherwise request electronic service shall be served by a limited paper notice. This limited paper notice will contain a summary of the applicable matter.

25. Upon the completion of noticing any particular matters, the party seeking relief shall file within three (3) business days either an affidavit of service or a certification of service attaching the list of parties that received notice; provided, however, that parties shall not be required to serve the affidavits of service on such recipients.

### **Scheduling**

26. The Debtor shall be authorized to schedule, with permission from the Court, periodic omnibus hearings (the “**Omnibus Hearings**”) at which matters shall be heard. The Court shall schedule additional Omnibus Hearings on request of the Debtor, and upon scheduling, the Debtor shall file a notice on the docket for the Chapter 11 Case; should the Debtor later retain a Claims and Noticing Agent, in lieu of the filing of a notice of an Omnibus Hearing, the Claims and Noticing Agent shall post the date of the Omnibus Hearing on the Case Website. Parties in interest may contact the Debtor (or Claims and Noticing Agent if retained) for information concerning all scheduled Omnibus Hearings. All hearings on Requests for Relief must be scheduled for an Omnibus Hearing except as set forth in paragraph 27 or paragraph 29, or unless otherwise directed by the Court.

27. Hearings in connection with (i) claims objections, (ii) pre-trial conferences and trials related to adversary proceedings, (iii) applications for professional compensation and reimbursement, (iv) motions for approval of asset sales, (v) motions for the dismissal or conversion of the Chapter 11 Case or for the appointment of a trustee or examiner, (vi) motions for approval

of a disclosure statement and (vii) motions for confirmation of a plan of reorganization, may be scheduled for dates other than the Omnibus hearing dates; provided, however that initial pre-trial conferences scheduled in connection with Adversary Proceedings involving the Debtor shall be set on the next available Omnibus Hearing date that is at least 45 days after the filing of the complaint unless otherwise directed by the Court.

28. If a Document purports to set a hearing date inconsistent with these Case Management Procedures (an “**Inconsistent Filing**”), the hearing shall be scheduled, without the necessity of Court order, for the first Omnibus Hearing date after the applicable notice period has expired, and the Debtor (or retained Claims and Noticing Agent) shall provide such party with notice of the Case Management Procedures within three business days of receipt of the Inconsistent Filing.

29. Paragraphs 26 through 28 of these Case Management Procedures are without prejudice to the right of any party in interest to seek the scheduling of a matter on an expedited or emergency basis. Any party making a request for such scheduling shall first attempt to reach agreement with the attorneys for the other Affected Parties (including the attorneys for the Debtor if the Debtor is not the party seeking the expedited hearing) as to the need for an expedited hearing. All requests for expedited relief shall comply with the Bankruptcy Rules and the Local Rules.

30. If a Request for Relief seeks relief of a kind described in Bankruptcy Rule 2002(a) or (b), the hearing to consider such Request for Relief shall be set in accordance with the time period set forth in Bankruptcy Rules 2002(a) and (b) and 9006.

31. A motion seeking relief from the automatic stay under section 362 of the Bankruptcy Code shall be noticed for consideration on the Omnibus Hearing date that is at least 21 days after the motion is filed. If the next Omnibus Hearing date after the noticing period is not

within 30 days, the movant must either waive its rights under section 362(e) of the Bankruptcy Code or contact Chambers to request an earlier hearing date. If the movant fails to take either action, it will be deemed to have waived its rights under section 362(e).

32. For all Requests for Relief other than those covered by paragraphs 29-31, and with the exception of Requests for Relief filed pursuant to the Presentment Procedures (as defined below), Requests for Relief shall not be considered unless filed and served at least fourteen (14) calendar days before the next applicable hearing date; provided that if any party is served by U.S. mail, the Request for Relief must be filed and served at least 17 calendar days before the next applicable hearing; provided, further, that nothing in these Case Management Procedures shall prejudice the right of any party to move the Court to request an enlargement or reduction of any time period under Bankruptcy Rules 9006(b) or (c).

33. The Objection Deadline to any Request for Relief shall be (i) at least seven calendar days before the applicable hearing date or (ii) any date otherwise ordered by the Court. The Objection Deadline may be extended with the consent of the movant or applicant, the objecting party, and the Court.

34. Unless otherwise ordered by the Court, Replies shall be filed with the Court and served in accordance with these Case Management Procedures on or before 4:00 p.m. (ET) at least two business days prior to the date of the applicable hearing.

35. Notwithstanding paragraphs 26 through 34, a party may settle or present a proposed order for approval by the Court in accordance with Local Rule 904-1; provided that the presentment of a proposed order pursuant to Local Rule 9074-1(c), or any other similar administrative or standard order, must be filed and served at least seven calendar days before the presentment date (the “**Presentment Procedures**”).

### **Hearing Agenda**

36. At least two business days before a scheduled hearing, the Debtor shall file with the Court an agenda (the “**Agenda**”) setting forth each matter to be heard at the hearing (the Agenda must be updated after the initial submission, if necessary) and shall serve the Agenda in accordance with these Case Management Procedures; provided that an Agenda shall not be required where the Debtor has less than 48 hours’ notice of the hearing.

37. The Agenda will include, to the extent known by the Debtor: (i) the docket number and title of each matter scheduled to be heard at the hearing, including the initial filing and any Objections, Replies or other Documents related thereto; (ii) whether the matter is contested or uncontested; (iii) whether the matter has been settled or is proposed to be continued; and (iv) other comments that will assist the Court; provided that the matters listed in the Agenda shall be limited to matters of substance and shall not include administrative filings such as notices of appearance and affidavits of service.

38. Subject to paragraph 39, Agendas may include notice of matters that have been consensually adjourned to a later hearing date, provided that for all such adjourned matters, the Debtor will also electronically file a notice of such adjournment and shall serve such notice of adjournment on any Affected Party who has not already consented to the adjournment.

### **Adjournments and Settlements**

39. Parties may, by consent, agree to adjourn matters from a scheduled hearing date to a new hearing date; provided that adjournments under the following circumstances are not permitted without the prior approval of the Court:

- (a) Adjournments agreed to after the time when an Agenda is due;
- (b) Adjournments of longer than 30 days; or
- (c) Adjournments that have been preceded by two or more prior adjournments.

40. Parties are encouraged to settle disputes. If a settlement is reached as to any matter that is scheduled for a hearing, the parties to such matter are directed to notify Chambers of such settlement as promptly as is practicable.

### **Hearing Procedures**

41. A Request for Relief (other than a complaint in an Adversary Proceeding) may be granted without a hearing upon the submission of a certificate of no objection and a proposed order in the manner set forth in the applicable Local Rules. If the Court grants the requested relief it will so notify the parties. If the Court does not grant the requested relief, the matter will be heard as originally scheduled.

42. During the COVID-19 pandemic, all hearings in the Chapter 11 Case will be conducted only telephonically in accordance with the Court's General Order, M-543, dated March 20, 2020, as may be amended or superseded, until otherwise directed by the Court.

43. If a party is participating in a hearing telephonically, that party must arrange such telephonic participation with Court Solutions, adhering to these Case Management Procedures for telephonic participation and the Court's Chambers Rules. Those participating by phone may not use speakerphones, unless first authorized by the Court; by reason of technical limitations of the equipment, and the way speakerphones disrupt proceedings in the courtroom, speakerphone authorizations usually will not be granted. Parties participating by phone (and especially by speakerphone) must put their phones on "mute" except when they need to be heard. Parties so participating are not to put their phones on "hold" under any circumstances.

### **Evidentiary Hearings**

44. The initial hearing on all Requests for Relief will be a non-evidentiary hearing, unless: (i) the motion is of a type specified in Local Rule 9014-2(b), (c), (d), or (e) or (ii) the Court otherwise directs in advance of the hearing.

45. Notwithstanding Local Rule 9014-2, the Court may, upon advance request and for cause shown, order that the initial hearing on a motion of the type specified in Local Rule 9014-2(c), (d), or (e) will be a non-evidentiary hearing. Generally, interests of judicial economy and the absence of disputed material issues of fact will collectively suggest that a non-evidentiary hearing is appropriate on motions subject to Local Rule 9014-2(c), (d), or (e).

46. If upon or after the filing of a motion, any party wishes an evidentiary hearing on a Request for Relief not covered under Local Rule 9014-2, such party must confer with all other parties involved to determine whether there is agreement that an evidentiary hearing is appropriate. If the parties cannot agree then the Court will consider requests for an evidentiary hearing by conference call.

47. Concurrently with any determination that any evidentiary hearing is necessary or desirable, Chambers must be notified with an estimate of expected trial time; parties may be informed that a different return date is necessary if the available time on the requested day is insufficient.

48. Any Request for Relief for which an evidentiary hearing is requested must prominently state, just below the return date in the upper right-hand corner, "Evidentiary Hearing Requested."

49. Evidentiary hearings held remotely will be conducted pursuant to hearing procedures as directed by the Court.

### **Discovery**

50. Parties are expected to work informally and cooperatively to effect any necessary discovery, with due recognition of the time exigencies that are typical in bankruptcy litigation.

51. Parties are required in the first instance to resolve discovery and due diligence disputes by negotiation in good faith and, if necessary, a conference call with the Court without submission of papers. The Court will make itself available for such calls, but such calls will not be scheduled until and unless the parties have first tried and failed to resolve the disputed matters themselves. Unless otherwise ordered by the Court, no motion with respect to discovery or due diligence dispute may be filed unless the parties have first conferred in good faith to resolve it and also sought to resolve the matter by conference call with the Court.

**Miscellaneous**

52. If a Request for Relief to extend the time to take any action is filed before the expiration of the period prescribed by the Bankruptcy Code, the Bankruptcy Rules, the Local Bankruptcy Rules or the provisions of any order entered by this Court, the time shall automatically be extended until the Court acts on the Request for Relief, without the necessity for the entry of a bridge order.

53. The Debtor may seek to amend the Case Management Procedures from time to time throughout the Chapter 11 Case and shall present such amendments to the Court by notice of presentment.

54. Nothing in these Case Management Procedures shall prejudice the rights of any party in interest to seek an amendment or waiver of the provisions of these Case Management Procedures upon a showing of good cause.

55. This Court shall retain jurisdiction to hear and determine all matters arising from or relating to the implementation, interpretation and/or enforcement of the Case Management Order and these Case Management Procedures.