

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

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<i>In re</i>	: Chapter 11
	:
THE McCLATCHY COMPANY, <i>et al.</i> ,	: Case No. 20-10418 (MEW)
	:
Debtors. <sup>1</sup>	: (Jointly Administered)
	:
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**ORDER PURSUANT TO 11 U.S.C. § 105(a) AND FED. R.  
BANKR. P. 1015(c), 2002(m), AND 9007 IMPLEMENTING  
CERTAIN NOTICE AND CASE MANAGEMENT PROCEDURES**

Upon the motion (the “**Motion**”) of the Debtors for the entry of an order approving and implementing certain notice, case management, and administrative procedures; and it appearing that the proposed procedures that are annexed hereto as **Exhibit 1** (the “**Case Management Procedures**”) will assist in the efficient handling of these cases,

**IT IS HEREBY ORDERED;**

1. The Case Management Procedures, as set forth on **Exhibit 1** hereto, shall govern all applicable aspects of these chapter 11 Cases, except as otherwise ordered by the Court.
2. A printed copy of this Order, including the Case Management Procedures set forth on **Exhibit 1** hereto, shall be served upon all parties on the Master Service List (as defined in the Case Management Procedures) within three days of entry of this Order.
3. The first omnibus hearing will be held on **March 25, 2020 at 11:00 a.m.**

<sup>1</sup> The last four digits of Debtor The McClatchy Company’s tax identification number are 0478. A complete list of the debtor entities and the last four digits of their federal tax identification numbers may be obtained on the website of the Debtors’ proposed claims and noticing agent at <http://www.kccllc.net/McClatchy>. The location of the Debtors’ service address for purposes of these chapter 11 cases is: 2100 Q Street, Sacramento, California 95816.



4. Any notice sent by the Debtors or any other party in interest that includes the disclosure contained at footnote 1 of Exhibit 1 shall be deemed to comply with the requirements set forth in Bankruptcy Code section 342(c)(1).

5. All time periods set forth in this Order or in the Case Management Procedures shall be calculated in accordance with Bankruptcy Rule 9006(a).

6. This Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation, interpretation, or enforcement of this Order.

Dated: New York, New York  
February 25, 2020

/s/ Michael E. Wiles  
UNITED STATES BANKRUPTCY JUDGE

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SOUTHERN DISTRICT OF NEW YORK**

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*In re* : **Chapter 11**  
:   
THE McCLATCHY COMPANY, *et al.*, : **Case No. 20-10418 (MEW)**  
:   
Debtors.<sup>1</sup> : **(Jointly Administered)**  
----- x

**NOTICE, CASE MANAGEMENT,  
AND ADMINISTRATIVE PROCEDURES**

All notices, motions, applications, briefs, memoranda, affidavits, declarations, objections, responses, and other documents filed in these chapter 11 cases 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 these cases.*

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

**General Case Administration and Pleadings**

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<sup>1</sup> The last four digits of Debtor The McClatchy Company’s tax identification number are 0478. A complete list of the debtor entities and the last four digits of their federal tax identification numbers may be obtained on the website of the Debtors’ proposed claims and noticing agent at <http://www.kccllc.net/McClatchy>. The location of the Debtors’ service address for purposes of these chapter 11 cases is: 2100 Q Street, Sacramento, California 95816.

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, “**Requests for Relief**”), all objections or responses to Requests for Relief (“**Objections**”), and all replies to such Objections (“**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 Local Rules and 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 Bankruptcy Code section 342(c)(1).

3. Documents that relate to the chapter 11 cases shall be filed on the docket of *In re The McClatchy Company, et al.*, Case No. 20-10418 (MEW). Documents that relate to an Adversary Proceeding shall be filed only in the docket for that Adversary Proceeding.

4. The Debtors’ claims and noticing agent, Kurtzman Carson Consultants LLC (“**KCC**” or the “**Claims and Noticing Agent**”) is authorized, but not directed, to establish a case website available at [www.kcellc.net/McClatchy](http://www.kcellc.net/McClatchy) (the “**Case Website**”), where, among other things, key dates and information about these chapter 11 cases, including electronic copies of all pleadings filed in these chapter 11 cases, will be posted and available for viewing free of charge.

#### **Notices of Hearings**

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 deadline for the filing of objections or other responses (the “**Objection Deadline**”); (iv) the date of the hearing at which the Request for Relief shall be considered by the Court; and (v) 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 35 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 10 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 Cases**

10. The Claims and Noticing Agent shall maintain a master service list (the “**Master Service List**”), which shall include the following parties:

- A. The Debtors and their counsel;
- B. The Office of the United States Trustee for the Southern District of New York (the “**United States Trustee**”);
- C. Counsel to any statutory committee of unsecured creditors (the “**Creditors’ Committee**”), or if a Creditors’ Committee has not yet been appointed, then to the entities listed on the consolidated list of 30 largest unsecured creditors filed by the Debtors in these cases;

- D. Counsel to the DIP Agent;
- E. Counsel to the Prepetition Agents;
- F. Counsel to Chatham
- G. Counsel to Brigade;
- H. The Pension Benefit Guaranty Corporation;
- I. The United States Attorney for the Southern District of New York;
- J. The United States Securities and Exchange Commission;
- K. The Internal Revenue Service; and
- L. Any other party in interest who files a Notice of Appearance and a request for service of Documents as set forth in paragraph 11 (the “**Rule 2002 Parties**”).

11. Any party in interest that wishes to receive service of Documents in the chapter 11 cases and wishes to be added to the list of Rule 2002 Parties pursuant to subparagraph L of paragraph 10 of this Order shall file a notice of appearance (a “**Notice of Appearance**”) and request for service of papers in accordance with Bankruptcy Rules 2002 and 9010(b). 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 e-mail address for service by electronic transmission; (v) the requesting party’s address for service by U.S. mail, hand delivery, and/or overnight delivery; and (vi) the requesting party’s facsimile number, if applicable, for service by facsimile.

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

13. The Claims and Noticing Agent 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 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 and a copy of the Master Service List shall be posted on the Case Website.

14. Pursuant to Bankruptcy Rule 2002(i), Documents that relate to motions or applications for relief that are governed by subdivisions (a)(2), (a)(3) and (a)(6) of Bankruptcy Rule 2002 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. Notices and Documents filed in connection with an Adversary Proceeding need be served only on the parties to that Adversary Proceeding, the United States Trustee, the attorneys for any official committee appointed in the chapter 11 cases, and any other Affected Party.

16. 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**

17. 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 e-mail 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 e-mail (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) e-mail the parties being served and include a notation that the Document cannot be annexed and will be (a) mailed if requested, or (b) posted on the Case Website; and

- C. If an Affected Entity is not a Rule 2002 Party, then (i) the party serving a Document or Documents shall use such email address as the party believes is best likely to provide notice to the Affected Entity, and (ii) the Document(s) shall, in addition, be sent to such Affected Entity by first class mail or private mail service.

18. In each case where a Document is served by email, the subject line of the email shall include a description of the item being served, and the email itself shall include: (a) the Debtors' case name and number, *In re The McClatchy Company, et al.*, Case No. 20-10418 (MEW), (b) the name of the party or parties who filed the Document(s); and (c) the title(s) of the Document(s) being served.

19. In addition to the foregoing, two single-sided hard copies of any Document filed in these cases shall be delivered by first class mail to the Office of the United States Trustee for the Southern District of New York (the "**United States Trustee**"), 201 Varick Street, Suite 1006, New York, NY 10014, attn: Benjamin Higgins and Brian S. Masumoto.

20. Unless otherwise directed by the Court, parties should **not** submit courtesy copies of Documents to chambers.

21. Upon the completion of noticing any particular matter, 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* that parties shall not be required to serve the affidavits of service on such recipients.

### **Scheduling**

22. The Debtors shall be authorized to schedule, in cooperation with 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 Debtors, and upon scheduling, the Claims and Noticing Agent shall post the date of the Omnibus hearing on the Case Website. Entities may contact the Claims and Noticing Agent 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 23, or paragraph 25 (emergency relief), or unless otherwise ordered by the Court.

23. 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 these cases 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* that initial pre-trial conferences scheduled in connection with adversary proceedings involving the Debtors shall be set on the next available Omnibus Hearing date that is at least 45 days after the filing of the complaint.

24. 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 Claims and Noticing Agent shall provide such party with notice of the Case Management Procedures within three (3) business days of receipt of the Inconsistent Filing.

25. Paragraphs 22 through 24 of this Order 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 other Affected Parties (including the attorneys for the Debtors if the Debtors are not the parties 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.

26. If a Request for Relief seeks relief of a kind described in Bankruptcy Rules 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.

27. 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 for 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).

28. For all Requests for Relief other than those covered by paragraphs 26 and 27, and with the exception of Requests for Relief filed pursuant to the Presentment Procedures (as hereinafter defined), Requests for Relief shall not be considered unless filed and served at least 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; and *provided further*, that nothing in the 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) and (c).

29. The deadline to file an Objection (the “**Objection Deadline**”) to any Request for Relief shall be (i) at least seven (7) 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. If such an extension has been agreed upon, the movant or applicant shall obtain approval of such extension from Chambers.

30. 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 12:00 noon (Eastern Time) at least two (2) business days prior to the date of the applicable hearing.

31. Notwithstanding paragraphs 22 through 30, a party may settle or present a proposed order for approval by the Court in accordance with Local Rule 9074-1; *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 (7) calendar days before the presentment date (the “**Presentment Procedures**”).

### **Agenda Letters**

32. At least two (2) business days before a scheduled hearing, the Debtors shall file with the Court a letter (the “**Agenda Letter**”) setting forth each matter to be heard at the hearing (the letter must be updated after the initial submission, if necessary) and shall serve the letter(s), by email or facsimile on: (i) the Court; (ii) the U.S. Trustee; (iii) the Creditors’ Committee; (iv) counsel to any other statutory committee appointed in the chapter 11 cases; and (vi) any party that filed Documents referenced in the Agenda Letter; *provided* that an Agenda Letter shall not be required where the Debtors have less than 48 hours’ notice of the hearing.

33. The Agenda Letter will include, to the extent known by the Debtors: (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 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 on the Agenda Letter shall be limited to matters of substance and shall not include administrative filings such as notices of appearance and affidavits of service.

34. Subject to paragraph 35, Agenda Letters may include notice of matters that have been consensually adjourned to a later hearing date; provided that for all such adjourned matters the Debtors 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**

35. 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 Letter is due;
- B. Adjournments of longer than 30 days; or
- C. Adjournments that have been preceded by two or more prior adjournments.

36. 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**

37. 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.

38. A party who wishes to participate via a live telephone line must notify the Debtors and must request permission from Chambers at least forty-eight (48) hours prior to the scheduled hearing.

39. If a party is participating in a hearing telephonically, that party must arrange such telephonic participation with Court Call, adhering to the Case Management Procedures for telephonic participation applicable in the United States Bankruptcy Court for the Southern District of New York, as well as those required by Chambers. 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.

40. A party who wishes to participate via a listen-only telephone line need not request permission from Chambers.

### **Evidentiary Hearings**

41. 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.”

42. 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.

43. 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).

44. If 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.

45. Concurrently with any determination that an 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.

### **Discovery**

46. Expedited discovery in contested matters in the chapter 11 cases is authorized without further Court order. This authorization is without prejudice to the rights of any party or witness to seek protective order relief if the time to respond or appear, or the burden of the requested discovery, is unreasonable or for other cause shown. 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.

47. 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 a 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**

48. Nothing in this Order shall prejudice the rights of any party in interest to seek an amendment or waiver of the provisions of this Order upon a showing of good cause.

49. Parties in interest may seek to amend the Case Management Procedures from time to time throughout the chapter 11 cases.

50. Within three (3) business days of entry of this Order, the Claims and Noticing Agent shall serve a printed copy of this Order upon all parties on the Master Service List and post a copy of this Order on the Case Website.

51. This Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation, interpretation and/or enforcement of this Order.