

**IT IS SO ORDERED.**

**Dated: 10:13 AM April 06 2010**



**UNITED STATES BANKRUPTCY COURT  
 NORTHERN DISTRICT OF OHIO  
 EASTERN DIVISION**

IN RE:	)	CASE NO. 10 - 50494
	)	
Fair Finance Company,	)	CHAPTER 7
	)	
DEBTOR.	)	JUDGE MARILYN SHEA-STONUM

**GENERAL ORDER NUMBER ONE**

**RE: ESTABLISHMENT OF (1) STATUS CONFERENCES AND HEARING DATES,  
 (2) CERTAIN CASE MANAGEMENT PROCEDURES,  
 (3) GENERAL BACKGROUND INFORMATION, AND  
 (4) AUTHORIZING THE TRUSTEE TO MAKE CERTAIN EXPENDITURES WITHOUT PRIOR COURT  
 APPROVAL, AND ESTABLISHING PROCEDURES FOR REPORTING SUCH EXPENDITURES**

In an effort to facilitate the management of the varied issues that may arise in this matter and to minimize otherwise burdensome and expensive procedures, after consultation with counsel for Debtor, counsel for Nick Spada, Robert Ripley, Jacques Dunaway (the "Petitioning Creditors"), and the Chapter 7 Trustee, the Court finds it appropriate to issue this General Order Number One and hereby does so pursuant to §§ 102 and 105(a) of the Bankruptcy Code, Rules 2002, 4001, 6007, 7016, 9007, 9013 and 9014 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules") and the Local Bankruptcy Rules of this Court (the "Local Rules").



105049410040600000000001

## **OBTAINING INFORMATION ABOUT THIS CASE**

### **I. GENERAL INFORMATION AVAILABLE FROM THE COURT**

- A. General information about the Bankruptcy Court for the Northern District of Ohio, including the Local Rules, can be obtained from the Court's web site: [www.ohnb.uscourts.gov](http://www.ohnb.uscourts.gov).
- B. The docketed items in this case are a matter of public record and may be inspected, subject to the availability of the public terminals offering electronic access to files, at the Clerk of Court's Office, located at 455 U.S. Courthouse, 2 S. Main Street, Akron, OH 44308, during normal business hours.
- C. Additional information on this case may also be accessed via the following Court provided public access mediums:
  - 1. *WebPACER*. WebPacer provides the subscribing public with electronic access to selected case information from the Internet. Information on subscribing to this service can be obtained through the Court's web site or by contacting the PACER Support Center at (800) 676-6856.
  - 2. *Multi-Court Voice Case Information System ("McVCIS")*. The McVCIS system provides general access to the information and records on bankruptcy cases, Public case information may be obtained, without charge, through McVCIS at (866) 222-8029 using a touch tone telephone.

### **II. INFORMATION AVAILABLE FROM CLAIMS AND NOTICING AGENT**

- A. The Trustee has employed Kurtzman Carson Consultants LLC as the claims and noticing agent (the "Claims/Noticing Agent"). The Claims/Noticing Agent maintains a web site for this case at: [www.FairFinanceTrustee.com](http://www.FairFinanceTrustee.com) (the "Web Site") where electronic copies of all pleadings and other documents that are filed in this case will be posted within three (3) business days of filing and may be viewed and downloaded free of charge.
- B. The Trustee shall prepare a notice (the "Web Site Notice") setting forth, at a minimum, (1) the Web Site address, (2) a brief description of all information contained on the Web Site and (3) the name, telephone number and e-mail address of a contact person should users encounter problems with the Web Site.
- C. The Trustee shall cause the Web Site Notice to be served upon the following:
  - 1. The General Service List (as defined in Section VI (A), herein); and
  - 2. The 2002 Service List (as defined in Section VII (B)(2), herein).

- D. On or before the third business day of each calendar month, the Trustee shall cause a copy of the Web Site Notice to be served by e-mail or first class U.S. Mail on each party that filed a Request for Notice (as defined in Section VII (B)(1), herein) on or before the last business day of the prior calendar month.
- E. A copy of the Web Site Notice and certificates of service showing the initial and subsequent monthly distribution of the Web Site Notice shall be filed with the Court.

### **III. OBTAINING COPIES OF FILINGS**

- A. Once posted to the Web Site (*see* Section II (A)), copies of the Filings in this case can be downloaded free of charge.
- B. Notwithstanding anything in the foregoing provisions to the contrary and subject to the availability of the public terminals offering electronic access to files, any person or entity may review and print copies (at their own expense) of Filings by visiting the Clerk of Courts Office, located at 455 U.S. Courthouse, 2 S. Main Street, Akron, OH 44308 during normal business hours.

### **REQUIRED ELECTRONIC FILING AND GENERAL FORM OF DOCUMENTS FILED WITH THE COURT**

### **IV. ELECTRONIC FILING OF DOCUMENTS FILED WITH THE COURT**

Pursuant to General Order No. 03-1 [a copy of which is available on the Court's web site], all pleadings and papers, including but not limited to every motion, application, complaint, notice, brief, objection, response, memorandum or proposed findings of fact and conclusions of law, affidavit and declaration (individually, a "Filing" and collectively, the "Filings"), filed in all cases and proceedings, whether pending or new, shall be filed electronically according to the procedures established by the Court, except as follows:

- A. Parties without legal representation (*pro se* parties) shall file all pleadings and other papers conventionally and not electronically.
- B. Creditors who are not registered Electronic Case Filing users shall file all documents conventionally.
- C. If either the Court's or a registered user's electronic filing equipment is temporarily inoperable, users may file pleadings and other papers conventionally, as provided in Section II C of the Electronic Case Filing Administrative Procedures Manual [a copy of which is available on the Court's

web site].

- D. All documents set forth in Section III of the Electronic Case Filing Administrative Procedures Manual [a copy of which is available on the Court's web site], as it may be amended from time to time, shall be filed conventionally and not electronically unless specifically authorized by the Court.
- E. Motions for leave to file a document conventionally may be filed conventionally or electronically.
- F. Any document for which prior authorization to file conventionally has been obtained from the Court upon motion and order for good cause shown may be filed conventionally.

**V. GENERAL FORM OF DOCUMENTS FILED WITH THE COURT**

- A. In addition to any other requirement set forth herein, all Filings shall comply with Local Rules 5005-1 and 9011-4.
- B. All notices of Filings shall comply with Local Rule 9013-1(a).

**REQUIRED SERVICE OF FILINGS,  
NOTICES THEREOF AND ORDERS**

**VI. THE GENERAL SERVICE LIST**

- A. The General Service List in this case shall be comprised of the following parties or entities, the names and addresses (including e-mail addresses) of which are set forth on Exhibit A which is attached hereto and incorporated herein by this reference:
  - 1. Counsel to Debtor;
  - 2. The Office of the United States Trustee; and
  - 3. Counsel to the Chapter 7 Trustee; and
  - 4. Counsel to the Petitioning Creditors.
- B. Parties may be added to or deleted from the General Service List only by approval of the Court for good and sufficient cause shown and only pursuant to a written motion requesting such amendment which shall be filed, served and set for hearing in

accordance with the terms of this Order.

## **VII. SERVICE OF FILINGS AND NOTICES THEREOF**

### **A. On Whom Service of Filings Shall be Made**

Notwithstanding anything in the Bankruptcy Code, the Bankruptcy Rules or the Local Rules to the contrary, service of a copy of a Filing shall be made upon the General Service List and one or more of the following, as appropriate:

1. As to a ***motion proposing the use, sale, lease or abandonment of property***, each entity having or known to be asserting in good faith an interest in the property that is the subject of the motion;
2. As to a ***motion seeking relief from or related to the automatic stay***, each entity having a lien or encumbrance on the affected property in accordance with Local Rule 4001-1(a);
3. As to a ***motion relating to the use of cash collateral or obtaining credit***, 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;
4. As to a ***motion seeking approval of a proposed compromise or settlement***, each entity that is a party to or may have an interest in the compromise or settlement;
5. As to a ***motion relating to rights under § 365 of the Bankruptcy Code***, each party to the alleged executory contract(s) or unexpired lease(s) sought to be affected;
6. As to an ***application for payment of compensation or reimbursement of expenses***, each professional retained by an order of the Court in this case that is affected by such application; and
7. As to ***any other Filing*** not specifically addressed herein, each entity with a particularized interest in the subject of the Filing that is known to or should be known to the party causing the Filing.

### **B. On Whom Notices of Filings Should be Made**

1. Any party in interest who wishes to receive notice of the pleadings filed in this case shall file a written notice of appearance and request for service of papers

(a “Request for Notice”) which shall include such party’s (a) name; (b) address; (c) client, if applicable; (d) telephone number; (e) facsimile number and (f) e-mail address. Parties who include more than one (1) mailing or e-mail address in their Request for Notice shall designate only one (1) mailing or e-mail address as the official address for effectuating service.

2. The Trustee shall maintain a list of all parties in interest that have filed a Request for Notice (the “2002 Service List”) and shall update the 2002 Service List as often as practicable, but in no event less frequently than every ten (10) business days. Every time the 2002 Service List is updated, the Trustee will file it with the Court and also cause it to be posted to the Web Site.
3. Except as set forth in the following paragraph, a notice of a Filing shall be served upon all parties or entities receiving service of a copy of the Filing pursuant to Section VII (A), herein as well as upon the 2002 Service List.
4. Notice of matters other than those listed in Section VII (A), herein for which the Bankruptcy Rules require notice to all parties in interest shall be served on the parties or entities set forth in the preceding paragraph and, to the extent that they are not already being served, on all creditors and equity security holders of Debtor unless otherwise authorized by the Court.

**VIII. HOW SERVICE OF FILINGS OR NOTICES THEREOF SHOULD BE MADE AND PROOF OF SERVICE THEREOF**

- A. All service of Filings or notices thereof shall be made by electronic mail unless in the Request for Notice the party requesting notice has (1) specifically stated that the party does not have an e-mail address and (2) specifically requested service via regular U.S. Mail.
- B. In accordance with Local Rule 9013-3, every Filing or notice thereof shall be accompanied by proof of service in the form of a certificate of service or an affidavit of service to be completed by the person(s) making the service.

**IX. REQUIRED SERVICE BY THE TRUSTEE OF THIS AND OTHER COURT ORDERS**

- A. Within one (1) business day of Trustee’s counsel’s receipt of a copy of this Order, the Trustee shall cause of copy of this Order to be served on each of the following:
  1. The General Service List; and
  2. The 2002 Service List.

- B. On or before the third business day of each calendar month, the Trustee shall cause a copy of this Order, as it may be modified or amended from time to time, to be served on each party that filed a Request for Notice on or before the last business day of the prior calendar month.
- C. Except as set forth in Section XVI (B)(5), herein, the Trustee shall be responsible for causing the service of all other orders entered in this case after the date hereof. Except as otherwise directed by the Court, each such order shall be served within one (1) business day of receipt of a copy of such order by counsel for the Trustee, on the General Service List and all other parties entitled to receive service of the related Filing under the terms of this Order.
- D. Within two (2) business days of service of any order served or caused to be served by the Trustee, the Trustee shall cause to be filed with the Court proof of such service in the form of a certificate of service or an affidavit of service to be completed by the person(s) making the service.

**REGULAR STATUS CONFERENCES**  
**AND HEARING DATES**

**X. MONTHLY STATUS CONFERENCES**

All monthly status conferences (individually, a “Status Conference” and collectively, the “Status Conferences”) shall be held in the Bankruptcy Courtroom located at in Room 260, U.S. Courthouse and Federal Building, 2 S. Main Street, Akron, OH 44308. Initially the Court will hold **MONTHLY** Status Conferences on the following dates and at the following times:

- A. March 15, 2010 at 10:00 a.m.;
- B. April 15, 2010 at 9:30 a.m.; and
- C. May 11, 2010 at 10:00 a.m.

Thereafter, a Status Conference will be held at 9:30 a.m., on each of the following Tuesdays:

- E. June 15, 2010; and
- F. July 13, 2010.

(individually, a “Status Conference Date” and collectively, the “Status Conference Dates”).

**XI. HEARING DATES IN RELATION TO THE STATUS CONFERENCE DATES**

- A. Unless the Bankruptcy Code or Bankruptcy Rules require more than fifteen (15) days notice, then if, by not later than fifteen (15) days prior to any of the Status Conference Dates, a party-in-interest files with the Court (and serves on all proper parties pursuant to the provisions of Sections VII (A) and VIII (A), herein) a Filing for which a hearing is necessary, then that party may, in its Filing or notice thereof, indicate that a hearing on the Filing will be held on the next scheduled Status Conference Date and the Court may act upon such Filing and objection or response thereto, if applicable, any time on or after the referenced Status Conference Date, subject to the hearing being adjourned on such date without further notice except as announced in open court.
- B. If the filing and service requirements set forth in the preceding paragraph are met, then any objections or responses to the Filing scheduled for hearing must be filed with the Court (and actually served so as to be received by all proper parties pursuant to the provisions of Sections VII (A) and VIII (A), herein) by not later than 4:00 p.m. on the Friday immediately preceding the Status Conference Date identified in the Filing or notice thereof.
- C. In its discretion and without further notice other than that announced in open court, the Court may adjourn any hearing scheduled by parties on a Status Conference Date pursuant to this Order.

## **XII. TELEPHONIC PRE-HEARING CONFERENCES**

- A. If an objection has been timely filed to a Filing that has been properly set for hearing on a Status Conference Date, then a telephonic pre-hearing conference shall be held at **4:00 p.m.** on the Monday preceding the Status Conference Date.
- B. The Trustee shall be responsible for organizing a conference call for all parties having an interest in the Filing to which an objection has been timely filed.
- C. The Trustee may recover the *pro rata* actual costs for conference calls from each party that participates in a telephonic pre-hearing conference.

## **XIII. SPECIAL HEARING DATES**

- A. Unless otherwise ordered by the Court, all hearings in this case will be conducted *only* during a Status Conference Date.
- B. A party-in-interest may request a hearing date other than on a Status Conference Date (a “Special Hearing Date”) by filing a separate, written request with the Court which shall set forth, with particularity, why a Special Hearing Date is needed.



- C. All requests for a Special Hearing Date shall be served in accordance with Sections VII and VIII, herein.

#### **XIV. TELEPHONIC MONITORING OF STATUS CONFERENCES**

- A. Any party-in-interest may telephonically audit, but *not* participate in, any of the Status Conferences. All individuals exercising the privilege of auditing such court proceedings will be required to announce their telephonic presence when the Court requests such appearances at the outset of each Status Conference. This auditing privilege is subject to individual revocation if any individual so auditing creates a disturbance in the court proceedings. The Court notes that the fidelity of the sound reproduction equipment in the Courtroom may not result in an audible quality and that there are not to be interruptions of the Courtroom activity from auditors experiencing difficulties in hearing the proceedings.
- B. The Trustee shall be responsible for organizing a conference call for all parties wishing to telephonically audit a Status Conference.
- C. Any party wishing to telephonically audit a Status Conference shall relay such request to the Trustee by contacting Joseph Esmont at (216) 861-7835, by not later than 4:00 p.m. on the Friday immediately preceding the Status Conference Date for which that party wishes to participate.
- D. The Trustee may recover the *pro rata* actual costs for conference calls from each party that telephonically audits a Status Conference.

#### **XV. SUBMISSION BY THE TRUSTEE OF A PROPOSED DOCKET SHEET TO THE COURT**

- A. By not later than **12:00 noon** on the Friday preceding each Status Conference Date, the Trustee shall e-mail to the Court at [MSS-PFFCL@ohnb.uscourts.gov](mailto:MSS-PFFCL@ohnb.uscourts.gov) a proposed docket sheet which sets forth a list of all matters that the Trustee believes are to be considered by the Court at the next day's Status Conference (the "Proposed Docket Sheet").
- B. The Proposed Docket Sheet shall also set forth an indication of whether any pending matter that was set for hearing at the next day's Status Conference has been settled or will be proposed to be adjourned by agreement of the parties to the specific matter.
- C. A copy of the Proposed Docket Sheet shall be posted to the Web Site by not later than **3:00 p.m.** on the Friday preceding each Status Conference Date.

**MOTION AND FILING PRACTICE AND  
CERTAIN HEARING PROCEDURES**

**XVI. MOTION AND FILING PRACTICE**

A. In General

1. Motion practice in this case shall adhere to Local Rules 9013-1, 9013-2, and 9013-3, unless otherwise ordered by the Court or modified in this Order.
2. Notwithstanding Local Rule 9013-1(a), the memorandum of law that must accompany a motion or application may instead be in the form of proposed findings of fact and conclusions of law, *the format which is generally favored by this Court*. In addition to setting forth proposed findings of fact and conclusions of law, any opposition to a motion shall identify with particularity which, if any, proposed findings of fact as set forth by the movant are disputed by the party filing such opposition.
3. When filing proposed findings of fact and conclusions of law, each party's pleading shall be docketed as a "Support Document" and the docket entry shall include the descriptive language "Proposed Findings of Fact and Conclusions of Law." Additionally, the proposed findings of fact and conclusions of law shall be linked to the motion, application or other Filing which it supports.
4. Whether the parties file proposed findings of fact and conclusions of law or a memorandum of law, such pleadings must include, at a minimum, citations to Supreme Court and Sixth Circuit case law relevant to the issues raised, if any, that may be binding upon this Court. Further, as to any non-bankruptcy issues that are addressed, the conclusions of law must also include citations to law from the applicable jurisdiction.

B. Relief Without a Hearing and Proposed Orders Granting Such Relief

1. If appropriate, a party may include in a motion or other Filing a notice pursuant to § 102(1) of the Bankruptcy Code and Local Rule 9013-1 that, unless a hearing is timely requested, the court *may* grant the relief sought in the motion or other Filing without a hearing.
2. If a motion or other Filing is set for a hearing and no objections to the motion or other Filing are filed, the hearing on that matter will not go forward *unless* either (a) the movant or party making the Filing bears a burden of presenting a *prima facie* case for the relief sought in the motion or other Filing or (b) the Court determines that a hearing is warranted.

3. In either of the situations described in the preceding two (2) paragraphs, the movant or party making the other Filing shall submit to the Court a proposed order granting the relief sought in the motion or Filing (a “Proposed Order”).
4. Any Proposed Order shall comply with the Court’s requirements for the submission of E-Orders as outlined in the “E-Orders Instructions Manual,” a copy of which is posted under the Electronic Case Filing tab on the Court’s web site. Additionally, any Proposed Order shall clearly indicate the party (or the party’s counsel) who drafted the Proposed Order (the “Drafting Party”).
5. If a Proposed Order is entered by the Court, the Drafting Party shall be responsible for service of that Order and, within two (2) business days of service of the order, the Drafting Party shall file with the Court proof of such service in the form of a certificate of service or an affidavit of service to be completed by the person(s) making the service.
6. Notwithstanding anything to the contrary in the foregoing paragraphs, the Court reserves the right to schedule a hearing on any motion or other Filing.

## **XVII. HEARING PROCEDURES**

- A. Notwithstanding the ordering of matters on the Court’s docket sheet, the Court reserves that right to hear matters in any order it deems most efficient. At the outset of hearing a docket with multiple matters scheduled, the Court will generally seek input from counsel for the Debtors and the Chapter 7 Trustee with respect to the efficient ordering of such items.
- B. For any hearing in this case at which the presentation of evidence will be necessary, parties shall, in addition to the actual copies or originals of documents to be introduced into evidence, have copies of tabbed and clearly identified exhibits for use and review by the judge, the judge’s law clerk and the testifying witness, as well as opposing counsel.
- C. Any objections to evidence made at a hearing in this case must identify the appropriate rule of the Federal Rules of Evidence on which such objection is based.

**AUTHORIZATION FOR THE TRUSTEE TO EXPEND CERTAIN FUNDS WITHOUT  
PRIOR COURT APPROVAL AND PROCEDURES FOR REPORTING SUCH  
EXPENDITURES**

**XVIII. AUTHORIZATION FOR THE TRUSTEE TO EXPEND FUNDS**

In the interest of judicial economy and to minimize estate legal fees, the Trustee is authorized, pursuant to 11 U.S.C. §§ 105(a) and 363(b), to make expenditures without further order of this Court in the exercise of his business judgment, provided that no single expenditure exceed \$10,000. The Trustee shall prepare a report itemizing all such expenses individually exceeding \$100, to be provided to the Court and posted to the Web Site in the same manner as the Proposed Docket Sheet provided for in Section XV, herein.

**XIX. PROHIBITION ON E-MAILING OR FAXING DOCUMENTS TO THE COURT**

Unless otherwise expressly authorized, no communication with the Court shall be made via a facsimile or e-mail sent to Judge Shea-Stonum's chambers or the Clerk of Court's Office.

**XX. NONRESIDENT ATTORNEYS**

- A. Motions by nonresident attorneys for permission to practice before this Court in this case *pro hac vice* shall not be set for hearing. These motions will be **GRANTED** upon the presentation of an appropriate proposed order as set forth in subsection (B) below to the Court unless an objection is filed thereto within ten (10) days. Any such counsel so admitted is expected to comply with the Local Rules as modified herein or by any other General Order that may be entered in this case.
- B. Any attorney filing a motion to practice before this Court in this case *pro hac vice* shall submit a Proposed Order in the form and manner described more fully in Section XVI (B), herein.

**XXI. BAR DATE FOR PROOFS OF CLAIM OR PROOFS OF INTEREST**

The bar dates for filing proofs of claim or proofs of interest shall be set by a subsequent order of this Court.

**XXII. AMENDMENTS TO AND THE TERM OF THIS ORDER**

- A. Any party-in-interest may apply for reconsideration or modification of this Order upon not less than fifteen (15) days notice to the General Service List.
- B. The Court intends to revisit this Order in approximately two (2) to three (3) months to determine whether any changes may be needed to promote further efficiency of and

fairness in the administration of this case.

- C. Notwithstanding the foregoing, the Court may amend this Order at any time without further notice to any party-in-interest in this case.

###

Submitted by:

/s/ Brian A. Bash

Brian A. Bash, Trustee (0000134)  
Baker & Hostetler LLP  
3200 National City Center  
1900 East Ninth Street  
Cleveland, Ohio 44114-3485  
Telephone: 216.861.7581  
Email: BashTrustee@Bakerlaw.com

## EXHIBIT A

### GENERAL SERVICE LIST

#### COUNSEL TO THE TRUSTEE

***Kelly Burgan***

Baker & Hostetler  
3200 National City Center  
1900 E. 9<sup>th</sup> St.  
Cleveland, OH 44114  
Telephone: 216.861.7395  
Facsimile: 216.696.0740  
E-Mail: kburgan@bakerlaw.com

#### UNITED STATES TRUSTEE

***Lenore Kleinman***

Office of the United States Trustee  
H.M. Metzenbaum Courthouse  
201 Superior Ave., East Suite 441  
Cleveland, OH 44114  
Telephone: 216.532.7800 x. 237  
Facsimile: 216.522.7193  
E-Mail: Lenore.Kleinman@usdoj.gov

#### COUNSEL TO THE PETITIONING CREDITORS

***Michael Moran***

234 Portgage Trail  
Cuyahoga Falls, OH 4422  
Telephone: 330.929.0507  
E-Mail: moranecf@yahoo.com

***David Mucklow***

1606 E. Turkeyfoot Lake Rd.  
Akron, OH 44312  
Telephone: (330) 896-8190  
Facsimile: (330) 896-8201  
E-Mail: davidamucklow@yahoo.com

#### COUNSEL TO DEBTOR

***Bruce J.L. Lowe***

***Kimberlie L. Huff***

Taft Stettinius & Hollister LLP  
200 Public Square, Suite 3500  
Cleveland, OH 44114-2302  
Phone: (216) 241-2838  
Fax: (216) 241-3707  
Email: blowe@taftlaw.com  
khuff@taftlaw.com