

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OKLAHOMA**

IN RE:) **Case No. 04-10509-R**
) **Chapter 11**
GIT-N-GO, INC.,)
)
Debtor-in-Possession.)

CASE MANAGEMENT ORDER # 1

The Court finds that it is necessary to enter a Case Management Order in order to eliminate or reduce unnecessary expense and delay in this case. Pursuant to 11 U.S.C. § 105(d) and Bankruptcy Rules 1015, 2002, 9007, 9013 and 9014, it is hereby ORDERED as follows:

A. MANDATORY ELECTRONIC FILING

The United States Bankruptcy Court for the Northern District of Oklahoma (the "Court") commenced implementation of a Case Management/Electronic Case Filing System (the "CM/ECF System") on December 1, 2003. In order to expedite notice of the events of this bankruptcy case, and in order to reduce copying and mailing expense to the estate, all counsel and parties in interest who desire to file or receive notice of pleadings or notices shall be registered and trained as participants in the CM/ECF System. See In Re Procedural Rules for Electronic Case Filing, Misc. Order 144 (November 25, 2003) and Administrative Procedures for Filing, Signing and Verifying Pleadings and Papers by Electronic Means (the "Administrative Procedures") (both documents are published on the Court's website: www.oknb.uscourts.gov).

Effective **February 23, 2004**, all pleadings and papers filed in this bankruptcy case, except proofs of claim, shall be filed electronically utilizing the CM/ECF System. Counsel for any party desiring notice of pleadings filed in the bankruptcy case shall electronically file an entry of appearance and request for notices.

B. SERVICE

Pleadings and papers filed by electronic means shall be served, together with the Notice of Electronic Filing, upon all persons entitled to notice or service in accordance with the Federal Rules of Bankruptcy Procedure and the Local Rules of this Court. Counsel shall not rely upon the list of parties and counsel that appears on the Notice of Electronic Filing as a complete list of parties who must be served. If a party entitled to notice or service is a registered participant in the CM/ECF System, service by electronic means of the Notice of Electronic Filing shall be the equivalent to service of the pleading by first class mail, postage prepaid, *except* when the pleading is a motion that is required to be served in the manner provided for service of a summons and complaint (see Bankruptcy Rules 9014(b) and 7004). It is anticipated that some parties who may be entitled to service of a particular pleading will not be participants in the CM/ECF System, however, and thus notice to and service upon those parties must be accomplished by first class mail or another

authorized method of service. The certificate of service shall indicate the parties served by mail and the parties served by electronic means or otherwise, and shall comply with Local Rule 9004(f).

C. NON-RESIDENT ATTORNEYS

Applications by non-resident attorneys for permission to practice before the Court *pro hac vice* shall be in writing and shall be accompanied by an affidavit stating that (1) the applicant is a member in good standing of the bar of another state or of any other court of the United States, specifying the bar(s) of which the applicant is a member; (2) the applicant is not and has not been the subject of disciplinary proceedings in any other jurisdiction; and (3) the applicant has obtained a copy of, and has reviewed, this Court's Local Rules. In addition, the application must disclose the applicant's address, telephone number, facsimile number and e-mail address. The application fee shall be paid directly to United States District Court for the Northern District of Oklahoma. See In re Attorney Permission to Appear *Pro Hac Vice*, Misc. Order No. 115.

D. HEARING PROCEDURES

Parties and counsel shall comply with Rule 26 of the Federal Rules of Civil Procedure in all contested matters and adversary proceedings. See Bankruptcy Rule 7026. Counsel for the parties **shall confer** in person or by telephone, in good faith, to consider the nature and basis of their claims and defenses and the possibilities for prompt settlement, and shall make arrangements for exchanging the initial disclosures described in Rule 26(a). The parties may conduct additional discovery prior or subsequent to exchanging the required information and documents without further order of the Court.

Counsel shall present all evidence necessary for the Court's full consideration and determination of the matters set for hearing. Counsel shall file Witness Lists and Exhibit Lists at least 3 days prior to the hearing. A form of Witness List and Exhibit List may be obtained at www.oknb.uscourts.gov.

FAILURE TO COMPLY WITH RULE 26 MAY RESULT IN A SANCTION SET FORTH IN RULE 37 OF THE FEDERAL RULES OF CIVIL PROCEDURE, INCLUDING DISMISSAL OR DEFAULT JUDGMENT.

A hearing may be continued from time to time without further notice other than an announcement of the continued date at the originally scheduled time. Requests for continuance shall be filed at least 3 days prior to the scheduled hearing and shall contain a statement advising whether opposing counsel objects to the continuance. Continuances shall be granted only for good cause shown.

Requests for enlargements of time or continuances shall comply with Local Rule 9006.

If a matter set for hearing has been resolved and the hearing is not necessary, notify the Courtroom Deputy at **918-699-4085**.

E. DEBTORS' DUTY TO SUPPLY INFORMATION

To each new party or counsel who files an entry of appearance or request for notices, counsel for Debtor shall, within ten days of receipt of such entry of appearance, serve a copy of this Case Management Order and any amendments thereto. In addition, a copy of the Order Establishing Fee Application Procedures and Guidelines for Compensation of Professionals shall be provided to any professional seeking to be retained pursuant to 11 U.S.C. § 327, 328 and 1103.

F. TERM OF THIS ORDER

This Order shall continue in effect until modified by further order of the Court. Any party at any time may move for reconsideration or modification of this Order. The Court may amend this Order, *sua sponte*, at any time.

SO ORDERED this 10th day of February, 2004.

A handwritten signature in black ink, appearing to read "Dana L. Rasure", written over a horizontal line.

DANA L. RASURE
UNITED STATES BANKRUPTCY JUDGE