



The relief described hereinbelow is **SO ORDERED**.

SIGNED this 4th day of March, 2021.

Robert D. Berger
Robert D. Berger
United States Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF KANSAS
KANSAS CITY DIVISION

IN RE:)
)
1 BIG RED, LLC,) Case No. 21-20044-RDB
) Chapter 11
)
DEBTOR.)
)

**ORDER APPROVING CASE MANAGEMENT PROCEDURES
AND ESTABLISHING
A REGULAR RECURRING OMNIBUS HEARING DATE FOR
NON-EVIDENTIARY MATTERS, AND FOR RELATED RELIEF**

Upon the Motion (the “Motion”)¹ of 1 Big Red, LLC, the Debtor and Debtor-In-Possession in the above captioned case (“Debtor”) for entry of an order establishing case management procedures and establishing a regular recurring omnibus hearing date for non-evidentiary matters, and for related relief, all as more fully set forth in the Motion; the Court having reviewed the Motion; and the Court having determined that the relief requested in the Motion is in the best interests of Debtor, its estate, creditors and other parties-in-interest; and it appearing that notice of

¹ Capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Motion.

the Motion was good and sufficient under the particular circumstances and that no other or further notice need be given; and upon the record herein; and after due deliberation thereon; and good and sufficient cause appearing therefor, it is hereby ORDERED THAT:

1. The Motion is GRANTED as set forth herein.
2. The Case Management Procedures set forth on Exhibit 1 hereto are approved and will govern all aspects of these chapter 11 cases.
3. Notwithstanding the foregoing, the Bankruptcy Code, the Bankruptcy Rules, and the Local Rules, as amended from time to time and as supplemented by any applicable General Orders or Administrative Orders entered in this District, will apply in these chapter 11 cases by default, except to the extent the Case Management Procedures provide otherwise.
4. The Court hereby establishes the first Thursday of each month at one o'clock p.m. as the regularly scheduled recurring omnibus docket date at which time, all non-evidentiary motions, applications, and other matters in these cases will be taken up. Parties are directed to schedule their hearings in accordance with the Case Management Procedures.
5. Debtor shall serve the Case Management Procedures on all creditors and parties in interest.
6. In the event that the Case Management Procedures are modified during these chapter 11 cases, Debtor shall redistribute the Case Management Procedures to the Master Service List.

IT IS SO ORDERED

###

District of Kansas
In Re: 1 Big Red, LLC
Case No. 21-20044-11-rdb
ORDER APPROVING CASE MANAGEMENT PROCEDURES
AND ESTABLISHING A REGULAR RECURRING OMNIBUS HEARING DATE FOR
NON-EVIDENTIARY MATTERS, AND FOR RELATED RELIEF
Page 3

Prepared by:

EVANS & MULLINIX, P.A.

/s/ Colin N. Gotham

Colin N. Gotham, KS #19538; MO#52343

7225 Renner Road, Suite 200

Shawnee, KS 66217

(913) 962-8700; (913) 962-8701 (Fax)

cgotham@emlawkc.com

Attorneys For Debtor

EXHIBIT 1 – CASE MANAGEMENT PROCEDURES

IN RE:)
)
1 BIG RED, LLC,) Case No. 21-20044-RDB
) Chapter 11
)
DEBTOR.)
_____)

CASE MANAGEMENT PROCEDURES

These case management procedures (“Case Management Procedures”) have been approved by the United States Bankruptcy Court for the District of Kansas (the “Court”) for the chapter 11 cases of the above-captioned Debtor pursuant to Debtor’s motion for entry of an order approving case management procedures and establishing a regular recurring omnibus hearing date for non-evidentiary matters, and granting related relief (the “Motion”)¹

On March 4, 2021, the Court entered an order (the “Order”) approving these Case Management Procedures. Anyone may obtain a copy of the Order, as well as any document filed with the Court in these chapter 11 cases by accessing the Court’s Electronic Filing System at <https://ecf.ksb.uscourts.gov/>, for a fee. The Case Management Procedures will also be available on the court’s website at <https://www.ksb.uscourts.gov/specific-case-information>.

I. HEARING PROCEDURES

A. All Matters to Be Heard at Omnibus Hearings.

The Court has established the first Thursday of each month at 1:00 p.m. as the regular, recurring omnibus hearing date to consider all Court Filings (as defined herein) in this chapter 11 case (collectively, the “Omnibus Hearings”). Notwithstanding any local rules to the contrary, parties may only schedule Requests for Relief (as defined herein) for hearing at an Omnibus Hearing scheduled to occur at least 14 days after service of the notice of the Request for Relief

¹ Capitalized terms used herein and not otherwise defined shall have the meanings ascribed to them in the Motion.

(without taking into consideration any additional time otherwise required pursuant to Bankruptcy Rule 9006(f); provided that any party may request an emergency hearing pursuant to applicable local rules (an “Emergency Hearing”). Unless the Court orders otherwise, any Request for Relief that purports to set a hearing on a date or time at which no Omnibus Hearing is scheduled will automatically and without further order of the Court be heard at the next regularly scheduled Omnibus Hearing that is at least 14 days after the date such Request for Relief is filed and served.

II. OMNIBUS HEARINGS

A. DATE AND TIME

Subject to further order of the Court, the first eight Omnibus Hearings will be held on the following dates and times:

1. March 4, 2021, at 1:00 p.m. (prevailing Central Time);
2. April 1, 2021, at 1:00 p.m. (prevailing Central Time);
3. May 6, 2021, at 1:00 p.m. (prevailing Central Time);
4. June 3, 2021, at 1:00 p.m. (prevailing Central Time);
5. July 1, 2021, at 1:00 p.m. (prevailing Central Time);
6. August 5, 2021, at 1:00 p.m. (prevailing Central Time);
7. September 2, 2021, at 1:00 p.m. (prevailing Central Time);
8. October 7, 2021, at 1:00 p.m. (prevailing Central Time);
9. November 5, 2021, at 1:00 p.m. (prevailing Central Time); and
10. December 3, 2021, at 1:00 p.m. (prevailing Central Time).

At or before the last scheduled Omnibus Hearing set forth above, Debtor will request, and the Court will schedule, additional Omnibus Hearings. Upon scheduling, the Debtor will file a notice of such Omnibus Hearings with the Court. Entities may contact the Court for information concerning all scheduled Omnibus Hearings.

B. TYPE OF HEARING

Unless otherwise ordered by the Court, the Omnibus Hearings will be non-evidentiary and be conducted telephonically. The call-in number for the Court is: 1-877-336-1839, Access Code 9622640. If a party seeks to have an evidentiary hearing heard on an Omnibus Hearing Date, such party must request from the Court at least fourteen (14) days prior to the scheduled Omnibus Hearing Date to have such hearing heard on an evidentiary basis and notify the Debtor, the United States Trustee, and any Affected Party of such request. The Court will ultimately decide whether to set such matter for evidentiary hearing on the requested Omnibus Hearing Date, a later Omnibus Hearing Date, or such other special setting.

III. HEARING AGENDA

Two business days before each hearing, Debtor must prepare and file a hearing agenda (each a “Proposed Hearing Agenda”) for the convenience of the Court and counsel. This Proposed Hearing Agenda will not be determinative of the matters to be heard at the respective hearing or whether there will be a settlement or a continuance. The Proposed Hearing Agenda will include, to the extent known by Trustee’s counsel:

1. the title and docket number of each Court Filing scheduled for hearing, including the initial Request for Relief and any Objections (as defined herein) or other documents related thereto;
2. notice of whether the matters are contested or uncontested;
3. notice of whether the matters have settled or are proposed to be continued; and
4. other comments that may assist the Court.

Debtor is authorized, but not directed, to amend a Proposed Hearing Agenda to reflect any changes, such as the inclusion of additional Court Filings filed after the filing of the

Proposed Hearing Agenda or the fact that matters have been settled, withdrawn, or adjourned before a hearing.

IV. FILING AND SERVICE PROCEDURES GENERALLY

All notices, motions, applications, and other requests for relief, all briefs, memoranda, affidavits, declarations, and other documents filed in support of or in connection with such papers seeking relief (collectively, “Requests for Relief”), all objections and other responses to Requests for Relief (collectively, “Objections”), and all replies and other responses to Objections (collectively, “Replies,” and, together with Requests for Relief, Objections, and all other filed documents, the “Court Filings”) must be filed with the Court and served in accordance with the notice provisions of these Case Management Procedures.

The party submitting a particular pleading or other document with the Court shall be responsible for all noticing and service functions relevant to the particular matter as may be required by statute, rules, general orders and applicable guidelines and shall file with the Clerk of Court a declaration of service regarding such noticing and service. Likewise, the attorney for the party submitting a propose order or judgment shall serve copies of the filed order or judgment upon all parties entitled to receive notice as soon as practicable and shall file with the Clerk of Court a declaration of service regarding such noticing and service.

V. FILING AND SERVICE OF REQUESTS FOR RELIEF

A. Requests for Relief to Be Heard at Omnibus Hearings.

Unless applicable statutes or rules require a longer notice period, and except as otherwise set forth in these Case Management Procedures or further order of the Court, a Request for Relief filed and served 14 or more days (without taking into consideration any additional time otherwise required pursuant to Bankruptcy Rule 9006(f)) before the next regularly scheduled Omnibus Hearing must be noticed for hearing at that Omnibus Hearing. A Request for Relief filed and

served fewer than 14 days before the next regularly scheduled Omnibus Hearing will be heard at the regularly scheduled Omnibus Hearing following the next regularly scheduled Omnibus Hearing. All Requests for Relief and Filed Orders shall be served on the parties identified in the creditor mailing matrix in addition to any Affected Parties² to the extent not otherwise listed on the creditor mailing matrices. Service shall be accomplished by first class mail or private mail service, at the Trustee's discretion (or the discretion of such other entity serving a Court Filing, as the case may be).

B. Waiver of Filing Deadlines.

If any Court Filing is filed and served electronically via the Court's electronic case filing system (the "Electronic Filing System"), the filing deadlines requiring three additional days' notice set forth in Bankruptcy Rule 9006 will not apply.

C. Notice of Motion.

Each Request for Relief must have an accompanying notice filed with it that substantially complies with the Court's Noticing Procedure.³ Each notice: (a) must set forth, if applicable, the date and time of the Objection Deadline (as defined and determined herein) and Omnibus Hearing Date; and (b) may include a statement that the relief requested therein may be granted without a hearing if no objection is timely filed and served in accordance with these Case Management Procedures.

D. Satisfaction of Section 342 of the Bankruptcy Code.

Unless otherwise ordered by the Court, any Court Filing notice or other notice sent by Debtor will be deemed to comply with the requirements set forth in § 342(c)(1) of the Bankruptcy

² All entities with a particularized interest in the subject matter of the particular court filing will be treated as an "Affected Entity".

³ www.ksb.uscourts.gov/sites/ksb/files/MotionsDocketNoticingInstructions_RDB.pdf

Code so long as the notice includes (as a footnote or otherwise) the name, address, and last four digits of the taxpayer identification number of the Debtor.

E. Right to Request Special Notice Procedures.

Nothing in these Case Management Procedures prejudices the right (a) of any entity, including Debtor, to move the Court to limit or expand notice of contested matters and adversary proceedings upon a showing of good cause, including without limitation the right to file a motion seeking emergency ex parte relief or relief upon shortened notice, or (b) of any entity to request an enlargement or reduction of any time period under Bankruptcy Rule 9006(b) or (c).

VI. FILING AND SERVICE OF OBJECTIONS

Any Objection to a Request for Relief must be filed with the Court and served upon the entity filing the Request for Relief by the following deadlines (each, as applicable, the “Objection Deadline”):

1. In the case of a Request for Relief filed 14 or more days before the date and time of the Omnibus Hearing (or other hearing, as ordered by the Court), if any, at which the matter will be heard (the “Applicable Hearing”) 11:59 p.m. (prevailing Central Time) on the seventh calendar day before the Applicable Hearing;
2. in the case of a Request for Relief set for hearing on an expedited basis and filed fewer than 14 days before the Applicable Hearing, 12:00 p.m. (prevailing Central Time) on the second business day before the Applicable Hearing; or
3. In any case, as otherwise ordered by the Court.

Failure to file an Objection by the Objection Deadline may cause the Court to consider the Requests for Relief unopposed.

VII. GRANTING A REQUEST FOR RELIEF WITHOUT A HEARING

A. Certificate of No Objection.

Provided that the notice filed with the Request for Relief includes a statement that the Request for Relief may be granted and an order entered without a hearing unless a timely Objection is made, if the Objection Deadline applicable to a Request for Relief passes without an Objection being filed or served in accordance with these Case Management Procedures, counsel to the entity that has filed the Request for Relief may file a certification indicating that no Objection has been filed or served (the "Certificate of No Objection").

B. Contents of Certificate of No Objection.

By filing a Certificate of No Objection, counsel for the entity that filed the applicable Request for Relief represents to the Court that counsel is unaware of any Objection to the Request for Relief and that counsel has reviewed the Court's docket for these chapter 11 cases and that no Objection appears thereon.

C. Order May Be Entered Without Hearing.

Upon receipt of a Certificate of No Objection, the Court may but need not enter an order granting the Request for Relief without further hearing.

D. Request for Relief May Be Heard at Hearing.

After a Certificate of No Objection has been filed, the Request for Relief will be heard at the next Omnibus Hearing if the Court does not enter an order granting the Request for Relief before such Omnibus Hearing.