



**SO ORDERED.**

**SIGNED** this 23rd day of February, 2017.

Robert E. Nugent  
United States Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF KANSAS**

<b>IN RE:</b>  <b>WK CAPITAL ENTERPRISES, INC.</b>  <b>Debtor.</b>	<b>JOINTLY ADMINISTERED</b>  <b>Case No. 17-10073</b> <b>Chapter 11</b>
<b>IN RE:</b>  <b>CAPITAL PIZZA HUTS, INC.,</b>  <b>Debtor.</b>	<b>Case No. 17-10074</b> <b>Chapter 11</b>
<b>IN RE:</b>  <b>CAPITAL PIZZA HUTS OF VERMONT, INC.,</b>  <b>Debtor.</b>	<b>Case No. 17-10075</b> <b>Chapter 11</b>
<b>IN RE:</b>  <b>CAPITAL PIZZA OF NEW HAMPSHIRE, INC.,</b>  <b>Debtor.</b>	<b>Case No. 17-10076</b> <b>Chapter 11</b>  <b>JOINTLY ADMINISTERED</b>

**FIRST AMENDED CASE MANAGEMENT ORDER**

This Order is entered pursuant to 11 U.S.C. 105(a) and (d) to further the expeditious and economical resolution of these jointly administered cases. These procedures and this schedule shall govern all aspects of these cases, except as otherwise noted or ordered by the Court.

### **Joint Administration**

On February 14, 2017, the Court granted debtors' unopposed motion (Doc. 14) for joint administration and procedural consolidation of these four related chapter 11 cases under Fed. R. Bankr. P. 1015(b). *In re WK Capital Enterprises, Inc., Case No. 17-10073* is the lead case in these jointly administered cases. This initial case management order will be filed in each of the four cases. Thereafter, all pleadings, motions, orders and notices, shall be filed solely in Case No. 17-10073 and the docket of the lead case should be consulted for all matters, scheduling, and docket activity affecting any of these debtors, unless directed otherwise by the Court and except for Claims, as provided in the next section.

### **Claims and Claim Objections**

On February 6, 2017 the Court entered orders in each of the debtor cases, fixing the time for filing of proofs of claim and proofs of interest as the close of business on **April 10, 2017**. Proofs of claim and proofs of interest should be filed in the case of the debtor against whom the claim is asserted or in which the interest is asserted; objections to claims and proofs of interest should likewise be filed in the debtor case in which the corresponding proof of claim or proof of interest was filed. Separate

claims registers should be maintained in each of the four debtor cases. As provided in paragraph 6 of this Order, claims objections will be set initially to an omnibus status hearing.

### **Scheduling of Hearings**

#### **1. Omnibus Status Hearing Dates.**

The Court sets the following periodic status hearing dates; please calendar these dates:

**Tuesday, March 7, 2017 at 9:45 a.m. (CST)** (NOTE: This initial setting will serve as the first § 105(c) conference and a trailing omnibus hearing to consider any matters on the agenda for hearing on March 7.) In addition to any matters on the Agenda, please be prepared to discuss (1) whether a Case Information link should be posted on the Court's website for the posting of this Order, Agendas, and other information pertaining to the case; and (2) whether a Noticing Agent and/or Claims Agent should be utilized in this case.

**Monday, April 10, 2017 at 1:30 p.m. (CDT)**

**Monday, May 8, 2017 at 1:30 p.m. (CDT)**

**Monday, June 5, 2017 at 1:30 p.m. (CDT)**

**Monday, July 10, 2017 at 1:30 p.m. (CDT)**

We will conduct a status conference in the case at each setting. In addition, we request that parties file and serve all substantive motions, applications, and other matters requesting relief that require notice and/or a hearing at least 21 days before

the status hearing to which it is set, allowing 14 days for any objection or response (*i.e.* setting an objection deadline that is 7 days before the hearing date). Unless specifically requested, briefs or memoranda of law on non-dispositive motions are discouraged (*see* D. Kan. L.B.R. 9013.2(d)). Absent leave of Court, motions or matters will not be considered by the Court unless filed and served in accordance with these procedures and set to a pre-scheduled status hearing date. If a motion or matter is not set to a status hearing date, the Court may *sua sponte* set to the next available hearing date and require the movant to re-notice the same. The movant or applicant shall be responsible for giving proper notice to the appropriate parties in accordance with the Federal Rules of Bankruptcy Procedure and Local Bankruptcy Rules and providing proof of service. Unless otherwise ordered, no evidence will be received at these hearings. The Court may address scheduling and discovery on any substantive motions or matters set to a status hearing date.

## **2. Agenda**

At least seven (7) days before each scheduled hearing date, Debtor shall file with the Court a preliminary agenda identifying each matter to be heard at such hearing. The agenda should identify the motion (including the docket number) and any objections or responses thereto (also by docket number). In the event the agenda needs to be updated or amended thereafter, Debtor should file a revised agenda by 4:00 p.m. (CST) on the Friday before the status hearing date. The agenda items shall be limited to matters of substance and shall not include administrative filings such as notices of appearance, *pro hac vice* admissions, and proofs of service. Unopposed

or uncontested substantive motions or applications should not be included as agenda items, *provided that an order on the uncontested motion has been submitted prior to the hearing date*. Contested motions or applications may be removed from the agenda, provided an agreed order resolving the motion or application has been entered prior to the hearing date. If a contested motion or application has been resolved, but no order entered prior to the scheduled hearing date, at least one of the parties will be required to attend or appear on the scheduled hearing date to report on its status.

### **3. Appearances.**

Unless otherwise ordered, out-of-town counsel will be permitted to appear and participate in all non-evidentiary or omnibus status hearings by telephone. It is the responsibility of such counsel to contact the courtroom deputy, Annette Albright, by e-mail at [Annette\\_albright@ksb.uscourts.gov](mailto:Annette_albright@ksb.uscourts.gov) no later than 4:00 p.m. (CST) on the Friday prior to the scheduled hearing date to obtain the call-in number and information.

### **4. Expedited or Emergency Hearings.**

If a motion, application, or matter for which relief is sought **must** be heard before a regularly scheduled status hearing date, the Court will consider such requests seriatim. If approved, it is the responsibility of the movant or applicant to obtain from the Court an expedited setting, moving for an expedited hearing, and moving to shorten the time allowed for notice and objections to all appropriate parties. Proof of service of any expedited or emergency motion must be filed with the Court within 24 hours of the filing of the motion.

**5. Adversary Proceedings.**

Upon the filing of any adversary proceeding, the Court will set the initial pre-trial scheduling conference to the next available status hearing date that is at least 45 days after the filing of the complaint.

**6. Claims Objections.**

Objections to claims will be initially set to a scheduled status hearing for the purpose of scheduling discovery, if any, and for status. Claims objections shall be set to the first available status hearing after expiration of 30 days per Fed. R. Bankr. P. 3007(a).

**Dispositive Motions**

Motions for summary judgment and motions to dismiss shall not be subject to this Order. The parties should comply with the applicable procedure and rules governing those motions, including Fed. R. Bankr. P. 9014, 7012, 7056; Fed. R. Civ. P. 12 and 56; and D. Kan. L.B.R. 7012.1, 7056.1 and 9013.1.

**Disclosure Statements, Plans and Confirmation**

Disclosure Statements, Plans and plan confirmation will not be subject to this Order. Instead, the proponent of the plan should coordinate the scheduling of a disclosure statement adequacy hearing, confirmation hearing, and solicitation of ballots with the Court. The Court will provide the hearing dates, which may or may not be a regular Omnibus Status Hearing Date.

**Amendments and Notice of Initial Case Management Order**

1. This Initial Case Management Order may be modified and amended from time-to-time upon a party's motion filed in accordance with the procedures in this Order or by the Court *sua sponte*.

2. Upon entry of this Order, a docketed copy will be served by first class U.S. mail or electronic transmission through the Court's BNC (Bankruptcy Noticing Center) on the creditor matrix. Thereafter, the Debtor shall serve a docketed copy of this Order (or the Order as amended) within three (3) days of a party's request for notice under Fed. R. Bankr. P. 2002 or entry of appearance that occurs after entry of this Order, by first class U.S. mail or e-mail, and file with the Court a certificate of service of the same.

3. Upon entry of this Initial Case Management Order it will be posted on the Court's public website: [www.ksb.uscourts.gov](http://www.ksb.uscourts.gov).

4. To the extent not specifically addressed by this Order, the parties should proceed as the provisions of the Federal Rules of Bankruptcy Procedure and the Local Bankruptcy Rules require. Any questions concerning procedure may be addressed to Annette Albright, by e-mail at [Annette\\_albright@ksb.uscourts.gov](mailto:Annette_albright@ksb.uscourts.gov) or to my law clerk, Jana D. Abbott, at [jana\\_abbott@ksb.uscourts.gov](mailto:jana_abbott@ksb.uscourts.gov).

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